

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

### [Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 052](#)

**Published** 10/24/2019

**Reference** ANSI, AAMI, ASTM, CSA, IEEE, ISO, NEMA, UL

The Food and Drug Administration (FDA or Agency) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled "Modifications to the List of Recognized Standards, Recognition List Number: 052" (Recognition List Number: 052), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices. **Submit either electronic or written comments on the notice at any time. These modifications to the list of recognized standards are applicable October 24, 2019.**

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### [Take of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the North Jetty Maintenance and Repairs Project, Coos Bay, Oregon](#)

**Published** 10/23/2019

**Reference** ANSI, ISO

NMFS has received a request from the U.S. Army Corps of Engineers (USACE) for two authorizations to take marine mammals incidental to the pile driving and removal activities over two years associated with the Coos Bay North Jetty maintenance and repairs project. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue two incidental harassment authorizations (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewals 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. **Comments and information must be received no later than November 22, 2019.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Whittier Ferry Terminal Alaska Class Ferry Modification Project](#)

**Published** 10/22/2019

**Reference** ANSI

NMFS has received a request from Alaska Department of Transportation and Public Facilities (ADOT&PF) for authorization to take marine mammals incidental to the Whittier Ferry Terminal Alaska Class Ferry Modification Project in Whittier, Alaska. 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. **Comments and information must be received no later than November 21, 2019.**

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### [Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts](#)

**Published** 10/22/2019

**Reference** ANSI, ASHRAE, CSA, NEMA, UL

The Energy Policy and Conservation Act of 1975, as amended (EPCA), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including fluorescent lamp ballasts. EPCA also requires the U.S. Department of Energy (DOE) to periodically determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would result in significant energy savings. In this notice of proposed determination (NOPD), DOE has initially determined that energy conservation standards for fluorescent lamp ballasts do not need to be amended and also asks for comment on this proposed determination and associated analyses and results. **DOE will hold a webinar on Wednesday, October 30, 2019, from 10:00 a.m. to 3:00 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 than it will be cancelled. DOE will hold a public meeting on this proposed determination if one is requested by November 5, 2019.**

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**[National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution \(Non-Gasoline\) Residual Risk and Technology Review](#)**

**Published** 10/21/2019

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

The U.S. Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Organic Liquids Distribution (Non-Gasoline) (OLD) source category. The EPA is proposing amendments to the storage tank and equipment leak requirements as a result of the residual risk and technology review (RTR). The EPA is also proposing amendments to allow terminals the option to implement a fence-line monitoring program in lieu of the enhancements to the storage tank and equipment leak requirements; correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM); add requirements for electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; add operational requirements for flares; and make other minor technical improvements. We estimate that these proposed amendments would reduce emissions of hazardous air pollutants (HAP) from this source category by 386 tons per year (tpy), which represents an approximate 16-percent reduction of HAP emissions from the source category. **Comments must be received on or before December 5, 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 November 20, 2019.**

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**[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Auke Bay Ferry Terminal Modifications and Improvements Project in Juneau, Alaska](#)**

**Published** 10/23/2019

**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 Alaska Department of Transportation and Public Facilities (ADOT&PF) to incidentally harass, by Level A and Level B harassment, marine mammals during pile driving activities associated with the Auke Bay Ferry Terminal Modifications and Improvements Project in Juneau, Alaska. **This Authorization is effective from January 1, 2020 through December 31, 2019.**

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**[Carbon and Alloy Steel Threaded Rod From Thailand: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances](#)**

**Published** 10/21/2019

**Reference** ASME, ASTM

The Department of Commerce (Commerce) determines that carbon and alloy steel threaded rod (steel threaded rod) from Thailand is being, or is likely to be, sold in the United States at less than fair value (LTFV) during the period of investigation (POI) January 1, 2018 through December 31, 2018. The final estimated dumping margins of sales at LTFV are shown in the “Final Determination” section of this notice. **Applicable October 21, 2019.**

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**[Revisions to Safety Standard for Toddler Beds](#)**

**Published** 10/25/2019

**Reference** ASTM

In February 2017, the U.S. Consumer Product Safety Commission (CPSC) published an update to the consumer product safety standard for toddler beds. The standard incorporated by reference the applicable ASTM voluntary standard. ASTM has since published two revised versions of the voluntary standard for toddler beds. We are publishing this direct final rule revising the CPSC’s mandatory standard for toddler beds to incorporate by reference, the most recent version of the applicable ASTM standard. **The rule is effective on January 27, 2020, unless we receive significant adverse comment by November 25, 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 January 27, 2020.**

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**[Revisions to Safety Standards for Non-Full-Size Baby Cribs and Play Yards](#)**

**Published** 10/23/2019

**Reference** ASTM

The U.S. Consumer Product Safety Commission (CPSC) previously published consumer product safety standards for non-full-size baby cribs (NFS cribs) and play yards under section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The standards incorporated by reference the ASTM voluntary standard for NFS cribs and play yards, with modifications. ASTM recently revised the voluntary standard for NFS cribs and play yards. The CPSIA provides a process for when a voluntary standards organization updates a standard that the Commission incorporated by reference in a section 104 rule. Consistent with that process, this direct final rule revises the mandatory standards for NFS cribs and play yards to incorporate by reference the updated version of the ASTM standard. **The rule is effective on January 20, 2020, unless CPSC receives a significant adverse comment by November 22, 2019. If CPSC receives such a comment, it will publish a notice 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 January 20, 2020.**

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#### **Clean Water Act Methods Update Rule for the Analysis of Effluent**

**Published** 10/22/2019

**Reference** ASTM

The Environmental Protection Agency (EPA) is proposing changes to its test procedures required to be used by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other environmental samples for reporting under the EPA's National Pollutant Discharge Elimination System (NPDES) permit program. The Clean Water Act requires the EPA to promulgate these test procedures (analytical methods) for analysis of pollutants. The EPA anticipates that these proposed changes will provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality. In addition, this proposed update to the CWA methods would incorporate technological advances in analytical technology. As such, the EPA expects that there will be no negative economic impacts resulting from these proposed changes. **Comments on this proposed rule must be received on or before December 23, 2019.**

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#### **Hazardous Materials: Liquefied Natural Gas by Rail**

**Published** 10/24/2019

**Reference** ASTM, ISO

PHMSA, in coordination with the Federal Railroad Administration (FRA), is proposing changes to the Hazardous Materials Regulations to allow for the bulk transport of Methane, refrigerated liquid, commonly known as liquefied natural gas (LNG), in rail tank cars. This rulemaking proposes to authorize the transportation of Methane, refrigerated liquid by rail in the DOT-113C120W specification rail tank car. **Comments must be received by December 23, 2019. To the extent possible, PHMSA will consider late-filed comments.**

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#### **Vertical Metal File Cabinets From the People's Republic of China: Final Affirmative Countervailing Duty Determination**

**Published** 10/25/2019

**Reference** UL

The Department of Commerce (Commerce) 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). **Applicable October 25, 2019.**

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#### **Vertical Metal File Cabinets From the People's Republic of China: Final Determination of Sales at Less Than Fair Value**

**Published** 10/25/2019

**Reference** UL

The Department of Commerce (Commerce) 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). **Applicable October 25, 2019.**

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