

## U.S. Federal Register Update: November 7 – November 11, 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?*

### [Energy Conservation Program: Test Procedure for Commercial Packaged Boilers](#)

**Published** 11/10/2016

**Reference** ANSI, ASHRAE, ASME, ASTM, CSA, IEC, ISO

On March 17, 2016, the U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NPR) to amend the test procedure for commercial packaged boilers. That proposed rulemaking serves as the basis for the final rule. DOE incorporates by reference certain sections of the American National Standards Institute (ANSI)/Air-Conditioning, Heating, and Refrigeration Institute (AHRI) Standard 1500, "2015 Standard for Performance Rating of Commercial Space Heating Boilers." In addition, this final rule incorporates amendments that clarify the coverage for field-constructed commercial packaged boilers and the applicability of DOE's test procedure and standards for this category of commercial packaged boilers, provide an optional field test for commercial packaged boilers with fuel input rate greater than 5,000,000 Btu/h, provide a conversion method to calculate thermal efficiency based on combustion efficiency testing for steam commercial packaged boilers with fuel input rate greater than 5,000,000 Btu/h, modify the inlet water temperatures during tests of hot water commercial packaged boilers, establish limits on the ambient temperature during testing, modify setup and instrumentation requirements to remove ambiguity, and standardize terminology and provisions for "rated input" and "fuel input rate." **The effective date of this rule is December 12, 2016. The final rule changes will be mandatory for representations related to energy efficiency or energy use starting November 6, 2017. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register on December 12, 2016.**

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### [Statistical Terminology and Notation for Special Nuclear Materials Control and Accountability](#)

**Published** 11/8/2016

**Reference** ANSI

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 5.3, "Statistical Terminology and Notation for Special Nuclear Materials Control and Accountability," that was issued in 1973. This document is being withdrawn in part because regulatory guidance is not needed for common statistical terminology and notation information that is commonly used in the field of statistics. Further, RG 5.3 provided guidance on the term "limits of error" as defined in the NRC's regulations. This term is no longer a defined regulatory term and is no longer used by the NRC except in certain transaction reports. Also, RG 5.3 endorsed a 1972 American National Standards Institute (ANSI) standard that was later withdrawn. Therefore, the NRC finds that RG 5.3 is obsolete. **The effective date of the withdrawal of RG 5.3, "Statistical Terminology and Notation for Special Nuclear Materials Control and Accountability" is November 8, 2016.**

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### [Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedure for Commercial Water Heating Equipment](#)

**Published** 11/10/2016

**Reference** ANSI, ASHRAE, ASME, ASTM, CSA, ISO

On May 9, 2016, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NPR) to amend its test procedures for commercial water heaters, unfired hot water storage tanks, and hot water supply boilers (henceforth, "commercial water heating (CWH) equipment"). That proposed rulemaking serves as the basis for this final rule. Specifically, this final rule incorporates by reference the most recent versions of relevant industry standards; modifies the existing test methods for certain classes of CWH equipment; establishes new test procedures for determining the efficiency of commercial heat pump water heaters and standby loss for instantaneous water heaters and hot water supply boilers; clarifies test set-up and settings for various classes of CWH equipment; revises the certification requirements for CWH equipment; and establishes associated definitions. **The effective date of this rule is December 12, 2016. The final rule changes will be mandatory for representations related to energy efficiency or energy use starting November 6, 2017. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register on December 12, 2016.**

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### [Energy Conservation Program: Test Procedures for Manufactured Housing](#)

**Published** 11/9/2016

#### **Reference ANSI, ASTM**

The U.S. Department of Energy (DOE) is publishing a proposed rule to establish test procedures for manufactured housing (MH). This test procedure would support standards DOE is directed to establish by the Energy Independence and Security Act of 2007. DOE proposes to establish test procedures applicable to manufactured homes for determining compliance with the following metrics that were included in a June 17, 2016, notice of proposed rulemaking: The R-value of insulation; the U-factor of windows, skylights, and doors; the solar heat gain coefficient of fenestration; U-factor alternatives to R-value requirements; the air leakage rate of air distribution systems; and mechanical ventilation fan efficacy. DOE will accept comments regarding this proposed rule. **DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NPR) no later than December 9, 2016. See section V, "Public Participation," for details.**

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

**Published** 11/10/2016

**Reference** ANSI, ISO

NMFS has received a request from the City of Unalaska (COU), for authorization to take marine mammals incidental to construction activities as part of a dock expansion project at the existing Unalaska Marine Center (UMC) Dock in Unalaska, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to the COU to incidentally take marine mammals, by Level B Harassment only, during the specified activity. **Comments and information must be received no later than December 12, 2016.**

