

## U.S. Federal Register Update: December 21 – December 25, 2015

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?*

### [Energy Conservation Program: Test Procedures for Small, Large, and Very Large Air-Cooled Commercial Package Air Conditioning and Heating Equipment](#)

**Published** 12/23/2015

**Reference** ANSI, ASHRAE, ISO, UL

In this final rule, the U.S. Department of Energy (DOE) reaffirms that the currently prescribed test procedure, with certain amendments adopted in this rulemaking, must be used when measuring the energy efficiency of certain categories of small, large, and very large air-cooled commercial package air conditioners and heating equipment. The final rule, in addition to satisfying the agency's obligation to periodically review its test procedures for covered equipment, also clarifies specific certification, compliance, and enforcement provisions related to this equipment. The final rule limits the incorporation by reference of the industry test procedure ANSI/AHRI Standard 340/360-2007, "2007 Standard for Performance Rating of Commercial and Industrial Unitary Air-Conditioning and Heat Pump Equipment," to certain sections and addenda; clarifies indoor airflow tolerance and adjustment specifications when meeting other rating conditions; clarifies requirements for condenser head pressure controls; clarifies units of measurement for airflow; establishes a tolerance on part-load rating points and specifies the ambient temperatures used for the part-load rating points; and defines the term, "integrated energy efficiency ratio." **The effective date of this rule is January 22, 2016. The final rule changes will be mandatory for testing starting December 19, 2016. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of January 22, 2016.**

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### [Energy Conservation Program: Test Procedures for Ceiling Fan Light Kits](#)

**Published** 12/24/2015

**Reference** ANSI, CSA, UL

On October 31, 2014, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NOPR) to amend the test procedures for ceiling fan light kits (CFLKs). That proposed rulemaking serves as the basis for this final rule. In this final rule, DOE updates the current test procedures by replacing references to ENERGY STAR test procedures with references to DOE lamps test procedures for medium screw base lamps and to industry test procedures for pin-based fluorescent lamps. DOE is also adding test procedures to establish an efficacy-based metric for all lamps packaged with CFLKs and for CFLKs with integrated solid-state lighting circuitry. These additional test procedures also specify that DOE lamp test procedures be used to test lamps packaged with CFLKs, and where such test procedures do not exist, lamps packaged with CFLKs be tested according to current industry test procedures for those lamps. This final rule also replaces references to superseded ENERGY STAR Program requirements with tables that contain the specific performance requirements from the ENERGY STAR documents. This final rule addresses standby and off mode energy usage for CFLKs. DOE also provides updated guidance related to accent lighting in CFLKs and the applicability of the existing energy conservation standards to accent lighting. In this final rule, DOE also reinterprets the definition of a ceiling fan to include hugger fans and clarifies that ceiling fans that produce large volumes of airflow also meet the definition. DOE is also issuing a reinterpretation as it relates to compliance with the 190 W limit requirement for CFLKs with sockets other than medium screw base and pin-based for fluorescent lamps. **The effective date of this rule is January 25, 2016. The final rule changes to appendix V will be mandatory for product testing starting June 21, 2016. The final rule test procedures specified by appendix V1 will be mandatory for product testing starting on the compliance date of any amended energy conservation standards (ECS) for CFLKs. Any final rule establishing amended CFLK ECS will provide notice of the required compliance date and corresponding required use of appendix V1.**

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### [Sunlamp Products; Proposed Amendment to Performance Standard](#)

**Published** 12/22/2015

**Reference** ANSI, IEC, ISO

The Food and Drug Administration (FDA or Agency) is proposing to amend the performance standard for sunlamp products and ultraviolet (UV) lamps intended for use in these products. This standard was last amended in 1985. The current amendments seek to improve consumer safety by requiring more effective communication regarding the risks posed by these products. They also would reduce risks to consumers by updating technical requirements to reflect current science,

and by adopting and incorporating by reference certain elements from the International Electrotechnical Commission (IEC) International Standard 60335-2-27, Ed. 5.0: 2009-12. **Submit either electronic or written comments on the proposed rule by March 21, 2016. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by January 21, 2016.**

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#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Dock Replacement Project**

**Published** 12/23/2015

**Reference** ANSI, ISO

NMFS has received a request from UniSea, Inc., for authorization to take marine mammals incidental to construction activities as part of a dock construction project at a commercial fish processing facility in Unalaska, AK. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to UniSea to incidentally take marine mammals, by Level B Harassment only, during the specified activity. **Comments and information must be received no later than January 22, 2016.**

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#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the U.S. Air Force Conducting Maritime Weapon Systems Evaluation Program Operational Testing Within the Eglin Gulf Test and Training Range**

**Published** 12/23/2015

**Reference** ANSI, ISO

NMFS (hereinafter, “we” or “our”) received an application from the U.S. Department of the Air Force, Headquarters 96th Air Base Wing (Air Force), Eglin Air Force Base (Eglin AFB), requesting an Incidental Harassment Authorization (Authorization) to take marine mammals, by harassment, incidental to a Maritime Weapon Systems Evaluation Program (Maritime WSEP) within a section of the Eglin Gulf Test and Training Range in the northern Gulf of Mexico.

