## U.S. Federal Register Update: April 29 – May 3, 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?* 

National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review

Published 5/2/2019 Reference ANSI, ASTM

The Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP): Asphalt Processing and Asphalt Roofing Manufacturing. The proposed action presents the results of the residual risk and technology review (RTR) conducted as required under the Clean Air Act (CAA). The EPA is also proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction; add requirements for periodic performance testing; add electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status reports; revise monitoring requirements for control devices used to comply with the particulate matter (PM) standards; and include other technical corrections to improve consistency and clarity. Although the proposed amendments are not anticipated to result in reductions in emissions of hazardous air pollutants (HAP), if finalized, they would result in improved compliance and implementation of the rule. Comments must be received on or before June 17, 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 June 3, 2019.

<u>Taking of Marine Mammals Incidental to Specific Activities; Taking of Marine Mammals Incidental to Pile Driving and</u>
Removal Activities During Construction of a Cruise Ship Berth, Hoonah, Alaska

Published 5/1/2019 Reference ANSI, ISO

NMFS has received a request Duck Point Development II, LLC. (DPD) for authorization to take marine mammals incidental pile driving and removal activities during construction of a second cruise ship berth and new lightering float at Cannery Point (Icy Strait) on Chichagof Island near Hoonah, 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 May 31, 2019.** 

<u>Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Navy Target and Missile Launch Activities on San Nicolas Island, California</u>

Published 5/2/2019 Reference ANSI, ISO

NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to target and missile launch activities on San Nicolas Island (SNI), California for the Naval Air Warfare Center Weapons Division (NAWCWD), Point Mugu Sea Range (PMSR). 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. The Navy's activity is considered a military readiness activity pursuant to MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA). Comments and information must be received no later than June 3, 2019.

## <u>Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction of the Vineyard Wind Offshore Wind Project</u>

**Published** 4/30/2019

Reference ANSI, ISO

NMFS has received a request from Vineyard Wind, LLC to take marine mammals incidental to construction of a commercial wind energy project offshore Massachusetts. 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 May 30, 2019.** 

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Clarification of ASME Code
Section III Compliance and Alternative Requirements for ASME Section III Pressure Tests Conducted Following the
Completion of ASME Section III Construction Activities

**Published** 4/30/2019

**Reference ASME** 

The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow departures from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 157 and 155 to Combined Licenses (COL), NPF-91 and NPF-92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (collectively SNC); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently. **The exemption and amendment were issued on April 9, 2019.** 

Large Diameter Welded Pipe From the Republic of Turkey: Countervailing Duty Order

**Published** 5/2/2019

**Reference ASTM** 

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing a countervailing duty order on large diameter welded carbon and alloy steel structural pipe from the Republic of Turkey (Turkey). **Applicable May 2, 2019.** 

<u>Large Diameter Welded Pipe From the Republic of Korea: Amended Final Affirmative Antidumping Determination and Antidumping Duty Order</u>

**Published** 5/2/2019

Reference ASTM

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing an antidumping duty order on large diameter welded carbon and alloy steel line and structural pipe from the Republic of Korea (Korea). In addition, Commerce is amending its final affirmative determination. **Applicable May 2, 2019.** 

<u>Large Diameter Welded Pipe From Greece: Amended Final Affirmative Antidumping Determination and Antidumping</u>
Duty Order

**Published** 5/2/2019

Reference ASTM

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing an antidumping duty order on large diameter welded carbon and alloy steel line pipe from Greece. In addition, Commerce is amending its final affirmative determination. **Applicable May 2, 2019.** 

## Large Diameter Welded Pipe From the Republic of Korea: Countervailing Duty Order

**Published** 5/2/2019

Reference ASTM

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing a countervailing duty order on large diameter welded carbon and alloy steel line and structural pipe from the Republic of Korea (Korea). **Applicable May 2, 2019.** 

Large Diameter Welded Pipe From Canada: Antidumping Duty Order

**Published** 5/2/2019

**Reference ASTM** 

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing an antidumping duty order on large diameter welded carbon and alloy steel line and structural pipe from Canada. **Applicable May 2, 2019.** 