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#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Kodiak Transient Float Replacement Project**

**Published** 11/10/2016

**Reference** ANSI, ISO

NMFS has received an application from the City of Kodiak Port and Harbors (the City) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to the Kodiak transient float replacement project in Kodiak, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to the City to incidentally take, by Level B Harassment only, marine mammals during the specified activity. The City requests that the IHA be valid for one year, from January 1, 2017 through December 31, 2017. Pursuant to NEPA, NMFS is preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and will consider comments submitted in response to this notice as part of that process. The EA will be posted at <http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm> once it is finalized. **Comments and information must be received no later than December 12, 2016.**

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#### **Federal Motor Vehicle Safety Standards; Tire Selection and Rims**

**Published** 11/9/2016

**Reference** ANSI, ASTM, SAE

This document amends Federal Motor Vehicle Safety Standard (FMVSS) No. 110 to make it clear that special trailer (ST) tires are permitted to be installed on new trailers with a gross vehicle weight rating (GVWR) of 4,536 kg (10,000 lbs.) or less. It also excludes these trailers from a requirement that a tire must be retained on its rim when subjected to a sudden loss of tire pressure and brought to a controlled stop from 97 km/h (60 mph). The agency proposed these changes and, after a review of the comments received, has determined that these two revisions are appropriate and will not result in any degradation of motor vehicle safety. **This final rule is effective on November 9, 2016.**

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#### **Biweekly Notice: Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations**

**Published** 11/8/2016

**Reference** ASHRAE, NFPA

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 Start Printed Page 78644 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 October 8, 2016, to October 24, 2016. The last biweekly notice was published on October 25, 2016. **Comments must be filed by December 8, 2016. A request for a hearing must be filed by January 9, 2017.**

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#### [Accreditation and Approval of King Laboratories, Inc., as a Commercial Gauger and Laboratory](#)

**Published** 11/8/2016

**Reference** ASTM

Notice is hereby given, pursuant to CBP regulations, that King Laboratories, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 12, 2016.

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#### [Stainless Steel Sheet and Strip in Coils From the Republic of Korea: Final Results of Expedited Sunset Review of the Countervailing Duty Order](#)

**Published** 11/7/2016

**Reference** ASTM

The Department of Commerce (the Department) finds that revocation of the countervailing duty (CVD) order on stainless steel sheet and strip in coils (sheet and strip) from the Republic of Korea (Korea) would likely lead to the continuation or recurrence of a countervailable subsidy at the levels indicated in the Final Results of Review section of this notice.

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#### [Daimler Trucks North America, Receipt of Petition for Decision of Inconsequential Noncompliance](#)

**Published** 11/7/2016

**Reference** ISO

Daimler Trucks North America (DTNA), has determined that certain model year (MY) 2016-2017 Freightliner and Western Star trucks do not fully comply with Table 2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, Controls and Displays. DTNA filed a report dated September 22, 2016, pursuant to 49 CFR part 573, Defect and Noncompliance Responsibility and Reports. DTNA also petitioned NHTSA on September 22, 2016, under 49 CFR part 556 for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. **The closing date for comments on the petition is December 7, 2016.**

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#### [Michelin North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance](#)

**Published** 11/10/2016

**Reference** ISO

Michelin North America, Inc. (MNA), has determined that certain MNA tires do not fully comply with paragraph S6.5(d) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles. MNA filed a report dated September 1, 2016, pursuant to 49 CFR part 573, Defect and Noncompliance Responsibility and Reports. MNA then petitioned NHTSA under 49 CFR part 556 for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. **The closing date for comments on the petition is December 12, 2016.**

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#### [California State Motor Vehicle Pollution Control Standards; Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model Year Heavy-Duty Engines; Notice of Decision](#)

**Published** 11/7/2016

**Reference** SAE

The Environmental Protection Agency (EPA) is granting the California Air Resources Board's (CARB's) request for a waiver of Clean Air Act preemption for amendments made in 2013 ("2013 HD OBD Amendments") to its Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model Year Heavy-Duty Engine (HD OBD Requirements) and to its Enforcement of Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model-Year Heavy-Duty Engines ("HD OBD Enforcement Regulation"), collectively referred to herein as HD OBD Regulations. EPA also confirms that certain of the 2013 HD OBD Amendments are within the scope of the previous waiver for the HD OBD Requirements and HD OBD Enforcement Regulation. This decision is issued under the authority of the Clean Air Act ("CAA" or "the Act"). **Petitions for review must be filed by January 6, 2017.**

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