Eglin AFB's activities are military readiness activities per the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act (NDAA) for Fiscal Year 2004. Per the MMPA, NMFS requests comments on its proposal to issue an Authorization to Eglin AFB to incidentally take, by Level B and Level A harassment, two species of marine mammals, the Atlantic bottlenose dolphin (*Tursiops truncatus*) and Atlantic spotted dolphin (*Stenella frontalis*), during the specified activity. **NMFS must receive comments and information no later than January 22, 2016.**

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#### **Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives (RRR)**

**Published** 12/21/2015

**Reference** ANSI, NFPA, UL

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities.

The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks.

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#### **Containment Shell or Liner Moisture Barrier Inspection**

**Published** 12/24/2015

**Reference** ASME

The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft regulatory issue summary (RIS) to

reiterate the NRC staff's position in regard to American Society of Mechanical Engineers (ASME) code-required inservice inspection requirements for moisture barriers. The NRC's regulations require, in part, that licensees implement the inservice inspection program for pressure retaining components and their integral attachments of metal containments and metallic liners of concrete containments in accordance with the ASME Code. If a material prevents moisture from contacting inaccessible areas of the containment shell or liner, especially if the material is being relied upon in lieu of augmented examinations of a susceptible location, the material must be inspected as a moisture barrier. The applicable ASME Code sections require licensees to inspect 100 percent of accessible moisture barriers during each inspection period. **Submit comments by January 25, 2016. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.**

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#### **[Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations](#)**

**Published** 12/22/2015

**Reference** ASME

Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from November 24, 2015, to December 7, 2015. The last biweekly notice was published on December 8, 2015. **Comments must be filed by January 21, 2016. A request for a hearing must be filed February 22, 2016.**

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#### **[General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products](#)**

**Published** 12/22/2015

**Reference** IEC

The Food and Drug Administration (FDA or the Agency) is proposing to establish device restrictions for sunlamp products, which would restrict their use to individuals age 18 and older, require prospective users to sign a risk acknowledgement certification before use, and require the provision of user manuals. **Submit either electronic or written comments on the proposed rule by March 21, 2016. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 by February 22, 2016. See Section VIII for the proposed effective date of a final rule based on this proposed rule.**

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#### **[Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, To Export Compressed Natural Gas, and To Vacate Authority During October 2015](#)**

**Published** 12/22/2015

**Reference** ISO

The Office of Fossil Energy (FE) of the Department of Energy gives notice that during October 2015, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas (LNG), to export compressed natural gas (CNG), and to vacate authority. These orders are summarized in the attached appendix and may be found on the FE Web site at <http://energy.gov/fe/downloads/listing-doe-fe-authorizations-orders-issued-2015>. They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E-033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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#### **[Establishing the Form and Manner with which Security-Based Swap Data Repositories Must Make Security-Based Swap Data Available to the Commission](#)**

**Published** 12/23/2015

**Reference** ISO

The Securities and Exchange Commission ("SEC" or "Commission") is publishing for comment a proposed amendment to specify the form and manner with which security-based swap data repositories ("SDRs") will be required to make security-based swap ("SBS") data available to the Commission under Exchange Act Rule 13n-4(b)(5). The Commission is proposing to require SDRs to make these data available according to schemas that will be published on the Commission's Web site and

that will reference the international industry standards Financial products Markup Language (“FpML”) and Financial Information eXchange Markup Language (“FIXML”). **Comments should be received on or before February 22, 2016.**

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#### **Child Care and Development Fund (CCDF) Program**

**Published** 12/24/2015

**Reference** NFPA

The Department of Health and Human Services, Administration for Children and Families, proposes to amend the Child Care and Development Fund (CCDF) regulations. This proposed rule makes changes to CCDF regulations to detail provisions of the Child Care and Development Block Grant Act of 2014 in order to protect the health and safety of children in child care; help parents make informed consumer choices and access information to support child development; provide equal access to stable, high quality child care for low-income children; and enhance the overall quality of child care and the early childhood workforce. **In order to be considered, written comments on this proposed rule must be received on or before February 22, 2016.**

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#### **Assistance to Firefighters Grant Program**

**Published** 12/22/2015

**Reference** NFPA

As required by the Federal Fire Prevention and Control Act of 1974, as amended, the Administrator of the Federal Emergency Management Agency (FEMA) is publishing this notice describing the Fiscal Year (FY) 2015 Assistance to Firefighters Grant (AFG) Program application process, deadlines, and award selection criteria. This notice explains the differences, if any, between these guidelines and those recommended by representatives of the national fire service leadership during the annual meeting of the Criteria Development Panel, which was held October 27-28, 2014. The application period for the FY 2015 AFG Program will be held December 7, 2015 through January 15, 2015, and will be announced on the AFG Web site ([www.fema.gov/firegrants](http://www.fema.gov/firegrants)), as well as [www.grants.gov](http://www.grants.gov). **Grant applications for the Assistance to Firefighters Grants will be accepted electronically at <https://portal.fema.gov>, from December 7, 2015, at 8 a.m. Eastern Standard Time to January 15, 2015, at 5:00 p.m. Eastern Standard Time.**

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