

## U.S. Federal Register Update: July 17 – July 21, 2017

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?*

### [Notice of Petition for Waiver of ITW Food Equipment Group, LLC From the Department of Energy Commercial Refrigeration Equipment Test Procedures and Grant of Interim Waiver](#)

**Published** 7/19/2017

**Reference** ANSI, ASHRAE

This notice announces receipt of and publishes a petition for waiver from ITW Food Equipment Group, LLC (ITW) seeking an exemption from specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of commercial refrigeration equipment under the regulations for basic models of their Innopod temperature controlled grocery and general merchandise system (Innopod). ITW requests modifications, as specified in its petition for waiver, to the existing DOE test procedure, which references Air-Conditioning, and Refrigeration Institute (ARI) Standard 1200-2006 and Air-Conditioning, Heating, and Refrigeration Institute (AHRI) Standard 1200 (I-P)-2010 that further references American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ANSI/ASHRAE) Standard 72. ITW submitted to DOE an alternate test procedure that allows for testing of specified Innopod basic models. This notice also announces that DOE has granted ITW an interim waiver from the DOE commercial refrigeration equipment test procedures for the specified commercial refrigeration equipment basic models, subject to use of the alternative test procedure as set forth in this notice. DOE solicits comments, data, and information concerning ITW's petition and its suggested alternate test procedure. **DOE will accept comments, data, and information with regard to the ITW petition until August 18, 2017.**

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### [Assessment of the Assumption of Normality \(Employing Individual Observed Values\)](#)

**Published** 7/21/2017

**Reference** ANSI

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 5.22, "Assessment of the Assumption of Normality (Employing Individual Observed Values)." This RG is being withdrawn because the guidance for licensees to develop written procedures describing statistical analyses of nuclear material accounting data, specifically when assessing the assumption of normality in a data set, is no longer needed. **The effective date of the withdrawal of RG 5.22 is July 21, 2017.**

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### [Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2018; Medicare Shared Savings Program Requirements; and Medicare Diabetes Prevention Program](#)

**Published** 7/21/2017

**Reference** ANSI, NEMA

This major proposed rule addresses changes to the Medicare physician fee schedule (PFS) and other Medicare Part B payment policies.

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### [Protection of Stratospheric Ozone: Determination 33 for Significant New Alternatives Policy Program](#)

**Published** 7/21/2017

**Reference** ASHRAE

This determination of acceptability expands the list of acceptable substitutes pursuant to the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program. This action lists as acceptable additional substitutes for use in the refrigeration and air conditioning sector and the cleaning solvents sector. **This determination is applicable on July 21, 2017.**

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### [Incorporation by Reference of American Society of Mechanical Engineers Codes and Code Cases](#)

**Published** 7/18/2017

**Reference** ASME, ASTM

The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate by reference recent editions and addenda to the American Society of Mechanical Engineers (ASME) Codes for nuclear power plants and a standard for quality assurance. The NRC is also incorporating by reference six ASME Code Cases. This action is in accordance with the

NRC's policy to periodically update the regulations to incorporate by reference new editions and addenda of the ASME Codes and is intended to maintain the safety of nuclear power plants and to make NRC activities more effective and efficient. **This final rule is effective on August 17, 2017. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of August 17, 2017.**

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**Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance With the Disposal Regulations; Recertification Decision**

**Published** 7/19/2017

**Reference** ASME

With this notice, the Environmental Protection Agency (EPA or the Agency) recertifies that the U.S. Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP) continues to comply with the "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic (TRU) Radioactive Waste."

This action represents the Agency's third periodic evaluation of the WIPP's continued compliance with the disposal regulations and WIPP Compliance Criteria. The WIPP Compliance Criteria implement and interpret the disposal regulations specifically for the WIPP. As directed by Congress in the WIPP Land Withdrawal Act (WIPP LWA), this "recertification" process is required every five years following the WIPP's initial receipt of TRU waste on March 26, 1999 (e.g., March 2004, March 2009), until the end of the decommissioning phase. For each recertification—including the one being announced with this action—the DOE must submit documentation of the site's continuing compliance with the disposal regulations to the EPA for review.

This recertification decision is based on a thorough review of information submitted by the DOE, independent technical analyses, and public comments. The Agency has determined that the DOE continues to meet all applicable requirements of the WIPP Compliance Criteria, and with this action, recertifies the WIPP facility. This recertification decision does not otherwise amend or affect the EPA's radioactive waste disposal regulations or the WIPP Compliance Criteria. In addition, recertification is not subject to rulemaking or judicial review, nor is it linked to the resumption of disposal activities at the WIPP facility. The EPA has also identified areas in which the DOE's technical analyses and justifications could be improved for the next recertification application.

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