U.S. Federal Register Update

The U.S. Federal Register Update contains summaries of entries in the U.S. Federal Register that relate 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?

Items of Interest

Consensus Standards, Light-Sport Aircraft
Published 06/11/2013
Reference ASTM
This notice announces the availability of one new and seven revised consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule issued July 16, 2004, and effective September 1, 2004. ASTM International Committee F37 on Light Sport Aircraft developed the new and revised standards with Federal Aviation Administration (FAA) participation. By this notice, the FAA finds the new and revised standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule. Comments must be received on or before August 12, 2013.

Designation of Product Categories for Federal Procurement
Published 06/11/2013
Reference ASTM
The U.S. Department of Agriculture (USDA) is amending the Guidelines for Designating Biobased Products for Federal Procurement, to add eight sections to designate product categories within which biobased products will be afforded Federal procurement preference, as provided for under section 9002 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008 (referred to in this document as “section 9002”). USDA is also adding a new subcategory to one previously designated product category. USDA is also establishing minimum biobased content for each of these product categories and subcategories. In addition, USDA is officially changing the term “item” to “product category.” This rule is effective July 11, 2013.

Published 06/12/2013
Reference ASTM
On May 16, 2013, the Department of Commerce (the Department) received antidumping duty (AD) Petitions concerning imports of welded stainless pressure pipe (welded stainless pipe) from Malaysia, Thailand, and the Socialist Republic of Vietnam (Vietnam) filed in proper form on behalf of Bristol Metals, LLC, Felker Brothers Corp., and Outokumpu Stainless Pipe, Inc., (collectively, Petitioners). [1] Petitioners are domestic producers of welded stainless pipe. Effective Date: June 12, 2013.

Physical Medicine Devices; Reclassification of Stair-Climbing Wheelchairs
Published 06/12/2013
Reference ANSI
The Food and Drug Administration (FDA) is issuing a proposed administrative order to reclassify stair-climbing wheelchairs, a class III device, into class II (special controls) based on new information and subject to premarket notification, and to further clarify the identification. Submit either electronic or written comments on this proposed order or on the draft guideline by September 10, 2013. See section XII for the proposed effective date of any final order that may publish based on this proposed order.

**Updating OSHA Standards Based on National Consensus Standards; Signage**  
**Published** 06/13/2013  
**Reference** ANSI, NEMA  
The Occupational Safety and Health Administration (“OSHA” or “the Agency”) is issuing this direct final rule to update its general industry and construction signage standards by adding references to the latest versions of the American National Standards Institute (“ANSI”) standards on specifications for accident prevention signs and tags, ANSI Z535.1-2006(R2011), Z535.2-2011 and Z535.5-2011. In this rulemaking, OSHA is retaining the existing references to the earlier ANSI standards, ANSI Z53.1-1967, Z35.1-1968 and Z35.2-1968, in its signage standards, thereby providing employers an option to comply with the updated or earlier standards. OSHA also is incorporating by reference Part VI of the Manual of Uniform Traffic Control Devices (“MUTCD”), 1988 Edition, Revision 3, into the incorporation-by-reference section of the construction standards having inadvertently omitted this edition of the MUTCD from this section during an earlier rulemaking, and amending citations in two provisions of the construction standards to show the correct incorporation-by-reference section. In addition, OSHA is publishing a notice of proposed rulemaking in today’s Federal Register adding the same references. This direct final rule will become effective on September 11, 2013 unless OSHA receives a significant adverse comment to this direct final rule or the companion proposal by July 15, 2013. If OSHA receives a significant adverse comment, the Agency will publish a timely withdrawal of the direct final rule in the Federal Register. Submit comments on this direct final rule (including comments on the information-collection (paperwork) determination described under the section titled Procedural Determinations, hearing requests, and other information by July 15, 2013. All submissions must bear a postmark or provide other evidence of the submission date (the following section titled ADDRESSES describes the available methods of making submissions). The Director of the Federal Register approved the incorporation by reference of specific publications listed in this direct final rule as of September 11, 2013.

**Black Lung Benefits Act: Standards for Chest Radiographs**  
**Published** 06/13/2013  
**Reference** NEMA  
Physicians and adjudicators use chest radiographs (X-rays) as a tool in evaluating whether a coal miner suffers from pneumoconiosis (black lung disease). Accordingly, the Department’s regulations implementing the Black Lung Benefits Act allow the submission of radiographs in connection with benefit claims and set out quality standards for their performance. These standards are currently limited to film radiographs. In recent years, many medical facilities have phased out film radiography in favor of digital radiography. This direct final rule updates the existing film-radiograph standards and provides parallel standards for digital radiographs. This rule also updates outdated terminology and removes certain obsolete provisions. This direct final rule is effective September 11, 2013, without further action unless OWCP receives significant adverse comment to this rule by midnight Eastern Standard Time on August 12, 2013. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 11, 2013. If OWCP receives significant adverse comment, it will publish a timely withdrawal of the rule in the Federal Register.

