

## U.S. Federal Register Update: November 14 – November 18, 2016

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?*

### [Walking-Working Surfaces and Personal Protective Equipment \(Fall Protection Systems\)](#)

**Published** 11/18/2016

**Reference** ANSI, ASME, ASSE, ASTM, IEEE, ISO, NFPA

OSHA is revising and updating its general industry standards on walking-working surfaces to prevent and reduce workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking-working surface hazards. The final rule includes revised and new provisions addressing, for example, fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems. In addition, the final rule adds requirements on the design, performance, and use of personal fall protection systems.

The final rule increases consistency between the general industry and construction standards, which will make compliance easier for employers who conduct operations in both industry sectors. Similarly, the final rule updates requirements to reflect advances in technology and to make them consistent with more recent OSHA standards and national consensus standards. OSHA has also reorganized the requirements and incorporated plain language in order to make the final rule easier to understand and follow. The final rule also uses performance-based language whenever possible to give employers greater compliance flexibility.

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### [Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements Under the Clean Air Act](#)

**Published** 11/18/2016

**Reference** ANSI, ASHRAE, ASTM, IEC, UL

The Clean Air Act prohibits the knowing release of ozone-depleting and substitute refrigerants during the course of maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration. The existing regulations require that persons maintaining, servicing, repairing, or disposing of air-conditioning and refrigeration equipment containing more than 50 pounds of refrigerant observe certain service practices that reduce emissions of ozone-depleting refrigerant. This rule updates those existing requirements as well as extends them, as appropriate, to non-ozone depleting substitute refrigerants, such as hydrofluorocarbons. Updates include strengthened leak repair requirements, recordkeeping requirements for the disposal of appliances containing more than five and less than 50 pounds of refrigerant, revisions to the technician certification program, and revisions for improved readability and compliance. As a result, this action reduces emissions of ozone-depleting substances and gases with high global warming potentials. **This final rule is effective on January 1, 2017. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of on January 1, 2017. This rule contains information collection activities that have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). Under the 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 19, 2016.**

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### [Federal Acquisition Regulation; Technical Amendments](#)

**Published** 11/18/2016

**Reference** ANSI

This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**Effective: November 18, 2016.**

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### [Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Gas](#)

**Published** 11/17/2016

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

This final rule updates and replaces Onshore Oil and Gas Order No. 5 (Order 5) with a new regulation codified in the Code of Federal Regulations (CFR). Like Order 5, this rule establishes minimum standards for accurate measurement and proper reporting of all gas removed or sold from Federal and Indian (except the Osage Tribe) leases, units, unit participating areas (PAs), and areas subject to communitization agreements (CAs). It provides a system for production accountability by operators, lessees, purchasers, and transporters. This rule establishes overall gas measurement performance standards and

includes, among other things, requirements for the hardware and software related to gas metering equipment and reporting and recordkeeping. This rule also identifies certain specific acts of noncompliance that may result in an immediate assessment and provides a process for the Bureau of Land Management (BLM) to consider variances from the requirements of this rule. **The final rule is effective on January 17, 2017. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of January 17, 2017.**

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#### [Notice Pursuant to the National Cooperative Research and Production Act of 1993-ASTM International Standards](#)

**Published** 11/15/2016

**Reference** ASTM

Notice is hereby given that, on September 12, 2016, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), ASTM International ("ASTM") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM standards activities originating between May 2016 and September 2016 designated as Work Items. A complete list of ASTM Work Items, along with a description of each, is available at <http://www.astm.org>.

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#### [Renewables Enhancement and Growth Support Rule](#)

**Published** 11/16/2016

**Reference** ASTM, SAE

In this action, the Environmental Protection Agency (EPA) is proposing to update both its renewable fuels and other fuels regulations to reflect changes in the marketplace and to promote the growing use of both ethanol fuels (conventional and advanced) and non-ethanol advanced and cellulosic biofuels. The EPA is proposing to make several changes to the Renewable Fuel Standard (RFS) program regulations that would align them with recent developments in the marketplace to increase production of cellulosic and other advanced biofuels. There are several companies that have developed renewable fuel production technologies that produce a "biointermediate" at one facility that is then processed into renewable fuel at another facility, and we are proposing regulatory changes to allow fuels produced through such methods to qualify under existing approved renewable fuel production pathways. This action also proposes to update our fuel regulations by defining fuel blends containing 16 to 83 volume percent ethanol as ethanol flex fuel (EFF) and to no longer treat fuel blends containing 16 to 50 volume percent ethanol as gasoline. The EPA is proposing environmentally protective fuel quality specifications for EFF that are consistent with those already in place for gasoline. In this action we are also proposing new pathways for cellulosic biofuel produced from short-rotation trees and for renewable diesel and biodiesel produced from non-cellulosic portions of separated food waste. We are also proposing to add new registration, recordkeeping, and reporting requirements for facilities using carbon capture and storage if we were to approve the use of this technology in future assessments of proposed pathways for producing qualifying renewable fuel. We are also seeking comment on how best to implement and/or revise the RFS regulations pertaining to the generation of RINs for renewable electricity used as transportation fuel. Finally, we are proposing a number of other regulatory changes, clarifications, and technical corrections to the RFS program and other fuels regulations. **Comments must be received on or before January 17, 2017. 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 16, 2016. Hearings. The EPA will hold a public hearing on this proposal. Details will be provided in a separate announcement.**

