

U.S. Federal Register Update: July 25 – 29, 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?*

[Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains](#)

Published 7/29/2016

Reference ANSI, ASTM, ISO, NEMA, NFPA

PHMSA, in consultation with the Federal Railroad Administration, is issuing this NPRM to propose revisions to regulations that would expand the applicability of comprehensive oil spill response plans (OSRPs) based on thresholds of liquid petroleum oil that apply to an entire train consist. Specifically, we are proposing to expand the applicability for comprehensive OSRPs so that any railroad that transports a single train carrying 20 or more loaded tank cars of liquid petroleum oil in a continuous block or a single train carrying 35 or more loaded tank cars of liquid petroleum oil throughout the train consist must also have a current comprehensive written OSRP. We are further proposing to revise the format and clarify the requirements of a comprehensive OSRP (e.g., requiring that covered railroads develop response zones describing resources available to arrive onsite to a worst-case discharge, or the substantial threat of one, which are located within 12 hours of each point along the route used by trains subject to the comprehensive OSRP). We also solicit comment on defining high volume areas and staging resources using alternative response times, including shorter response times for spills that could affect such high volume areas. Further, in accordance with the Fixing America's Surface Transportation Act of 2015, this action proposes to require railroads to share information about high-hazard flammable train operations with state and tribal emergency response commissions to improve community preparedness and seeks comments on these proposals. Lastly, PHMSA is proposing to incorporate by reference an initial boiling point test for flammable liquids from the ASTM D7900 method referenced in the American National Standards Institute/American Petroleum Institute Recommend Practices 3000, "Classifying and Loading of Crude Oil into Rail Tank Cars," First Edition, September 2014 as an acceptable testing alternative to the boiling point tests currently specified in the HMR. PHMSA believes providing this additional boiling test option provides regulatory flexibility and promotes enhanced safety in transport through accurate packing group assignment. **Comments must be received by September 27, 2016. We are proposing a mandatory compliance date of 60 days after the date of publication of a final rule in the Federal Register. In this NPRM, we solicit comments from interested persons regarding the feasibility of the proposed compliance date.**

[Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 044](#)

Published 7/26/2016

Reference ANSI, AAMI, ASTM, ISO

The Food and Drug Administration (FDA or Agency) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled Modifications to the List of Recognized Standards, Recognition List Number: 044 (Recognition List Number: 044), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices. **Submit electronic or written comments concerning this document at any time. These modifications to the list of recognized standards are effective July 26, 2016.**

[Nemko-CCL, Inc.: Grant of Expansion of Recognition](#)

Published 7/27/2016

Reference ANSI, UL

In this notice, OSHA announces its final decision to expand the scope of recognition for Nemko-CCL, Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on July 27, 2016.**

[Energy Conservation Program: Test Procedures for Ceiling Fans](#)

Published 7/25/2016

Reference ANSI, CSA, IEC, UL

The U.S. Department of Energy (DOE) is issuing a final rule to amend the test procedures for ceiling fans. DOE is establishing an integrated efficiency metric for ceiling fans, based on airflow and power consumption at high and low speed for low-speed small-diameter ceiling fans; at high speed for high-speed small-diameter ceiling fans; and at up to five speeds for

large-diameter ceiling fans. The integrated efficiency metric also accounts for power consumed in standby mode. DOE is also adopting new test procedures for large-diameter ceiling fans, multi-mount ceiling fans, ceiling fans with multiple fan heads, and ceiling fans where the airflow is not directed vertically, and clarifying when these methods must be conducted. Additionally, DOE is adopting the following changes to the current test procedure: Eliminating the test cylinder from the test setup; specifying the method of measuring the distance between the ceiling fan blades and the air velocity sensors during testing; specifying the fan configuration during testing for ceiling fans that can be mounted in more than one configuration; specifying the test method for ceiling fans with heaters; specifying that a ceiling fan is not subject to the test procedure if the plane of rotation of the ceiling fan's blades cannot be within 45 degrees of horizontal; specifying that centrifugal ceiling fans are not subject to the test procedure; specifying that all small-diameter ceiling fans must be mounted directly to the real ceiling for testing; revising the allowable measurement tolerance for air velocity sensors; revising the allowable mounting tolerance for air velocity sensors; revising the testing temperature requirement; requiring measurement axes to be perpendicular to walls; specifying the position of air conditioning vents and doors during testing; specifying operation of room conditioning equipment; specifying the power source and how power measurements are to be made; and specifying stable measurement criteria and a method for determining stability. **The effective date of this rule is August 24, 2016. The final rule changes will be mandatory for representations made with respect to the energy use or efficiency of ceiling fans starting January 23, 2017. The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register on August 24, 2016.**

[Standards for Business Practices and Communication Protocols for Public Utilities](#)

