

## U.S. Federal Register Update: November 11 – November 15, 2019

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?*

### [National Primary Drinking Water Regulations: Proposed Lead and Copper Rule Revisions](#)

Published 11/13/2019

Reference ANSI

The Environmental Protection Agency (EPA) proposes regulatory revisions to the National Primary Drinking Water Regulation (NPDWR) for lead and copper under the authority of the Safe Drinking Water Act (SDWA). This proposed rule provides more effective protection of public health by reducing exposure to lead and copper in drinking water. This proposed rule also strengthens procedures and requirements related to health protection and the implementation of the existing Lead and Copper Rule (LCR) in the following areas: Lead tap sampling; corrosion control treatment; lead service line replacement; consumer awareness; and public education. This proposal does not include revisions to the copper requirements of the existing LCR. In addition, this proposal includes new requirements for community water systems to conduct lead in drinking water testing and public education in schools and child care facilities. **Comments must be received on or before January 13, 2020. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before December 13, 2019.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Sand Island Pile Dike System Test Piles Project Near the Mouth of the Columbia River](#)

Published 11/12/2019

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 U.S. Army Corps of Engineers, Portland District (Corps) to incidentally harass, by Level A and Level B harassment only, marine mammals during construction activities associated with the Sand Island Pile Dike System Test Piles project near the Mouth of the Columbia River. **This Authorization is effective for one year from the date of issuance.**

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### [Energy Conservation Program: Test Procedure for Microwave Ovens](#)

Published 11/14/2019

Reference AHAM, IEC

The U.S. Department of Energy ("DOE") proposes to amend the existing test procedure for microwave ovens to provide additional specification for the test conditions related to microwave oven clock displays and microwave ovens with network functions. DOE is also proposing editorial changes to add a section title inadvertently omitted and to revise two incorrect cross-references. As part of this proposal, DOE is announcing a public meeting to collect comments and data on its proposal. **DOE will hold a webinar on November 14, 2019, from 10:00 a.m. to 1:00 p.m. See section V, "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants. If no participants register for the webinar then it will be cancelled.**

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### [Energy Conservation Program: Energy Conservation Standards for Consumer Refrigerators, Refrigerator-Freezers, and Freezers](#)

Published 11/15/2019

Reference AHAM, UL

The U.S. Department of Energy ("DOE") is initiating an effort to determine whether to amend the current energy conservation standards for consumer refrigerators, refrigerator-freezers, and freezers. Under the Energy Policy and Conservation Act of 1975, as amended, DOE must review these standards at least once every six years and publish either a notice of proposed rulemaking ("NOPR") to propose new standards for consumer refrigerators, refrigerator-freezers, and freezers or a notice of determination that the existing standards do not need to be amended. This request for information ("RFI") solicits information from the public to help DOE determine whether amended standards for consumer refrigerators, refrigerator-freezers, and freezers would result in a significant amount of additional energy savings and whether those 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 December 30, 2019.**

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#### [Safety Standard for Infant Sleep Products](#)

**Published** 11/12/2019

**Reference** ASTM

In the Federal Register of April 7, 2017, the Consumer Product Safety Commission (CPSC) published a notice of proposed rulemaking (2017 NPR) pursuant to the Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), to promulgate a consumer product safety standard for infant inclined sleep products (inclined sleep products). The 2017 NPR allowed an incline between 10 and 30 degrees for the seat back angle of an inclined sleep product. The 2017 NPR proposed to adopt a voluntary standard for inclined sleep products developed by ASTM International, with a modification to the standard's definition of "accessory." Based on subsequent information and events, the Commission is now issuing a supplemental proposed rule (Supplemental NPR), proposing to adopt the current ASTM standard for inclined sleep products, with modifications that would make the mandatory standard more stringent than the voluntary standard. The proposed changes include limiting the seat back angle for sleep to 10 degrees or less. CPSC's proposed standard would cover products intended for infant sleep that are not already addressed by another standard. Additionally, the Commission proposes to include the mandatory standard for infant sleep products in the Commission's list of notices of requirements (NORs). The Commission also proposes to amend the consumer registration rule to identify explicitly infant sleep products as a durable infant or toddler product subject to CPSC's consumer registration requirements. **Submit comments by January 27, 2020.**

