

U.S. Federal Register Update: May 20 – May 24, 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?*

[Virginia Graeme Baker Pool and Spa Safety Act; Incorporation by Reference of Successor Standard](#)

Published 5/24/2019

Reference ANSI, ASME

The Virginia Graeme Baker Pool and Spa Act (VGBA, or Act) requires that drain covers must comply with entrapment protection requirements specified by the joint American Society of Mechanical Engineers (ASME) and American National Standards Institute (ANSI) ASME/ANSI A112.19.8 performance standard, or any successor standard. The Consumer Product Safety Commission incorporates sections of APSP-16 2017 as the successor drain cover standard. **The rule is effective November 24, 2020, unless we receive significant adverse comment by June 24, 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 24, 2020.**

[Standards for Business Practices and Communication Protocols for Public Utilities](#)

Published 5/24/2019

Reference ANSI

The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations to incorporate by reference, with certain enumerated exceptions, the latest version (Version 003.2) of certain Standards for Business Practices and Communication Protocols for Public Utilities adopted by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB). The Commission proposes to use this latest version instead of WEQ Version 003.1, which was the subject of an earlier notice of proposed rulemaking. The revisions made by NAESB in this version of the standards are designed to aid public utilities with the consistent and uniform implementation of requirements promulgated by the Commission as part of the pro forma Open Access Transmission Tariff. **Comments are due July 23, 2019.**

[The Control of Hazardous Energy \(Lockout/Tagout\)](#)

Published 5/20/2019

Reference ANSI, ASSP, IEC, ISO, UL

The control of hazardous energy is regulated under OSHA's control of hazardous energy (Lockout/Tagout) standard. The standard's purpose is to protect workers from the dangers of hazardous energy. This RFI seeks information regarding two areas where modernizing the Lockout/Tagout standard might better promote worker safety without additional burdens to employers: control circuit type devices and robotics. OSHA's Lockout/Tagout standard currently requires that all sources of energy, including energy stored in the machine itself, be controlled during servicing and maintenance of machines and equipment using an energy-isolating device (EID). Control circuit type devices are specifically **excluded from** OSHA's definition of an EID and are thus not a compliant method of controlling hazardous energy during service and maintenance activities. But technological advances since the standard was issued in 1989 suggest that, at least in some circumstances, control circuit type devices may be at least as safe as EIDs. OSHA requests information, data, and comments that would assist the agency in determining under what conditions control circuit type devices could safely be used for the control of hazardous energy. OSHA may also consider changes to the Lockout/Tagout standard that address hazardous energy control for new robotics technologies. Employers are increasingly using robots and robotic components in their workplaces. OSHA would like to know more about what hazards and benefits this presents with respect to control of hazardous energy, safeguards that can be used, increased efficiencies that result, and any other information related to ensuring employee safety in interfacing with robots. OSHA will use the information received in response to this RFI to determine what action, if any, it may take to reduce regulatory burdens while maintaining worker safety. **Submit comments on or before August 19, 2019. All submissions must bear a postmark or provide other evidence of the submission date.**

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

Published 5/21/2019

Reference ANSI

NMFS has received a request from the U.S. Navy Naval Facilities Engineering Command Southeast and Naval Facilities Engineering Command Atlantic (Navy) for authorization to take marine mammals incidental to the South Quay Wall Recapitalization Project, Naval Station (NAVSTA) Mayport, Florida. 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 June 20, 2019.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Aldo's Seawall Replacement Project in Santa Cruz, California](#)

Published 5/20/2019

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 Santa Cruz Port District (Port District) to incidentally harass, by Level A and Level B harassment only, marine mammals during pile driving activities associated with the Aldo's Seawall Replacement Project in Santa Cruz, California (CA). **This authorization is effective from June 1, 2019 through May 31, 2020.**

[Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Preliminary Results of Antidumping Administrative Review and Partial Rescission; 2017-2018](#)

Published 5/20/2019

Reference ASTM

The Department of Commerce (Commerce) preliminarily determines that none of the companies under review have demonstrated eligibility for a separate rate during the period of review (POR) July 1, 2017, through June 30, 2018. Interested parties are invited to comment on these preliminary results. **Applicable May 20, 2019.**

[Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4\(d\) Rule for Neuse River Waterdog and Endangered Species Status for Carolina Madtom and Proposed Designations of Critical Habitat](#)

Published 5/22/2019

Reference IEC

We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list two North Carolina species, the Neuse River waterdog (*Necturus lewisi*) and the Carolina madtom (*Noturus furiosus*), as endangered or threatened under the Endangered Species Act of 1973, as amended (Act). The Neuse River waterdog is an aquatic salamander. The Carolina madtom is a freshwater fish. After review of the best available scientific and commercial information, we find that listing both species is warranted. Accordingly, we propose to list the Neuse River waterdog as a threatened species with a rule issued under section 4(d) of the Act ("4(d) rule") and the Carolina madtom as an endangered species under the Act. If we finalize this rule as proposed, it would add these species to the List of Endangered and Threatened Wildlife and extend the Act's protections to both species. We also propose to designate critical habitat for both species under the Act. In total, approximately 738 river miles (1,188 river kilometers) in 16 units in North Carolina fall within the boundaries of the proposed critical habitat designation for the Neuse River waterdog. Approximately 257 river miles (414 river kilometers) in 7 units in North Carolina are being proposed as critical habitat for the Carolina madtom. Finally, we announce the availability of a draft economic analysis of the proposed critical habitat designations. We will accept comments received or postmarked on or before July 22, 2019. Comments submitted electronically using *the Federal*

eRulemaking Portal must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in FOR FURTHER INFORMATION CONTACT by July 8, 2019.

Temporary General License

Published 5/22/2019

Reference IEEE, ISO

This final rule creates a 90-day temporary general license that partially restores the licensing requirements and policies under the Export Administration Regulations (EAR) for exports, reexports, and transfers (in-country) to sixty-nine entities added to the Entity List on May 16, 2019. **This rule is effective May 20, 2019, through August 19, 2019.**

Vertical Metal File Cabinets From the People's Republic of China: Initiation of Countervailing Duty Investigation

Published 5/24/2019

Reference UL

On April 30, 2019, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition (Petition) concerning imports of vertical metal file cabinets (file cabinets) from the People's Republic of China (China) filed in proper form on behalf of Hirsh Industries LLC (the petitioner). The CVD Petition was accompanied by an antidumping duty (AD) Petition concerning imports of file cabinets from China.

Between May 2 and 15, 2019, Commerce requested supplemental information pertaining to certain aspects of the Petition. The petitioner filed responses to this request on May 6 and 16, 2019.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of file cabinets in China, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing file cabinets in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed this Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation. **Applicable May 20, 2019.**

Vertical Metal File Cabinets From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation

Published 5/24/2019

Reference UL

On April 30, 2019, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition (Petition) concerning imports of vertical metal file cabinets (file cabinets) from the People's Republic of China (China), filed in proper form on behalf of Hirsh Industries LLC (the petitioner). The AD Petition was accompanied by a countervailing duty (CVD) Petition concerning imports of file cabinets from China.

Between May 2 and 15, 2019, Commerce requested supplemental information pertaining to certain aspects of the Petition. The petitioner filed responses to these requests between May 6 and 16, 2019.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of file cabinets from China are being, or are likely to be, sold in the United States at less-than-fair value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing file cabinets and in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed this Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested AD investigation. **Applicable May 20, 2019.**