

## U.S. Federal Register Update: July 29 – August 2, 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?*

### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Oil and Gas Activities in Cook Inlet, Alaska](#)

**Published** 7/31/2019

**Reference** ANSI, ISO

NMFS, upon request from Hilcorp Alaska LLC (Hilcorp), hereby issues regulations to govern the unintentional taking of marine mammals incidental to oil and gas activities in Cook Inlet, Alaska, over the course of five years (2019-2024). These regulations, which allow for the issuance of Letters of Authorization (LOA) for the incidental take of marine mammals during the described activities and specified timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking. In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby additionally given that a LOA has been issued to Hilcorp to take marine mammals incidental to oil and gas activities. **Effective from July 30, 2019, to July 30, 2024.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Office of Naval Research Arctic Research Activities](#)

**Published** 7/31/2019

**Reference** ANSI, ISO

NMFS has received a request from the U.S. Navy's Office of Naval Research (ONR) for authorization to take marine mammals incidental to Arctic Research Activities in the Beaufort and Chukchi Seas. 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. ONR's activities are considered military readiness activities pursuant to the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA). **Comments and information must be received no later than August 30, 2019.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the South Quay Wall Recapitalization Project, Mayport, Florida](#)

**Published** 8/2/2019

**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 Naval Facilities Engineering Command Southeast and Naval Facilities Engineering Command Atlantic (the Navy) to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with the South Quay Wall Recapitalization Project at Naval Station Mayport (NAVSTA), Jacksonville, Florida. **This Authorization is effective from February 15, 2020, through February 14, 2021.**

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### [Marine Mammals; Incidental Take During Specified Activities: Cook Inlet, Alaska](#)

**Published** 8/1/2019

**Reference** ANSI

We, the U.S. Fish and Wildlife Service, in response to a request from Hilcorp Alaska, LLC, Harvest Alaska, LLC, and the Alaska Gasline Development Corporation, finalize regulations authorizing the nonlethal, incidental take by harassment of small

numbers of northern sea otters in State and Federal waters (Alaska and the Outer Continental Shelf) within Cook Inlet, Alaska, as well as all adjacent rivers, estuaries, and coastal lands. Take may result from oil and gas exploration, development, production, and transportation activities occurring for a period of 5 years. This rule authorizes take by harassment only; no lethal take is authorized. We will issue Letters of Authorization, upon request, for specific proposed activities in accordance with these regulations. Additionally, the Office of Management and Budget has approved a revision of the existing Information Collection control number 1018-0070, for incidental take of marine mammals in the Beaufort and Chukchi Seas, to include oil and gas activities in Cook Inlet. This rule is effective August 1, 2019, and remains effective through August 1, 2024.

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#### [National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills Residual Risk and Technology Review](#)

**Published** 7/29/2019

**Reference** ANSI, ASME, ASTM, CSA, ISO

The U.S Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP): Municipal Solid Waste (MSW) Landfills source category. The EPA is proposing decisions concerning the residual risk and technology review (RTR). The EPA is also proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); revise wellhead operational standards and corrective action to improve effectiveness and provide compliance flexibility; reorganize rule text to incorporate provisions from the new source performance standards (NSPS) within this subpart; and add requirements for electronic reporting of performance test results. The EPA is also proposing minor changes to the MSW Landfills NSPS and Emission Guidelines and Compliance Times for MSW Landfills. Specifically, the EPA is proposing to add provisions to the most recent MSW Landfills NSPS and Emission Guidelines (EG) that would allow affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements of the most recent NSPS and EG by following the corresponding requirements in the MSW Landfills NESHAP. **Comments must be received on or before September 12, 2019. 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 August 28, 2019.**

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

**Published** 7/29/2019

**Reference** ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that we have issued an incidental harassment authorization (IHA) to the Washington State Department of Transportation (WSDOT) to take small numbers of marine mammals, by harassment, incidental to the Seattle Multimodal Project at Colman Dock in Seattle, Washington. **This authorization is effective from August 1, 2019, through July 31, 2020.**

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#### [Energy Efficiency Program: Energy Conservation Standards for Residential Clothes Washers](#)

**Published** 8/2/2019

**Reference** AHAM

The U.S. Department of Energy (“DOE”) is initiating an effort to determine whether to amend the current energy conservation standards for residential clothes washers (“RCWs”). This request for information (“RFI”) solicits information from the public to help DOE determine whether amended standards for RCWs would result in significant amount of additional energy savings and whether such standards would be technologically feasible and economically justified. As part of this RFI, DOE seeks comment on whether there have been sufficient technological or market changes since the most recent standards update that may justify a new rulemaking to consider more stringent standards. Specifically, DOE seeks data and information that could enable the agency to determine whether DOE should propose a “no new standard” determination because a more stringent standard: Would not result in a significant savings of energy; is not technologically feasible; is not economically justified; or any combination of foregoing. 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 will be accepted on or before September 3, 2019.

