

## U.S. Federal Register Update: July 30 – August 3, 2018

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?*

### [Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Alaska Fisheries Science Center Fisheries Research](#)

**Published** 8/1/2018

**Reference** ANSI, ISO

NMFS's Office of Protected Resources (OPR) has received a request from NMFS's Alaska Fisheries Science Center (AFSC) for authorization to take marine mammals incidental to fisheries research conducted in multiple specified geographical regions, over the course of five years from the date of issuance. As required by the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take, and requests comments on the proposed regulations. 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. **Comments and information must be received no later than August 31, 2018.**

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### [FM Approvals LLC: Grant of Expansion of Recognition and Modification to the Nationally Recognized Testing Laboratory \(NRTL\) Program's List of Appropriate Test Standards](#)

**Published** 8/3/2018

**Reference** ANSI, UL

In this notice, OSHA announces its final decision to expand the scope of recognition for FM Approvals, LLC (FM), as a NRTL. In addition, OSHA announces the addition of four test standards to the NRTL Program's List of Appropriate Test Standards. **The expansion of the scope of recognition becomes applicable on August 3, 2018.**

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### [Energy Conservation Program: Data Collection and Comparison With Forecasted Unit Sales of Five Lamp Types](#)

**Published** 7/30/2018

**Reference** ANSI, NEMA

The U.S. Department of Energy (DOE) is informing the public of its collection of shipment data and creation of spreadsheet models to provide comparisons between 2016 and 2017 unit sales and benchmark estimate unit sales of five lamp types (i.e., rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601-3,300 lumen general service incandescent lamps, and shatter-resistant lamps). For 3-way incandescent lamps, 2,601-3,300 lumen general service incandescent lamps, and shatter-resistant lamps, the 2016 and 2017 sales are not greater than 200 percent of the forecasted estimates. The 2016 and 2017 unit sales for vibration service lamps are greater than 200 percent of the benchmark unit sales estimate. The 2016 unit sales for rough service lamps are greater than 200 percent of the benchmark unit sales estimate but the 2017 unit sales are below the benchmark unit sales estimate. DOE has prepared, and is making available on its website, a spreadsheet showing the comparisons of projected sales versus 2016 and 2017 sales, as well as the model used to generate the original sales estimates. The spreadsheet is available online at:

[https://www1.eere.energy.gov/buildings/appliance\\_standards/standards.aspx?productid=16](https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=16). **As of July 30, 2018, the DOE has determined that no regulatory action is necessary at this time.**

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### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys Off the Coast of Massachusetts](#)

**Published** 7/30/2018

**Reference** ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to high-resolution geophysical (HRG) survey investigations associated with marine site characterization activities off the coast of Massachusetts in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS-A 0500) and along cable routes to the coast of Massachusetts (the Study Area). **This Authorization is valid for one year from the date of issuance.**

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[Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Navy Pier Construction Activities at Naval Submarine Base New London](#)

**Published** 7/31/2018

**Reference** ANSI

Upon application from the U.S. Navy (Navy), NMFS is issuing regulations under the Marine Mammal Protection Act for the taking of marine mammals incidental to the pier construction activities conducted at the Naval Submarine Base New London in Groton, Connecticut, over the course of five years (2020-2025). These regulations allow NMFS to issue a Letter of Authorization (LOA) for the incidental take of marine mammals during the specified construction activities carried out during the rule's period of effectiveness, set forth the permissible methods of taking, set forth other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, and set forth requirements pertaining to the monitoring and reporting of the incidental take. **Effective March 1, 2020 through February 28, 2025.**

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[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Parallel Thimble Shoal Tunnel Project in Virginia Beach, Virginia](#)

**Published** 7/30/2018

**Reference** ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Chesapeake Tunnel Joint Venture (CTJV) to incidentally take, by Level A and/or Level B harassment, four species of marine mammals during the Parallel Thimble Shoal Tunnel Project (PTST) in Virginia Beach, Virginia. **This Authorization is effective from August 1, 2018, through July 31, 2019.**

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[Pipeline Safety: Class Location Change Requirements](#)

**Published** 7/31/2018

**Reference** ASME

PHMSA is seeking public comment on its existing class location requirements for natural gas transmission pipelines as they pertain to actions operators are required to take following class location changes due to population growth near the pipeline. Operators have suggested that performing integrity management measures on pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current requirements of either reducing pressure, pressure testing, or replacing pipe. This request for public comment continues a line of discussion from a Notice of Inquiry published in 2013 and a report to Congress in 2016 regarding whether expanding integrity management requirements would mitigate the need for class location requirements. **Persons interested in submitting written comments on this ANPRM must do so by October 1, 2018.**

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[Stainless Steel Flanges From the People's Republic of China: Antidumping Duty Order](#)

**Published** 8/1/2018

**Reference** ASME, ASTM

Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing an antidumping duty order on stainless steel flanges from the People's Republic of China (China). **Applicable August 1, 2018.**

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[Forged Steel Fittings From Taiwan: Final Determination of Sales at Less Than Fair Value](#)

**Published** 7/30/2018

**Reference** ASME, ASTM, ISO, SAE, UL

The Department of Commerce (Commerce) determines that imports of forged steel fittings from Taiwan are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2016, through September 30, 2017. The final margins of sales at LTFV are listed below in the "Final Determination" section of this notice. **Applicable July 30, 2018.**

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[Modernized Drawback](#)

**Published** 8/2/2018

**Reference** ASTM, SAE

This document proposes to amend U.S. Customs and Border Protection (CBP) regulations to implement changes to the drawback regulations as directed by the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA). These proposed

regulations establish a new process for drawback pursuant to TFTEA which liberalizes the merchandise substitution standard, simplifies recordkeeping requirements, extends and standardizes timelines for filing drawback claims, and requires the electronic filing of drawback claims. TFTEA allows a transition period wherein drawback claimants will have the choice between filing claims under the existing process detailed in the current regulations or filing claims under the proposed new process. This document explains how filings during the transition period will work, discusses the interim policy guidance procedures for filing claims prior to these regulations becoming final, and proposes to make TFTEA-related changes, dealing with bonds, regarding joint and several liability for the importer of the goods and the drawback claimant, and technical corrections and conforming changes to CBP regulations. This document also proposes to clarify the prohibition on the filing of a substitution drawback claim for internal revenue excise tax paid on imported merchandise in situations where no excise tax was paid upon the substituted merchandise; or the substituted merchandise is the subject of a different claim for refund or drawback of tax under any provision of the Internal Revenue Code. CBP is proposing these amendments regarding excise taxes to protect the revenue by clarifying the relationship between drawback claims and Federal excise tax liability. Further, CBP proposes to add a basic importation and entry bond condition to foster compliance. **Comments must be received on or before September 17, 2018.**

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

**Published** 8/2/2018

**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 12, 2017. **The accreditation and approval of Laboratory Service, Inc., as commercial gauger and laboratory became effective on June 12, 2017. The next triennial inspection date will be scheduled for June 2020.**

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#### **[TUV Rheinland of North America, Inc.: Applications for Expansion of Recognition](#)**

**Published** 7/30/2018

**Reference** NFPA, UL

In this notice, OSHA announces the applications of TUV Rheinland of North America, Inc., for expansion of its scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the applications. **Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before August 14, 2018.**

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