<u>Large Diameter Welded Pipe From the Republic of Turkey: Amended Final Affirmative Antidumping Duty Determination</u> and Antidumping Duty Order

**Published** 5/2/2019

**Reference ASTM** 

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing an antidumping duty order on large diameter welded carbon and alloy steel line and structural pipe from the Republic of Turkey (Turkey). In addition, Commerce is amending its final affirmative determination. **Applicable May 2, 2019.** 

Cast Iron Soil Pipe From the People's Republic of China: Antidumping Duty Order

**Published** 5/3/2019

**Reference** ASTM

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing the antidumping duty (AD) order on cast iron soil pipe from the People's Republic of China (China). **Effective May 3, 2019.** 

Cast Iron Soil Pipe From the People's Republic of China: Countervailing Duty Order

Published 5/3/2019

**Reference ASTM** 

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing the countervailing duty (CVD) order on cast iron soil pipe from the People's Republic of China (China). Effective May 3, 2019.

<u>Proposed Information Collection; Comment Request; Analysis of Exoskeleton-Use for Enhancing Human Performance</u>

Data Collection

**Published** 5/1/2019

Reference ASTM

The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. **Written comments must be submitted on or before July 1, 2019.** 

Announcing Issuance of Federal Information Processing Standard (FIPS) 140-3, Security Requirements for Cryptographic Modules

**Published** 5/1/2019

Reference IEC, ISO

This notice announces the Secretary of Commerce's issuance of Federal Information Processing Standard (FIPS) 140-3, Security Requirements for Cryptographic Modules. FIPS 140-3 includes references to existing International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) 19790:2012(E) Information technology—Security techniques—Security requirements for cryptographic modules and ISO/IEC 24759:2017(E) Information technology—

Security techniques—Test requirements for cryptographic modules. As permitted by the standards, the NIST Special Publication (SP) series 800-140 will specify updates, replacements, or additions to the currently cited ISO/IEC standard as necessary. FIPS 140-3 is effective September 22, 2019. FIPS 140-3 testing will begin on September 22, 2020. FIPS 140-2 testing will continue for at least a year after FIPS 140-3 testing begins.

**Criteria for Accident Monitoring Instrumentation for Nuclear Power Plants** 

Published 5/1/2019

Reference IEEE

The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 5 to Regulatory Guide (RG) 1.97, "Criteria for Accident Monitoring Instrumentation for Nuclear Power Plants." This guide describes an approach that is acceptable to the staff of the NRC to meet regulatory requirements for instrumentation to monitor accidents in nuclear power plants. It endorses, with exceptions and clarifications, the Institute of Electrical and Electronic Engineers (IEEE) Standard (Std.) 497-2016, "IEEE Standard Criteria for Accident Monitoring Instrumentation for Nuclear Power Generating Stations." Revision 5 to RG 1.97 is available on May 1, 2019.

## **2019 Rates Charged for AMS Services**

Published 4/30/2019

Reference ISO

The Agricultural Marketing Service (AMS) is announcing the 2019 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, and cotton and tobacco. The 2019 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year more than half of AMS user fee rates will remain unchanged or will decrease, but increases are necessary to many fees to cover costs. For consistency, audit fees will now be the same for all commodities at \$115.00 per hour.

Notice Pursuant to the National Cooperative Research and Production Act of 1993-National Fire Protection Association

Published 4/29/2019

Reference NFPA

Notice is hereby given that, on March 25, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), National Fire Protection Association ("NFPA") 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, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publicly available at nfpa.org.

<u>Special Conditions: Greenpoint Technologies, Inc., Boeing Model 787-8 Airplane; Dynamic Test Requirements for Single-Occupant, Side-Facing Seats With Airbag Devices in Shoulder Belts</u>

**Published** 5/2/2019

Reference SAE

These special conditions are issued for the Boeing Model 787-8 airplane. This airplane, as modified by Greenpoint Technologies, Inc. (Greenpoint), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is single-occupant, sidefacing seats with airbag devices in shoulder belts, and a floor-level, leg-flail-prevention device to limit the axial rotation of the upper leg. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. **This action is effective on Greenpoint Technologies, Inc. on May 2, 2019. Send comments on or before June 17, 2019.**