

## U.S. Federal Register Update: October 5 – October 9, 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?*

### [Operational Risk Assessments for Waterfront Facilities Handling Liquefied Natural Gas as Fuel, and Updates to Industry Standards](#)

**Published** 10/5/2020

**Reference** ANSI, ASTM, ASTM, IEC, ISO, NFPA, UL

The Coast Guard proposes to amend its regulations concerning waterfront facilities handling liquefied natural gas (LNG) and liquefied hazardous gas (LHG). The proposed rule would make the following three changes. First, the proposed rule would revise the Coast Guard's existing regulations to allow waterfront facilities handling LNG as fuel to conduct an operational risk assessment instead of a waterway suitability assessment (WSA) without first obtaining Captain of the Port approval. Second, the proposed rule would revise existing regulations to update incorporated technical standards to reflect the most recent published editions. Third, for waterfront facilities handling LNG that must comply with the WSA requirements, the proposed rule would require these facilities to provide information to the Coast Guard regarding the nation of registry for vessels transporting natural gas that are reasonably anticipated to be servicing the facilities, and the nationality or citizenship of officers and crew serving on board those vessels. **Comments and related material must be received by the Coast Guard on or before December 4, 2020.**

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### [Biweekly Notice: Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations](#)

**Published** 10/6/2020

**Reference** ANSI

Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This biweekly notice includes all amendments issued, or proposed to be issued, from September 5, 2020, to September 21, 2020. The last biweekly notice was published on September 22, 2020. **Comments must be filed by November 5, 2020. A request for a hearing or petitions for leave to intervene must be filed by December 7, 2020.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys](#)

**Published** 10/8/2020

**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 Ørsted Wind Power North America, LLC, (Ørsted) to incidentally harass, by Level B harassment only, marine mammals during marine site characterization surveys in coastal waters from New York to Massachusetts in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS-A 0486/0517, OCS-A 0487, and OCS-A 0500) and along potential export cable routes to shoreline locations from New York to Massachusetts. **This authorization is valid from September 25, 2020 through September 24, 2021.**

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### [Test Methods and Performance Specifications for Air Emission Sources](#)

**Published** 10/7/2020

**Reference** ASME, ASTM, ISO

This action corrects and updates regulations for source testing of emissions. These revisions include corrections to inaccurate testing provisions, updates to outdated procedures, and approved alternative procedures that will provide flexibility to testers. These revisions will improve the quality of data and will not impose any new substantive requirements on source owners or operators. **The final rule is effective on December 7, 2020. The incorporation by reference of certain**

materials listed in the rule is approved by the Director of the Federal Register as of December 7, 2020]. The incorporation by reference of certain other materials listed in the rule was approved by the Director of the Federal Register as of July 6, 2006.

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#### [Survival Craft Equipment-Update to Type Approval Requirements](#)

**Published** 10/5/2020

**Reference** ASTM, IEC, ISO, UL

The Coast Guard is proposing to update the type approval requirements for certain types of equipment that survival craft are required to carry on U.S.-flagged vessels. The proposed rule is deregulatory and would remove Coast Guard type approval requirements for nine of these types of survival craft equipment and replace them with the requirement that the manufacturer self-certify that the equipment complies with a consensus standard. **Comments and related material must be received by the Coast Guard on or before December 4, 2020. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before December 4, 2020.**

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#### [Prestressed Concrete Steel Wire Strand \(PC Strand\) From Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations](#)

**Published** 10/8/2020

**Reference** ASTM

The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701-TA-646 and 731-TA-1502-1516 (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 prestressed concrete steel wire strand (pc strand) from Argentina, Colombia, Egypt, Indonesia, Italy, Malaysia, Netherlands, Saudi Arabia, South Africa, Spain, Taiwan, Tunisia, Turkey, Ukraine, and United Arab Emirates, provided for in subheading 7312.10.30 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: September 23, 2020.**

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#### [Steel Concrete Reinforcing Bar From Taiwan: Final Results of Antidumping Duty Administrative Review; 2017-2018](#)