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#### [Welded Stainless Pressure Pipe From India: Antidumping Duty and Countervailing Duty Orders](#)

**Published** 11/17/2016

**Reference** ASTM

Based on affirmative final determinations by the Department of Commerce ("Department") and the International Trade Commission ("ITC"), the Department is issuing antidumping duty ("AD") and countervailing duty ("CVD") orders on welded stainless pressure pipe ("WSPP") from India. **Effective November 17, 2016.**

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#### [State of Nebraska; Authorization of State Hazardous Waste Management Program](#)

**Published** 11/17/2016

**Reference** ASTM

Nebraska has applied to the Environmental Protection Agency (EPA) for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these revisions satisfy all requirements needed to qualify for final authorization and is authorizing Nebraska's revisions through this direct final

rule. **This final authorization will become effective on January 17, 2017, unless EPA receives adverse written comments by December 19, 2016. If EPA receives such comments, we will publish a timely withdrawal of this direct final rule in the Federal Register informing the public that this rule will not take effect.**

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#### [Significant New Use Rules on Certain Chemical Substances](#)

**Published** 11/17/2016

**Reference** ASTM

EPA is promulgating significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for 57 chemical substances which were the subject of premanufacture notices (PMNs). The applicable review periods for the PMNs submitted for these 57 chemical substances all ended prior to June 22, 2016 (i.e., the date on which President Obama signed into law the Frank R. Lautenberg Chemical Safety for the 21st Century Act which amends TSCA). Thirty-four of these chemical substances are subject to TSCA section 5(e) consent orders issued by EPA. This action requires persons who intend to manufacture (defined by statute to include import) or process any of these 57 chemical substances 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 intended use within the applicable review period. Manufacture and processing for the significant new use is unable to commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and take such actions as are required with that determination. **This rule is effective on January 17, 2017. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on December 1, 2016.**

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#### [Certain Carbon and Alloy Steel Cut-to-Length Plate From the Federal Republic of Germany: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination](#)

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (the Department) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from the Federal Republic of Germany (Germany) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the "Preliminary Determination" section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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#### [Certain Carbon and Alloy Steel Cut-To-Length Plate From Austria: Preliminary Determination of Sales at Less Than Fair Value and Postponement of the Final Determination](#)

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (the Department) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from Austria is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the "Preliminary Determination" section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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#### [Certain Carbon and Alloy Steel Cut-to-Length Plate From Taiwan: Preliminary Determination of Sales at Less Than Fair Value](#)

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (the Department) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from Taiwan is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the "Preliminary Determination" section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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#### [Certain Carbon and Alloy Steel Cut-To-Length Plate From Italy: Preliminary Determination of Sales at Less Than Fair Value, Affirmative Determination of Critical Circumstances, and Postponement of Final Determination](#)

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (the Department) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from Italy is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the “Preliminary Determination” section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016**

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**[Certain Carbon and Alloy Steel Cut-To-Length Plate From Japan: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination](#)**

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (“Department”) preliminarily determines that certain carbon and alloy steel cut-to-length plate (“CTL plate”) from Japan is being, or is likely to be, sold in the United States at less than fair value (“LTFV”). The period of investigation (“POI”) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the “Preliminary Determination” section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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**[Certain Carbon and Alloy Steel Cut-To-Length Plate From Belgium: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination](#)**

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (the Department) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from Belgium is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the “Preliminary Determination” section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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**[Certain Carbon and Alloy Steel Cut-To-Length Plate From France: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination](#)**

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (the Department) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from France is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the “Preliminary Determination” section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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**[Certain Carbon and Alloy Steel Cut-To-Length Plate From the Republic of Korea: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination](#)**

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (the Department) preliminarily determines that certain carbon and alloy steel cut-to-length plate (CTL plate) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The estimated weighted-average dumping margins of sales at LTFV are shown in the “Preliminary Determination” section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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**[Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value](#)**

**Published** 11/14/2016

**Reference** ASTM

The Department of Commerce (“Department”) preliminarily determines that certain carbon and alloy steel cut-to-length plate (“CTL plate”) from the People’s Republic of China (“PRC”) is being, or is likely to be, sold in the United States at less than fair value (“LTFV”). The period of investigation (“POI”) is October 1, 2015, through March 31, 2016. The estimated

dumping margin of sales at LTFV is shown in the “Preliminary Determination” section of this notice. Interested parties are invited to comment on this preliminary determination. **Effective November 14, 2016.**

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#### [Drinking Water Contaminant Candidate List 4-Final](#)

**Published** 11/14/2016

**Reference** ASTM

The U.S. Environmental Protection Agency (EPA) is publishing a final list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulation. These contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). This list is the Fourth Contaminant Candidate List (CCL 4) published by EPA since the SDWA amendments of 1996. This Final CCL 4 includes 97 chemicals or chemical groups and 12 microbial contaminants.