**Regulation of Fuels and Fuel Additives: RFS Pathways II and Technical Amendments to the RFS 2 Standards**  
**Published** 06/14/2013
Reference ASTM
In this Notice of Proposed Rulemaking, EPA is proposing amendments to three separate sets of regulations relating to fuels. First, EPA is proposing to amend certain of the renewable fuels standard (RFS2) program regulations. We believe these proposals will facilitate the introduction of new renewable fuels as well as improve implementation of the program. This proposal includes various changes related to biogas, including changes related to the revised compressed natural gas (CNG)/liquefied natural gas (LNG) pathway and amendments to various associated registration, recordkeeping, and reporting provisions. This proposed regulation includes the addition of new pathways for renewable diesel, renewable naphtha, and renewable electricity (used in electric vehicles) produced from landfill biogas. Adding these new pathways will enhance the ability of the biofuels industry to supply advanced biofuels, including cellulosic biofuels, which greatly reduce the greenhouse gas (GHG) emissions (GHG) compared to the petroleum-based fuels they replace. It also addresses “nameplate capacity” issues for certain production facilities that do not claim exemption from the 20% greenhouse gas (GHG) reduction threshold. In this notice, EPA addresses issues related to crop residue and corn kernel fiber and proposes an approach to determining the volume of cellulosic RINs produced from various cellulosic feedstocks. We also include a lifecycle analysis of advanced butanol and discuss the potential to allow for commingling of compliant products at the retail facility level as long as the environmental performance of the fuels would not be detrimental. Several other amendments to the RFS2 program are included. Second, EPA is also proposing various changes to the E15 misfueling mitigation regulations (E15 MMR). Among the E15 changes proposed are technical corrections and amendments to sections dealing with labeling, E15 surveys, product transfer documents, and prohibited acts. We also propose to amend the definitions in order to address a concern about the rounding of test results for ethanol content violations. Lastly, EPA is proposing changes to the survey requirements associated with the ultra-low sulfur diesel (ULSD) program. Comments must be received on or before July 15, 2013. We do not expect a request for a public hearing. However, if we receive a request for a public hearing by July 1, 2013 we will publish information related to the timing and location of the hearing and the timing of a new deadline for public comments.

Fuel Oil Systems for Emergency Power Supplies
Published 06/17/2013
Reference ANSI

Energy Conservation Program: Energy Conservation Standards for Standby Mode and Off Mode for Microwave Ovens
Published 06/17/2013
Reference IEC
The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment. Microwave ovens are covered products under EPCA, although there are no existing microwave oven standards. DOE has already previously determined that active mode standards are not warranted. The Energy Independence and Security Act of 2007 (EISA 2007) amended EPCA to require any final rule adopted after July 1, 2010 establishing or revising energy conservation standards for covered products, including microwave ovens, to address standby mode and off mode energy use. In this final rule, DOE is only adopting energy conservation standards for microwave oven standby mode and off mode. It has determined that the amended energy conservation standards for these products in standby mode and off mode would result in significant conservation of energy, and are technologically feasible and
The effective date of this rule is August 16, 2013. Compliance with the amended standards established for microwave ovens in this final rule is June 17, 2016.

Heavy-Duty Engine and Vehicle, and Nonroad Technical Amendments
Published 06/17/2013
Reference ISO, SAE

EPA and NHTSA, on behalf of the Department of Transportation, are each adopting corrections to provisions in our respective Medium- and Heavy-Duty Greenhouse Gas Emissions and Fuel Efficiency final rule issued on September 15, 2011. These amendments eliminate duplicative reporting requirements, reduce inadvertent minor differences between the EPA and NHTSA programs regarding such matters as voluntary early model year compliance, better align testing procedures to market realities, and reduce unnecessary testing burdens. This action also separately amends several regulations exclusive to EPA by: adjusting the provisions of the replacement engine exemption, expanding EPA's discretion to allow greater flexibility under the Transition Program for Equipment Manufacturers related to the Tier 4 standards for nonroad diesel engines, specifying multiple versions of the applicable SAE standard for demonstrating that fuel lines for nonroad spark-ignition engines above 19 kilowatts meet permeation requirements, and allowing for the use of the ethanol-based test fuel specified by the California Air Resources Board for nonroad spark-ignition engines at or below 19 kilowatts. Some of the individual EPA-only provisions of this action may have minor impacts on the costs and emission reductions of the underlying regulatory programs amended in this action, though in most cases these are simple technical amendments. For those provisions that may have a minor impact on the costs or benefits of the amended regulatory program, any potential impacts would be small and we have not attempted to quantify the potential changes. These rules are effective on August 16, 2013 without further notice, unless EPA or NHTSA receives adverse comment. If we receive relevant adverse comment on distinct elements of this rule by July 17, 2013, we will publish a timely withdrawal in the Federal Register indicating which provisions we are withdrawing. The provisions that are not withdrawn will become effective on August 16, 2013 notwithstanding adverse comment on any other provision. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of August 16, 2013.