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### [Statement of Policy on Enforcement Discretion Regarding General Conformity Certificates for the Requirements of the Refrigerator Safety Act](#)

**Published** 8/2/2019

**Reference** AHAM, CSA, NEMA, UL

The Consumer Product Safety Commission (CPSC) is issuing a Statement of Policy regarding the CPSC's enforcement of the requirement for a general conformity assessment certificate regarding CPSC's standard for household refrigerators. CPSC will not enforce the requirements to issue a general certificate of conformity for household refrigerators if the product displays an appropriate safety certification mark indicating compliance. **Effective August 2, 2019.**

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### [Energy Conservation Program: Energy Conservation Standards for Evaporatively-Cooled Commercial Package Air Conditioners and Water-Cooled Commercial Package Air Conditioners](#)

**Published** 7/29/2019

**Reference** ASHRAE

The U.S. Department of Energy ("DOE") is initiating an effort to determine whether to amend the current energy conservation standards for evaporatively-cooled commercial package air conditioners and water-cooled commercial package air conditioners (referred to as evaporatively-cooled commercial unitary air conditioners (ECUACs) and water-cooled commercial unitary air conditioners (WCUACs) in this document, respectively). 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 ECUACs and WCUACs 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 ECUACs and WCUACs would result in significant additional conservation of energy 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 September 12, 2019.**

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### [Carbon and Alloy Steel Threaded Rod From India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination](#)

**Published** 7/29/2019

**Reference** ASME, ASTM

The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of carbon and alloy steel threaded rod (steel threaded rod) from India for the period of investigation (POI) January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination. **Applicable July 29, 2019.**

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### [Carbon and Alloy Steel Threaded Rod From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination](#)

**Published** 7/29/2019

**Reference** ASME, ASTM

The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of carbon and alloy steel threaded rod (steel threaded rod) 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 July 29, 2019.**

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### [Revisions to Safety Standard for Carriages and Strollers](#)

**Published** 8/2/2019

**Reference** ASTM

In March 2014, the U.S. Consumer Product Safety Commission (CPSC) published a consumer product safety standard for carriages and strollers. The standard incorporated by reference the applicable ASTM voluntary standard. ASTM has since published two revisions to the voluntary standard for carriages and strollers. We are publishing this direct final rule revising

the CPSC's mandatory standard for carriages and strollers to incorporate, by reference, the most recent version of the applicable ASTM standard. The rule is effective on November 5, 2019, unless we receive significant adverse comment by September 3, 2019. 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 November 5, 2019.

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#### [Modification of Significant New Uses for Oxazolidine, 3,3'-Methylenebis\[5-methyl-](#)

**Published** 7/30/2019

**Reference** ASTM

EPA is amending a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for oxazolidine, 3,3'-methylenebis[5-methyl-, which was the subject of premanufacture notice (PMN) P-03-325 and significant new use notice (SNUN) S-17-4. The chemical substance is also subject to an Order issued by EPA pursuant to TSCA section 5(e). This action amends the SNUR to the uses allowable without further SNUN reporting requirement to include use as an anti-corrosive agent in oilfield operations and hydraulic fluids and makes the lack of certain worker protections a significant new use. The SNUR requires persons who intend to manufacture (defined by statute to include import) or process this chemical substance for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the use, under the conditions of use for the chemical substance, within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination. **This final rule is effective September 30, 2019.**

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#### [Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities for June 2019](#)

**Published** 8/02/2019

**Reference** ASTM

This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities. **Comments must be received on or before September 3, 2019.**

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#### [Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6\(h\)](#)

**Published** 7/29/2019

**Reference** ASTM

EPA is proposing a rule to address certain persistent, bioaccumulative, and toxic chemicals identified pursuant to section 6(h) of the Toxic Substances Control Act (TSCA). These five chemicals are: Decabromodiphenyl ether; phenol, isopropylated phosphate (3:1), also known as tris(4-isopropylphenyl) phosphate; 2,4,6-tris(tert-butyl)phenol; hexachlorobutadiene; and pentachlorothiophenol. This proposed rule would restrict or prohibit manufacture (including import), processing, and distribution in commerce for many uses of four of these five chemical substances. EPA has evaluated the uses of hexachlorobutadiene and is proposing no regulatory action. For the other four, this proposal includes recordkeeping requirements. Additional downstream notification requirements are proposed for phenol, isopropylated phosphate (3:1). **Comments must be received on or before September 27, 2019. Under the Paperwork Reduction Act, 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 August 28, 2019.**

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#### [Notice of Scope Rulings](#)

**Published** 7/29/2019

**Reference** ASTM

The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anticircumvention determinations made between April 1, 2018, and June 30, 2018, inclusive. We intend to publish future lists after the close of the next calendar quarter. Applicable July 29, 2019.

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[Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Current Good Manufacturing Practice Quality System Regulation](#)

**Published** 7/31/2019

**Reference** ISO

The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the Federal Register concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on recordkeeping requirements related to the medical devices current good manufacturing practice (CGMP) quality system (QS) regulation (CGMP/QS regulation). **Submit either electronic or written comments on the collection of information by September 30, 2019.**

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[Recordkeeping for Timely Deposit Insurance Determination](#)

**Published** 7/30/2019

**Reference** ISO

The FDIC is amending its rule entitled "Recordkeeping for Timely Deposit Insurance Determination" to clarify the rule's requirements, better align the burdens of the rule with the benefits, and make technical corrections. **Effective October 1, 2019.**

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[Vertical Metal File Cabinets From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value](#)

**Published** 8/01/2019

**Reference** UL

The Department of Commerce (Commerce) preliminarily determines that vertical metal file cabinets (file cabinets) from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2018 through March 31, 2019. Interested parties are invited to comment on this preliminary determination. **Applicable August 1, 2019.**

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[Vertical Metal File Cabinets From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination](#)

**Published** 8/01/2019

**Reference** UL

The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of vertical metal file cabinets (file cabinets) from the People's Republic of China (China). The period of investigation is January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination. **Applicable August 1, 2019.**

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