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#### [DoD Environmental Laboratory Accreditation Program \(ELAP\)](#)

**Published** 11/17/2016

**Reference** IEC, ISO

This final rule establishes policy, assigns responsibilities, and provides procedures to be used by DoD personnel for the operation and management of the DoD ELAP. The DoD ELAP provides a unified DoD program through which commercial environmental laboratories can voluntarily demonstrate competency and document conformance to the international quality systems standards as they are implemented by DoD. **This rule is effective on December 19, 2016.**

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#### [Use of Spectrum Bands Above 24 GHz for Mobile Radio Services](#)

**Published** 11/14/2016

**Reference** IEEE

In this document, the Federal Communications Commission (Commission or FCC) adopts rules for specific millimeter wave (mmW) bands above 24 GHz. This action is undertaken to establish a regulatory framework for the use of these bands for the development of the next generational evolution of wireless technology. Once effective, these rules will promote the development of highly beneficial technologies, in particular the so-called 5G technology. **Effective December 14, 2016, except for Sec. 25.136 and 30.8 which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the Federal Register announcing the effective date for those sections.**

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#### [Investment Company Reporting Modernization](#)

**Published** 11/18/2016

**Reference** ISO

The Securities and Exchange Commission is adopting new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies. The Commission is adopting new Form N-PORT, which will require certain registered investment companies to report information about their monthly portfolio holdings to the Commission in a structured data format. In addition, the Commission is adopting amendments to Regulation S-X, which will require standardized, enhanced disclosure about derivatives in investment company financial statements, as well as other amendments. The Commission is adopting new Form N-CEN, which will require registered investment companies, other than face-amount certificate companies, to annually report certain census-type information to the Commission in a structured data format. The Commission is adopting amendments to Forms N-1A, N-3, and N-CSR to require certain disclosures regarding securities lending activities. Finally, the Commission is rescinding current Forms N-Q and N-SAR and amending certain other rules and forms. Collectively, these amendments will, among other things, improve the information that the Commission receives from investment companies and assist the Commission, in its role as primary regulator of investment companies, to better fulfill its mission of protecting investors, maintaining fair, orderly and efficient markets, and facilitating capital formation. Investors and other potential users can also utilize this information to help investors make more informed investment decisions.

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#### [Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Final Determination of Compressors as Covered Equipment](#)

**Published** 11/15/2016

**Reference** ISO

The U.S. Department of Energy (DOE) is classifying certain varieties of compressors as covered equipment under Part A-1 of

Title III of the Energy Policy and Conservation Act (EPCA), as amended. Accordingly, this document establishes the definition of equipment that are considered compressors. **This rule is effective December 15, 2016.**

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[Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Procurement Organization Reporting and Communication; Transplant Outcome Measures and Documentation Requirements; Electronic Health Record \(EHR\) Incentive Programs; Payment to Nonexcepted Off-Campus Provider-Based Department of a Hospital; Hospital Value-Based Purchasing \(VBP\) Program; Establishment of Payment Rates Under the Medicare Physician Fee Schedule for Nonexcepted Items and Services Furnished by an Off-Campus Provider-Based Department of a Hospital](#)

**Published** 11/14/2016

**Reference** NEMA

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 CY 2017 to implement applicable statutory requirements and changes arising from 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. In addition, 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.

Further, in this final rule with comment period, we are making changes to tolerance thresholds for clinical outcomes for solid organ transplant programs; to Organ Procurement Organizations (OPOs) definitions, outcome measures, and organ transport documentation; and to the Medicare and Medicaid Electronic Health Record Incentive Programs. We also are removing the HCAHPS Pain Management dimension from the Hospital Value-Based Purchasing (VBP) Program.

In addition, we are implementing section 603 of the Bipartisan Budget Act of 2015 relating to payment for certain items and services furnished by certain off-campus provider-based departments of a provider. In this document, we also are issuing an interim final rule with comment period to establish the Medicare Physician Fee Schedule payment rates for the nonexcepted items and services billed by a nonexcepted off-campus provider-based department of a hospital in accordance with the provisions of section 603.

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[MET Laboratories, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards](#)

**Published** 11/15/2016

**Reference** UL

In this notice, OSHA announces the application of MET Laboratories, Inc. for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application. Additionally, OSHA proposed to add a new test standing to the NRTL Program's List of Appropriate Test Standards. **Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before November 30, 2016.**

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[Mine Safety and Health Administration](#)

**Published** 11/18/2016

**Reference** UL

Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below. **All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before December 19, 2016.**

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