

## U.S. Federal Register Update: February 25 – March 1, 2019

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?*

### [Forest River, Inc., Grant of Petition for Decision of Inconsequential Noncompliance](#)

**Published** 3/1/2019

**Reference** ANSI, SAE

Forest River, Inc. (Forest River), has determined that certain model year (MY) 2017-2018 Forest River buses and school buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials. Forest River filed two separate noncompliance reports, both dated November 30, 2017. Forest River then petitioned NHTSA on December 12, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the grant of this petition.

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### [Energy Conservation Program: Test Procedure for Direct Heating Equipment](#)

**Published** 2/26/2019

**Reference** ANSI, ASHRAE, ASTM, IEC, UL

The U.S. Department of Energy ("DOE") is initiating a data collection process through this request for information ("RFI") to consider whether to amend DOE's test procedure for direct heating equipment. To inform interested parties and to facilitate this process, DOE has gathered data, identifying several issues associated with the currently applicable test procedures on which DOE is interested in receiving comment. The issues outlined in this document mainly concern the evaluation of additional calculations relevant to the unvented direct heating equipment test procedure, updates to applicable industry standards incorporated by reference in the vented direct heating equipment test procedure, and any additional topics that may inform DOE's decisions in a future test procedure rulemaking, including methods to reduce regulatory burden while ensuring the procedure's accuracy. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI). **Written comments and information are requested and will be accepted on or before April 12, 2019.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the O'Connell Bridge Lightering Float Pile Replacement Project in Sitka, Alaska](#)

**Published** 3/1/2019

**Reference** ANSI, ISO

NMFS has received a request from City and Borough of Sitka (CBS) for authorization to take marine mammals incidental to the O'Connell Bridge Lightering Float Pile Replacement Project in Sitka, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

**Comments and information must be received no later than April 1, 2019.**

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### [Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Southeast Fisheries Science Center and Texas Parks and Wildlife Department Fisheries Research](#)

**Published** 2/27/2019

**Reference** ANSI

NMFS' Office of Protected Resources has received a request from NMFS' Southeast Fisheries Science Center (SEFSC) for authorization to take marine mammals incidental to fisheries research conducted in the Atlantic Ocean along the southeastern U.S. coast and select estuaries, the Gulf of Mexico and select estuaries, and the Caribbean Sea over the course of five years from the date of issuance. We have also received a request from the Texas Parks and Wildlife Department (TPWD) for authorization to take marine mammals incidental to fisheries research in Texas bay systems. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue regulations to the SEFSC and, separately, TPWD, to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses

will be summarized in the final notice of our decision. **Comments and information must be received no later than March 29, 2019.**

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

**Published** 2/28/2019

**Reference** ANSI, ASTM, NFPA

PHMSA, in consultation with the Federal Railroad Administration and pursuant to the Fixing America's Surface Transportation Act (FAST Act) of 2015, issues this final rule to revise and clarify requirements for comprehensive oil spill response plans (COSRPs) and to expand their applicability based on petroleum oil thresholds that apply to an entire train consist. Specifically, this final rule: Expands the applicability for COSRPs; modernizes the requirements for COSRPs; requires railroads to share information about high-hazard flammable train (HHFT) operations with State and tribal emergency response commissions to improve community preparedness; and incorporates by reference a voluntary standard. The amendments in this final rule will provide regulatory flexibility and improve response readiness to mitigate effects of rail accidents and incidents involving petroleum oil and HHFTs. **This final rule is effective as of April 1, 2019.**

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#### [Takes of Marine Mammals Incidental to Specified Activities: Taking Marine Mammals Incidental to U.S. Navy Surveillance Towed Array Sensor System Low Frequency Active Sonar Training and Testing in the Central and Western North Pacific Ocean and Eastern Indian Ocean](#)

**Published** 3/1/2019

**Reference** ANSI, ISO

NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the use of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar systems onboard U.S. Navy surveillance ships for training and testing activities conducted under the authority of the Secretary of the Navy in the western and central North Pacific Ocean and eastern Indian Ocean (SURTASS LFA sonar activities) beginning August 2019. Pursuant to section 101(a)(5)(A) of the MMPA, NMFS is requesting comments on its proposal to issue regulations to govern the incidental take of marine mammals by Level B harassment during SURTASS LFA sonar activities. The Fiscal Year 2019 (FY19) National Defense Authorization Act (NDAA), signed on August 13, 2018, amended the Marine Mammal Protection Act to extend the maximum authorization period of permitted incidental takings of marine mammals under section 101(a)(5)(A) in the course of specified military readiness activities by the Department of Defense from five to seven years. Therefore, the authorization, if issued, would be in effect from August 2019 to August 2026. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. The Navy's activities are considered military readiness activities pursuant to the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act for Fiscal Year 2004 (FY 2004 NDAA). **Comments and information must be received no later than April 1, 2019.**

