

U.S. Federal Register Update: December 5 – 9, 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 12/9/2016

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 rated input 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 rated input 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, and standardize terminology and provisions for "rated input" and "fuel input rate." DOE originally published this final rule in the Federal Register on November 10, 2016, however that document contained errors and is being withdrawn on December 7, 2016. This is a republication of the final rule that replaces the version published on November 10, 2016 in its entirety. **The effective date of this rule is January 9, 2017. The final rule changes will be mandatory for representations related to energy efficiency or energy use starting December 4, 2017. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register on January 9, 2017.**

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

Published 12/7/2016

Reference ANSI

The U.S. Department of Energy (DOE) is withdrawing its final rule to amend its test procedure for commercial packaged boilers which published in the Federal Register on Thursday, November 10, 2016. The final rule published on November 10, 2016 contained errors. Therefore, DOE is withdrawing the final rule in its entirety and will republish the final rule amending its test procedure for commercial packaged boilers. **Effective December 7, 2016, the final rule published November 10, 2016 (81 FR 79224), effective December 12, 2016, is withdrawn.**

[Underwriters Laboratories, Inc.: Grant of Expansion of Recognition](#)

Published 12/8/2016

Reference ANSI, UL

In this notice, OSHA announces its final decision to expand the scope of recognition for Underwriters Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on December 8, 2016.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Breakwater Replacement Project in Eastport, Maine](#)

Published 12/9/2016

Reference ANSI, ISO

NMFS has received a request from the Maine Department of Transportation (ME DOT) for authorization to take marine mammals, by harassment, incidental to in-water construction activities from the Eastport Breakwater Replacement Project (EBRP) in Eastport, ME. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to the ME DOT to incidentally take marine mammals, by Level B harassment only, during the specified activity. **Comments and information must be received no later than January 9, 2017.**

[Announcement of the Board of Directors for the National Environmental Education Foundation](#)

Published 12/9/2016

Reference ANSI, ISO

The National Environmental Education and Training Foundation (doing business as The National Environmental Education Foundation or NEEF) was created by Section 10 of Public Law #101-619, the National Environmental Education Act of 1990. It is a private 501(c)(3) non-profit organization established to promote and support education and training as necessary tools to further environmental protection and sustainable, environmentally sound development. It provides the common ground upon which leaders from business and industry, all levels of government, public interest groups, and others can work cooperatively to expand the reach of environmental education and training programs beyond the traditional classroom. The Foundation promotes innovative environmental education and training programs such as environmental education for medical healthcare providers and broadcast meteorologists; it also develops partnerships with government and other organizations to administer projects that promote the development of an environmentally literate public. The Administrator of the U.S. Environmental Protection Agency (EPA), as required by the terms of the Act, announces the following appointment to the National Environmental Education Foundation Board of Directors. The appointee is Mr. Kevin M. Butt, the Regional Environmental Director of Toyota's North American Environmental Sustainability Programs.

[Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets](#)

Published 12/6/2016

Reference ASME, ASTM, ISO

FRA is proposing to amend its regulations for passenger equipment safety standards, which currently provide for passenger rail service in a shared right-of-way under two separate tiers of safety standards: Tier I (speeds up to 125 miles per hour (mph)) and Tier II (speeds up to 150 mph). Consistent with the regulations' approach supporting interoperable passenger rail service by sharing the right-of-way, this proposed rulemaking would add a new tier of safety standards (Tier III) to facilitate the safe implementation of interoperable high-speed passenger rail service at speeds up to 220 mph. However, Tier III standards would require operations at speeds above 125 mph to be in an exclusive right-of-way without grade crossings. The proposal also would establish crashworthiness and occupant protection performance requirements in the alternative to those currently specified for Tier I passenger trainsets. Adopting the proposed alternative crashworthiness and occupant protection requirements would remove regulatory barriers, allowing a more open U.S. rail market, incorporating recent technological designs. In addition, the proposal would increase from 150 mph to 160 mph the maximum speed FRA's existing regulations allow for passenger equipment that complies with FRA's Tier II standards.