**Published** 10/8/2020

**Reference** ASTM

The Department of Commerce (Commerce) determines that Power Steel Co., Ltd. (Power Steel) made sales of steel concrete reinforcing bar (rebar) from Taiwan at less than normal value (NV) during the period of review (POR), March 7, 2017 through September 30, 2018. **Applicable October 8, 2020.**

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#### [Energy Conservation Program: Test Procedure and Labeling Requirements for Dedicated-Purpose Pool Pump Motors](#)

**Published** 10/5/2020

**Reference** CSA, IEC, IEEE, NEMA, UL

The U.S. Department of Energy (“DOE”) is proposing to establish a test procedure and an accompanying labeling requirement for dedicated-purpose pool pump (“DPPP”) motors. Specifically, DOE is proposing to incorporate by reference an industry standard pertaining to DPPP definitions and marking requirements; require the use of an industry testing standard for testing the energy efficiency of DPPP motors; and to establish a labeling requirement that would specify information to be included on the permanent nameplate, catalogs, and marketing materials of DPPP motors. DOE is seeking comment from interested parties on the proposal. **DOE will accept comments, data, and information regarding this proposal no later than November 19, 2020. DOE will hold a webinar on this proposed test procedure on October 20, 2020 from 1 p.m. to 4 p.m. See section V, “Public Participation,” for details.**

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#### [Rail Integrity and Track Safety Standards](#)

**Published** 10/7/2020

**Reference** IEC, ISO

FRA is revising its regulations governing the minimum safety requirements for railroad track. The changes include allowing inspection of rail using continuous rail testing; allowing the use of flange-bearing frogs in crossing diamonds; relaxing the guard check gage limits on heavy-point frogs used in Class 5 track; removing an inspection-method exception for high-density commuter lines; and other miscellaneous revisions. Overall, the revisions will benefit track owners, railroads, and

the public by reducing unnecessary costs and incentivizing innovation, while improving rail safety. **This final rule is effective October 7, 2020 in accordance with 5 U.S.C. 553(d)(1).**

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### [Strengthening the H-1B Nonimmigrant Visa Classification Program](#)

**Published** 10/8/2020

**Reference** IEEE

The Department of Homeland Security (DHS or the Department), is amending certain DHS regulations governing the H-1B nonimmigrant visa program. Specifically, DHS is: Revising the regulatory definition of and standards for a “specialty occupation” to better align with the statutory definition of the term; adding definitions for “worksite” and “third-party worksite”; revising the definition of “United States employer”; clarifying how U.S. Citizenship and Immigration Services (USCIS) will determine whether there is an “employer-employee relationship” between the petitioner and the beneficiary; requiring corroborating evidence of work in a specialty occupation; limiting the validity period for third-party placement petitions to a maximum of 1 year; providing a written explanation when the petition is approved with an earlier validity period end date than requested; amending the general itinerary provision to clarify it does not apply to H-1B petitions; and codifying USCIS’ H-1B site visit authority, including the potential consequences of refusing a site visit. The primary purpose of these changes is to better ensure that each H-1B nonimmigrant worker (H-1B worker) will be working for a qualified employer in a job that meets the statutory definition of a “specialty occupation.” These changes are urgently necessary to strengthen the integrity of the H-1B program during the economic crisis caused by the COVID-19 public health emergency to more effectively ensure that the employment of H-1B workers will not have an adverse impact on the wages and working conditions of similarly employed U.S. workers. In addition, in strengthening the integrity of the H-1B program, these changes will aid the program in functioning more effectively and efficiently. **This interim final rule is effective on December 7, 2020. Written comments must be submitted on this interim final rule on or before December 7, 2020. Comments on the collection of information (see Paperwork Reduction Act section) must be received on or before November 9, 2020. Comments on both the interim final rule and the collection of information received on or before November 9, 2020 will be considered by DHS and USCIS. Only comments on the interim final rule received between November 9, 2020 and December 7, 2020 will be considered by DHS and USCIS. Note: Comments received after November 9, 2020 only on the information collection will not be considered by DHS and USCIS.**

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### [Rules and Regulations Under the Textile Fiber Products Identification Act](#)

**Published** 10/6/2020

**Reference** ISO

The Federal Trade Commission (“FTC” or “Commission”) amends the Rules and Regulations Under the Textile Fiber Products Identification Act (“Textile Rules” or “Rules”) to incorporate the most recent ISO 2076 standard for generic fiber names.