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#### [Certain Collated Steel Staples From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination](#)

**Published** 11/12/2019

**Reference** ASTM

The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain collated steel staples (collated staples) from the People's Republic of China (China) for the period of investigation (POI) January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination. **Applicable November 12, 2019.**

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#### [Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Devices; Current Good Manufacturing Practice Quality System Regulation](#)

**Published** 11/15/2019

**Reference** ISO

The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA). **Fax written comments on the collection of information by December 16, 2019.**

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#### [Texas Eastern Transmission, L.P.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Cameron Extension Project and Request for Comments on Environmental Issues](#)

**Published** 11/15/2019

**Reference** ISO

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Cameron Extension Project involving construction of a new 30,000 horsepower compressor station by Texas Eastern Transmission, L.P. (Texas Eastern), in Calcasieu Parish, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on December 9, 2019.

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#### [Lifejacket Approval Harmonization](#)

**Published** 11/15/2019

**Reference** ISO

The Coast Guard is finalizing the policy harmonizing personal flotation device (PFD) standards between the United States and Canada by accepting a new standard for approval of PFDs. As a result, PFD manufacturers can meet a single North American standard instead of separate standards for the United States and Canada. The standard is outlined in a policy letter with a supporting deregulatory savings analysis. This policy letter is intended to promote the Coast Guard's maritime safety and stewardship missions. This policy does not affect existing PFD approvals and does not require any action on the part of boaters or mariners who have approved PFDs on board.

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#### [Northern Natural Gas Company; Supplemental Notice of Intent To Prepare an Environmental Assessment for the Proposed Bushton to Clifton A-Line Abandonment Project](#)

**Published** 11/13/2019

**Reference** ISO

On July 15, 2019, the Federal Energy Regulatory Commission (FERC or Commission) issued in Docket No. CP19-479-000 a Notice of Intent to Prepare an Environmental Assessment for the Proposed Bushton to Clifton A-line Abandonment Project (NOI). In its application, Northern Natural Gas Company (Northern) filed a proposal to abandon in-place Northern's A-line facilities consisting of approximately 92.76 miles of 26-inch-diameter pipeline, 15.74 miles of 24-inch-diameter pipeline, and other appurtenant facilities in Clay, Cloud, Ellsworth, Lincoln, Ottawa and Rice Counties, Kansas. The proposed Bushton to Clifton A-line Abandonment Project (Project) also involves construction and operation of compression facilities by Northern in Ottawa County, Kansas. Following Northern's proposed abandonment activities, including the restoration of disturbed land, Northern indicates that the abandoned pipeline will be purchased and removed by a third-party salvage company.

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#### [Medicare Program: Changes to Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Revisions of Organ Procurement Organizations Conditions of Coverage; Prior Authorization Process and Requirements for Certain Covered Outpatient Department Services; Potential Changes to the Laboratory Date of Service Policy; Changes to Grandfathered Children's Hospitals-Within-Hospitals; Notice of Closure of Two Teaching Hospitals and Opportunity To Apply for Available Slots](#)

**Published** 11/12/2019

**Reference** NEMA, NFPA

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 2020 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 a process and requirements for prior authorization for certain covered outpatient department services; revise the conditions for coverage of organ procurement organizations; and revise the regulations to allow grandfathered children's hospitals-within-hospitals to increase the number of beds without resulting in the loss of grandfathered status; and 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. This final rule is effective on January 1, 2020.

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[Alternative Methods for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Applications From Nissan North America, Inc.](#)

**Published** 11/12/2019

**Reference** SAE

EPA is requesting comment on applications from Nissan North America, Inc. (“Nissan”) for off-cycle carbon dioxide (CO<sub>2</sub>) credits under EPA's light-duty vehicle greenhouse gas emissions standards. “Off-cycle” emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating “off-cycle” CO<sub>2</sub> credits. Under the regulations, a manufacturer may apply for CO<sub>2</sub> credits for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. Nissan has submitted applications that describe methodologies for determining off-cycle credits from technologies described in their application. Pursuant to applicable regulations, EPA is making Nissan's off-cycle credit calculation methodologies available for public comment. **Comments must be received on or before December 12, 2019.**

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