Written comments must be received by February 6, 2017. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

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

Published 12/6/2016

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 8 to November 21, 2016. The last biweekly notice was published on November 22, 2016. **Comments must be filed by January 5, 2017. A request for a hearing must be filed by February 6, 2017.**

[2015 Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule](#)

Published 12/9/2016

Reference ASME, ASTM

The Environmental Protection Agency (EPA) is amending specific provisions in the Greenhouse Gas Reporting Rule to streamline and improve implementation of the rule, to improve the quality and consistency of the data collected under the rule, and to clarify or provide minor updates to certain provisions that have been the subject of questions from reporting entities. This action also finalizes confidentiality determinations for certain data elements. In addition, this is the final action

on reconsideration in response to a Petition for Reconsideration regarding specific aspects of the Greenhouse Gas Reporting Rule. **This rule is effective on January 1, 2017, except for amendatory instructions 3, 5, 6, 8, 10 through 25, 31 through 34, 36, 38 through 44, 46 through 50, 55 through 61, 63, 64, and 69 through 92, which are effective on January 1, 2018; and amendatory instructions 35, 37, 45, 51 through 54, which are effective on January 1, 2019.**

[Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information](#)

Published 12/6/2016

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for Point Beach Nuclear Plant, Unit 1; and Virgil C. Summer Nuclear Station, Units 2 and 3. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration. Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI) an order imposes procedures to obtain access to SUNSI for contention preparation. **Comments must be filed by January 5, 2017. A request for a hearing must be filed by February 6, 2017. Any potential party as defined in Sec. 2.4 of title 10 of the Code of Federal Regulations (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by December 16, 2016.**

[Certain Carbon and Alloy Steel Cut-to-Length Plate From Brazil, South Africa, and the Republic of Turkey: Affirmative Final Determinations of Sales at Less Than Fair Value and Affirmative Final Determinations of Critical Circumstances for Brazil and the Republic of Turkey](#)

Published 12/5/2016

Reference ASTM

The Department of Commerce (the Department) determines that imports of certain carbon and alloy steel cut-to-length plate (CTL Plate) from Brazil, South Africa, and the Republic of Turkey (Turkey) are being, or likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2015, through March 31, 2016. The final estimated dumping margins of sales at LTFV are shown in the "Final Determinations" section of this notice. **Effective December 5, 2016.**

[Accreditation and Approval of Saybolt LP As a Commercial Gauger and Laboratory](#)

Published 12/9/2016

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Saybolt LP 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 April 27, 2016. **The accreditation and approval of Saybolt LP as commercial gauger and laboratory became effective on April 27, 2016. The next triennial inspection date will be scheduled for April 2019.**

[Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory](#)

Published 12/6/2016

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of June 7, 2016.

[Accreditation and Approval of AMSPEC SERVICES, LLC, as a Commercial Gauger and Laboratory](#)

Published 12/6/2016

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, 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 6, 2016.

[Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory](#)

Published 12/6/2016

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of June 9, 2016.

[Accreditation and Approval of Chem Gas International LLC as a Commercial Gauger and Laboratory](#)**Published** 12/6/2016**Reference ASTM**

Notice is hereby given, pursuant to CBP regulations, that Chem Gas International LLC 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 January 28, 2016.

[Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory](#)**Published** 12/6/2016**Reference ASTM**

Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 13, 2016.

[Third-Party Certification Body Accreditation for Food Safety Audits: Model Accreditation Standards; Guidance for Industry and Food and Drug Administration Staff; Availability](#)**Published** 12/7/2016**Reference IEC, ISO**

The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry and FDA staff entitled "Third-Party Certification Body Accreditation for Food Safety Audits: Model Accreditation Standards." The guidance contains FDA recommendations on third-party certification body qualifications for accreditation to conduct food safety audits and to issue food and/or facility certifications under an FDA program required by the FDA Food Safety Modernization Act (FSMA). The guidance is intended to describe the standards for accreditation of third-party certification bodies as required under the final rule entitled "Accreditation of Third-Party Certification Bodies to Conduct Food Safety Audits and to Issue Certifications." In addition, this guidance discusses specific clauses of ISO/IEC 17021: 2015 and industry practice that are currently being used by third-party certification bodies and that FDA recommends accreditation bodies consider as a model when making accreditation decisions. **Submit either electronic or written comments on FDA guidances at any time.**