Published 7/28/2016

Reference ANSI

The Federal Energy Regulatory Commission (Commission) proposes to incorporate by reference the latest version (Version 003.1) of certain Standards for Business Practices and Communication Protocols for Public Utilities adopted by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB). These standards mainly modify and update NAESB's WEQ Version 003 Standards. The Commission also proposes to revise its regulations to incorporate NAESB's updated Smart Grid Business Practice Standards in the Commission's General Policy and Interpretations. **Comments are due September 26, 2016.**

[LaCrosseSolutions, LLC, Dairyland Power Cooperative, La Crosse Boiling Water Reactor](#)

Published 7/27/2016

Reference ANSI

The U.S. Nuclear Regulatory Commission (NRC) is issuing exemptions from several of the record keeping requirements in its regulations in response to a request from LaCrosse Solutions, LLC, and the Dairyland Power Cooperative (collectively, the licensee). Specifically, the licensee requested that the La Crosse Boiling Water Reactor be granted a partial exemption from regulations that require retention of records for certain systems, structures, and components until the termination of the operating license. The NRC is also issuing an exemption from the portion of the regulations that requires certain records for spent fuel in storage to be kept in duplicate for the La Crosse Boiling Water Reactor Independent Spent Fuel Storage Installation.

[Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders \(RRR\)](#)

Published 7/26/2016

Reference ANSI, ASME, ASTM, ISO, NFPA

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is proposing to amend the Hazardous Materials Regulations to revise certain requirements applicable to the manufacture, use, and requalification of DOT-specification cylinders. PHMSA is taking this action in response to petitions for rulemaking submitted by stakeholders and to agency review of the compressed gas cylinders regulations. Specifically, PHMSA is proposing to incorporate by reference or update the references to several Compressed Gas Association publications, amend the filling requirements for compressed and liquefied gases, expand the use of salvage cylinders, and revise and clarify the manufacture and requalification requirements for cylinders. **Comments must be submitted by September 26, 2016. To the extent possible, PHMSA will consider late-filed comments as a final rule is developed.**

[Finished Carbon Steel Flanges From India, Italy, and Spain: Initiation of Less-Than-Fair-Value Investigations](#)

Published 7/28/2016

Reference ASME, ASTM

On June 30, 2016, the Department of Commerce (the Department) received antidumping duty (AD) petitions concerning

imports of finished carbon steel flanges (steel flanges) from India, Italy, and Spain, filed in proper form on behalf of Weldbend Corporation and Boltex Mfg. Co., L.P. (Petitioners). The Petitions were accompanied by a countervailing duty (CVD) petition on steel flanges from India. Petitioners are domestic producers of steel flanges.

On July 6, 8, and 12, 2016, the Department requested additional information and clarification of certain areas of the Petitions. Petitioners filed responses to these requests on July 8 and 13, 2016, respectively.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that imports of steel flanges from India, Italy, and Spain are being, or are likely to be, sold in the United States at less-than-fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed these Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that Petitioners are requesting.

[Finished Carbon Steel Flanges From India: Initiation of Countervailing Duty Investigation](#)

Published 7/28/2016

Reference ASME, ASTM

On September 30, 2015, the Department of Commerce (Department) received a countervailing duty (CVD) petition concerning imports of finished carbon steel flanges (steel flanges) from India, filed in proper form on behalf of Weldbend Corporation & Boltex Mfg. Co., L.P. (collectively, Petitioners). The CVD petition was accompanied by antidumping duty (AD) petitions concerning imports of steel flanges from India, Italy, and Spain. Petitioners are domestic producers of steel flanges.

On July 6, 2016, the Department requested information and clarification for certain areas of the Petition. Petitioners filed responses to these requests on July 8, 2016, and July 11, 2016.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that the Government of India (GOI) is providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of steel flanges from India, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, for those alleged programs in India on which we have initiated a CVD investigation, the Petition is accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed the Petition on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigation that Petitioners are requesting.

[Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric & Gas Company; Main Control Room Emergency Habitability System Design Changes](#)

Published 7/28/2016

Reference ASME

The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 49 to Combined Licenses (COLs), NPF-93 and NPF-94. The COLs were issued to South Carolina Electric & Gas (SCE&G) (the licensee); for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, located in Fairfield County, South Carolina. The granting of the exemption allows the changes to Tier 1 information asked for 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 combined license amendment referenced in this document are available on July 28, 2016.**

[Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory](#)

Published 7/26/2016

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation 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 December 22, 2015. **Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.**

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

Published 7/26/2016

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 January 20, 2016. **Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.**

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

Published 7/26/2016

Reference ASTM

Notice is hereby given, pursuant to CBP regulations, that Laboratory Service, 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 June 17, 2015. **The accreditation and approval of Laboratory Service, Inc., as commercial gauger and laboratory became effective on June 17, 2015. The next triennial inspection date will be scheduled for June 2018.**

[Amendment of the Commission's Rules With Regard to Commercial Operations in the 3550-3650 MHz Band](#)