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#### [Seismic Qualification of Electrical and Active Mechanical Equipment and Functional Qualification of Active Mechanical Equipment for Nuclear Power Plants](#)

**Published** 2/27/2019

**Reference** ANSI, IEEE

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG-1328, "Seismic Qualification of Electrical and Active Mechanical Equipment and Functional Qualification of Active Mechanical Equipment for Nuclear Power Plants." This proposed guide, revision 4 to Regulatory Guide (RG) 1.100 of the same name, was revised to endorse industry consensus standards with certain exceptions and clarifications. The guide describes methods that the staff of the NRC considers acceptable for use in the seismic qualification of electrical and active mechanical equipment and the functional qualification of active mechanical equipment for nuclear power plants. **Submit comments by April 29, 2019.**

**Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.**

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#### [Large Diameter Welded Pipe From the Republic of Korea: Final Determination of Sales at Less Than Fair Value](#)

**Published** 2/27/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that large diameter welded pipe (welded pipe) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) January 1, 2017, through December 31, 2017. **Applicable February 27, 2019.**

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[Cast Iron Soil Pipe From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value](#)

**Published** 2/28/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that cast iron soil pipe from the People's Republic of China (China) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2017, through December 31, 2017. **Applicable February 28, 2019.**

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[Cast Iron Soil Pipe From the People's Republic of China: Final Affirmative Countervailing Duty Determination](#)

**Published** 2/28/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of cast iron soil pipe (soil pipe) from the People's Republic of China (China). The period of investigation is January 1, 2017, through December 31, 2017. **Applicable February 28, 2019.**

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[Large Diameter Welded Pipe From the Republic of Turkey: Final Determination of Sales at Less Than Fair Value](#)

**Published** 2/27/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that imports of large diameter welded pipe (welded pipe) from the Republic of Turkey (Turkey) are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) January 1, 2017, through December 31, 2017. **Applicable February 27, 2019.**

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[Large Diameter Welded Pipe From Greece: Final Determination of Sales at Less Than Fair Value](#)

**Published** 2/27/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that imports of large diameter welded pipe (welded pipe) from Greece are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) January 1, 2017, through December 31, 2017. **Applicable February 27, 2019.**

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[Large Diameter Welded Pipe From the Republic of Turkey: Final Affirmative Countervailing Duty Determination](#)

**Published** 2/27/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of large diameter welded pipe (welded pipe) from the Republic of Turkey (Turkey). **Applicable February 27, 2019.**

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[Large Diameter Welded Pipe From the Republic of Korea: Final Affirmative Countervailing Duty Determination](#)

**Published** 2/27/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of large diameter welded pipe (welded pipe) from the Republic of Korea (Korea). For information on the estimated subsidy rates, see the "Final Determination" section of this notice. **Applicable February 27, 2019.**

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[Large Diameter Welded Pipe From Canada: Final Affirmative Determination of Sales at Less Than Fair Value](#)

**Published** 2/27/2019

**Reference** ASTM

The Department of Commerce (Commerce) determines that imports of large diameter welded pipe (welded pipe) from Canada is being, or is likely to be, sold in the United States at less than fair value (LTFV) during the period of investigation (POI) January 1, 2017, through December 31, 2017. **Applicable February 27, 2019.**

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

**Published** 2/26/2019

**Reference** IEEE

Pursuant to 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 January 29, 2019, to February 11, 2019. The last biweekly notice was published on February 12, 2019. **Comments must be filed by March 28, 2019. A request for a hearing must be filed by April 29, 2019. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.**

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## [Sunscreen Drug Products for Over-the-Counter Human Use](#)

**Published** 2/26/2019

**Reference** ISO

The Food and Drug Administration (FDA or Agency) is issuing this proposed rule to put into effect a final monograph for nonprescription, over-the-counter (OTC) sunscreen drug products. This proposed rule describes the conditions under which FDA proposes that OTC sunscreen monograph products are generally recognized as safe and effective (GRASE) and not misbranded. It is being published as part of the ongoing review of OTC drug products conducted by FDA. It is also being published to comply with the Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Sunscreen Innovation Act (SIA). **Submit either electronic or written comments. on the proposed rule by May 28, 2019. Electronic comments must be submitted on or before May 28, 2019. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 28, 2019. See section XII for proposed effective and compliance dates of a final rule based on this document.**

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## [Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection](#)

**Published** 2/28/2019

**Reference** SAE

This document proposes to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 305, "Electric-powered vehicles: Electrolyte spillage and electrical shock protection," to clarify the direct contact protection requirements that apply to high voltage connectors, and to explicitly permit the use of high voltage connectors that cannot be separated without the use of tools. The proposed changes to these requirements would harmonize FMVSS No. 305 with Global Technical Regulations (GTRs) No. 13 and No. 20, which explicitly permit such connectors. In addition, it would make three minor technical corrections to the standard. **Comments must be received on or before March 15, 2019.**

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