[Magnuson-Stevens Fishery Conservation and Management Act; Seafood Import Monitoring Program](#)**Published** 12/9/2016**Reference ISO**

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), this final rule establishes permitting, reporting and recordkeeping procedures relating to the importation of certain fish and fish products, identified as being at particular risk of illegal, unreported, and unregulated (IUU) fishing or seafood fraud, in order to implement the MSA's prohibition on the import and trade, in interstate or foreign commerce, of fish taken, possessed, transported or sold in violation of any foreign law or regulation or in contravention of a treaty or a binding conservation measure of a regional fishery organization to which the United States is a party. Collection of catch and landing documentation for certain fish and fish products will be accomplished through the government-wide International Trade Data System (ITDS) by electronic submission of data through the Automated Commercial Environment (ACE) maintained by the Department of Homeland Security, Customs and Border Protection (CBP). The information will be collected through the ITDS electronic single window consistent with the Safety and Accountability for Every (SAFE) Port Act of 2006 and other applicable statutes. Specifically, this rule revises an existing NMFS requirement for the importer of record to file electronically through ACE data prescribed under certain existing NMFS programs (and to retain records supporting such filings) to also cover the data required to be reported under this rule. This rule requires data to be reported on the harvest of fish and fish products. In addition, this rule requires retention of additional supply chain data by the importer of record and extends an existing NMFS requirement to obtain an annually renewable International Fisheries Trade Permit (IFTP) to the fish and fish products regulated under this rule. The information to be reported and retained, as applicable, under this rule will help authorities verify that the fish or fish products were lawfully acquired by providing information to trace each import shipment back to the initial harvest event(s). The rule will also decrease the incidence of seafood fraud by requiring the reporting of this information to the U.S.

Government at import and requiring retention of documentation so that the information reported (e.g., regarding species and harvest location) can be verified.

[Recordkeeping for Timely Deposit Insurance Determination](#)

Published 12/5/2016

Reference ISO

The FDIC is adopting a final rule to facilitate prompt payment of FDIC-insured deposits when large insured depository institutions fail. The final rule requires each insured depository institution that has two million or more deposit accounts to (1) configure its information technology system to be capable of calculating the insured and uninsured amount in each deposit account by ownership right and capacity, which would be used by the FDIC to make deposit insurance determinations in the event of the institution's failure, and (2) maintain complete and accurate information needed by the FDIC to determine deposit insurance coverage with respect to each deposit account, except as otherwise provided.

Effective April 1, 2017.

[Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Device: Current Good Manufacturing Practice Quality System Regulations](#)

Published 12/5/2016

Reference ISO

The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. **Fax written comments on the collection of information by January 4, 2017.**

[Visual-Manual NHTSA Driver Distraction Guidelines for Portable and Aftermarket Devices](#)

Published 12/5/2016

Reference ISO, SAE

This notice details the proposed contents of the second phase of the National Highway Traffic Safety Administration's (NHTSA) Driver Distraction Guidelines (Phase 2 Guidelines). The purpose of the Phase 2 Guidelines is to provide a safety framework for developers of portable and aftermarket electronic devices to use when developing visual-manual user interfaces for their systems. The Guidelines encourage innovative solutions such as pairing and Driver Mode that, when implemented, will reduce the potential for unsafe driver distraction by limiting the time a driver's eyes are off the road, while at the same time preserving the full functionality of these devices when they are not used while driving. Currently no safety guidelines exist for portable device technologies when they are used during a driving task. NHTSA seeks comments and suggestions to improve this proposal. **You should submit your comments early enough to be received not later than February 3, 2017.**

[Notice to Manufacturers of Airports In-Pavement Stationary Runway Weather Information Systems](#)

Published 12/7/2016

Reference SAE

The FAA is considering issuing waivers to foreign manufactures of Active and/or Passive In-Pavement Stationary Runway Weather Information Systems that meet the requirements of FAA Advisory Circular (AC) 15015220-30, Airport Winter Safety and Operations. This notice requests information from manufactures of systems meeting the technical requirements to determine whether a waiver to the Buy American Preferences should be issued. Projects funded under the Airport Improvement Program (AIP) must meet the requirements of Buy American Preferences. **The information must be received by January 23, 2017.**