Published 7/26/2016

Reference IEEE

In this document, the Federal Communications Commission addresses eight petitions for reconsideration on certain rules adopted in the Report and Order (Report and Order) in this proceeding governing the Citizens Broadband Radio Service in the 3.5 GHz band. The Commission also finalizes the regulatory scheme established in the Report and Order to make this spectrum available for wireless broadband through dynamic sharing among three tiers of users. **Effective August 25, 2016 except for Sec. Sec. 1.9046, 96.3, 96.17(b), 96.25(c)(1)(i), and 96.32(a) and (b) which contain information collection requirements subject to approval by the Office of Management and Budget. The Federal Communications Commission will publish a document in the Federal Register announcing the effective date for those sections.**

[Disclosure of Payments by Resource Extraction Issuers](#)

Published 7/27/2016

Reference ISO

We are adopting Rule 13q-1 and an amendment to Form SD to implement Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to the disclosure of payments by resource extraction issuers. Rule 13q-1 was initially adopted by the Commission on August 22, 2012, but it was subsequently vacated by the U.S. District Court for the District of Columbia. Section 1504 of the Dodd-Frank Act added Section 13(q) to the Securities Exchange Act of 1934, which directs the Commission to issue rules requiring resource extraction issuers to include in an annual report information relating to any payment made by the issuer, a subsidiary of the issuer, or an entity under the control of the issuer, to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals. Section 13(q) requires a resource extraction issuer to provide information about the type and total amount of such payments made for each project related to the commercial development of oil, natural gas, or minerals, and the type and total amount of payments made to each government. In addition, Section 13(q) requires a resource extraction issuer to provide information about those payments in an interactive data format.

[Transit Asset Management; National Transit Database](#)

Published 7/26/2016

Reference ISO

The Federal Transit Administration is publishing a final rule to define the term state of good repair and to establish minimum Federal requirements for transit asset management that will apply to all recipients and subrecipients of chapter 53 funds that own, operate, or manage public transportation capital assets. This final rule requires public transportation providers to develop and implement out transit asset management (TAM) plans. TAM plans must include an asset

inventory, condition assessments of inventoried assets, and a prioritized list of investments to improve the state of good repair of their capital assets. This final rule also establishes state good repair standards and four state of good repair (SGR) performance measures. Transit providers are required to set performance targets for their capital assets based on the SGR measures and report their targets, as well as information related to the condition of their capital assets, to the National Transit Database.

[Horse Protection; Licensing of Designated Qualified Persons and Other Amendments](#)

Published 7/26/2016

Reference ISO

We are proposing to amend the horse protection regulations to provide that the Animal and Plant Health Inspection Service (APHIS) will train and license Designated Qualified Persons (DQPs) to inspect horses at horse shows, exhibitions, sales, and auctions for compliance with the Horse Protection Act. DQPs are currently trained and licensed through programs certified by APHIS and initiated and maintained by horse industry organizations (HIOs). Under this proposal, APHIS will train and license DQPs on an individual basis. The proposed changes to the regulations would relieve HIOs of all regulatory burdens and requirements. We would also establish a process by which APHIS could revoke the license of a DQP for professional misconduct or failure to conduct inspections in accordance with the regulations. We would establish requirements to minimize conflicts of interest between DQPs and others within the horse industry that enable the practice of soring. We are also proposing several changes to the responsibilities of management of horse shows, exhibitions, sales, and auctions, as well as changes to the list of devices, equipment, substances, and practices that can cause soring or are otherwise prohibited under the Horse Protection Act and regulations. Additionally, we are proposing to amend the inspection procedures that DQPs are required to perform. These actions would strengthen existing requirements intended to protect horses from the unnecessary and cruel practice of soring and eliminate unfair competition. **We will consider all comments that we receive on or before September 26, 2016. We will also consider comments made at public hearings to be held in Murfreesboro, TN, on Tuesday, August 9, 2016; Lexington, KY, on Wednesday, August 10, 2016; Sacramento, CA, on Tuesday, August 16, 2016; Riverdale, MD, on Tuesday, September 6, 2016; and during a virtual public hearing on Wednesday, September 15, 2016.**

[Status of Overboard Detection Technology for Cruise Vessels](#)

Published 7/27/2016

Reference ISO

The Coast Guard is soliciting information on the status and availability of technology for immediately detecting cruise vessel passengers who have fallen overboard. **Comments must be submitted to the online docket via <http://www.regulations.gov> on or before October 25, 2016.**

[Revised Critical Infrastructure Protection Reliability Standards](#)

Published 7/29/2016

Reference NEMA

The Federal Energy Regulatory Commission (Commission) directs the North American Electric Reliability Corporation to develop a new or modified Reliability Standard that addresses supply chain risk management for industrial control system hardware, software, and computing and networking services associated with bulk electric system operations. The new or modified Reliability Standard is intended to mitigate the risk of a cybersecurity incident affecting the reliable operation of the Bulk-Power System. **This rule is effective September 27, 2016.**