**This rule is effective November 5, 2020. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of November 5, 2020.**

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### [Ultra-High Molecular Weight Polyethylene From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value](#)

**Published** 10/6/2020

**Reference** ISO

The Department of Commerce (Commerce) preliminarily determines that ultra-high molecular weight polyethylene (ultra-high polyethylene) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value. The period of investigation is January 1, 2019 through December 31, 2019. Interested parties are invited to comment on this preliminary determination. **Applicable October 6, 2020.**

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### [Amendments to Quality Systems Verification Programs and Conforming Changes](#)

**Published** 10/6/2020

**Reference** ISO

This final rule revises regulations for Quality Systems Verification Programs (QSVP). The revisions clarify that all voluntary, user-fee services under this part are applicable to all commodities covered by the Agricultural Marketing Act of 1946 (Act), as amended. Further, the revisions broaden the scope of services defined in part 62 to include all current and future AMS voluntary, user-fee audit verification and accreditation programs and services. Finally, the revisions harmonize administrative procedures governing these services and make conforming changes to other agency regulations. **Effective November 5, 2020.**

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## [Implementation of Certain New Controls on Emerging Technologies Agreed at Wassenaar Arrangement 2019 Plenary](#)

**Published** 10/5/2020

**Reference** ISO

The Bureau of Industry and Security (BIS) maintains, as part of its Export Administration Regulations (EAR), the Commerce Control List (CCL), which identifies certain items subject to Department of Commerce jurisdiction. This final rule revises the CCL, as well as corresponding parts of the EAR, to implement certain changes made to the Wassenaar Arrangement List of Dual-Use Goods and Technologies (WA List) maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement, or WA) at the December 2019 WA Plenary meeting. The Wassenaar Arrangement advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. This final rule implements multilateral controls on six recently developed or developing technologies, which were identified by the WA December 2019 WA Plenary Meeting in a manner contemplated by the Export Control Reform Act of 2018 (ECRA) to identify emerging technologies that are essential to U.S. national security. This rule harmonizes the CCL with the WA December 2019 Plenary Meeting agreements that pertain to these six technologies. The inclusion of the six technologies in this final rule is consistent with the requirements of ECRA and the decision of the WA to add such technologies to its control lists, thereby making exports of such technologies subject to multilateral control. As these six technologies are recently developed or developing technologies that are essential to the national security of the United States, early implementation of the applicable WA December 2019 Plenary agreements is warranted. The remaining WA 2019 Plenary agreements will be implemented in a separate rule. **This rule is effective October 5, 2020.**

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## [Deprecation of the United States \(U.S.\) Survey Foot](#)

**Published** 10/5/2020

**Reference** NIST

The National Institute of Standards and Technology (NIST) and the National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), have taken collaborative action to provide national uniformity in the measurement of length. This notice announces the final decision to deprecate use of the “U.S. survey foot” on December 31, 2022. Beginning on January 1, 2023, the U.S. survey foot should not be used and will be superseded by the “international foot” definition (i.e., 1 foot = 0.3048 meter exactly) in all applications. The international foot is currently used throughout the U.S. for a large majority of applications and is typically referred to as simply the “foot.” Over time this terminology will become more prevalent in land surveying and mapping communities. Either the term “foot” or “international foot” may be used, as required for clarity in technical applications. This notice describes public comments received, along with the plan, resources, training, and other activities provided by NIST and NOAA to assist those affected by this transition. **Use of the U.S. survey foot will be deprecated on December 31, 2022.**

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