

## U.S. Federal Register Update: October 12 – October 16, 2015

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?*

### [Pipeline Safety: Safety of Hazardous Liquid Pipelines](#)

**Published** 10/13/2015

**Reference** ANSI, ASME

In recent years, there have been significant hazardous liquid pipeline accidents, most notably the 2010 crude oil spill near Marshall, Michigan, during which almost one million gallons of crude oil were spilled into the Kalamazoo River. In response to accident investigation findings, incident report data and trends, and stakeholder input, PHMSA published an Advance Notice of Proposed Rulemaking (ANPRM) in the Federal Register on October 18, 2010. The ANPRM solicited stakeholder and public input and comments on several aspects of hazardous liquid pipeline regulations being considered for revision or updating in order to address the lessons learned from the Marshall, Michigan accident and other pipeline safety issues. Subsequently, Congress enacted the Pipeline Safety, Regulatory Certainty, and Job Creation Act that included several provisions that are relevant to the regulation of hazardous liquid pipelines. Shortly after the Pipeline Safety, Regulatory Certainty, and Job Creation Act was passed, the National Transportation Safety Board (NTSB) issued its accident investigation report on the Marshall, Michigan accident. In it, NTSB made additional recommendations regarding the need to revise and update hazardous liquid pipeline regulations.

In response to these mandates, recommendations, lessons learned, and public input, PHMSA is proposing to make changes to the hazardous liquid pipeline safety regulations. PHMSA is proposing these changes to improve protection of the public, property, and the environment by closing regulatory gaps where appropriate, and ensuring that operators are increasing the detection and remediation of unsafe conditions, and mitigating the adverse effects of pipeline failures. **Persons interested in submitting written comments on this NPRM must do so by January 8, 2016. PHMSA will consider late filed comments so far as practicable.**

---

### [2015 Edition Health Information Technology \(Health IT\) Certification Criteria, 2015 Edition Base Electronic Health Record \(EHR\) Definition, and ONC Health IT Certification Program Modifications](#)

**Published** 10/16/2015

**Reference** ANSI, AAMI, ASTM, IEEE, IEC, ISO

This final rule finalizes a new edition of certification criteria (the 2015 Edition health IT certification criteria or "2015 Edition") and a new 2015 Edition Base Electronic Health Record (EHR) definition, while also modifying the ONC Health IT Certification Program to make it open and accessible to more types of health IT and health IT that supports various care and practice settings. The 2015 Edition establishes the capabilities and specifies the related standards and implementation specifications that Certified Electronic Health Record Technology (CEHRT) would need to include to, at a minimum, support the achievement of meaningful use by eligible professionals (EPs), eligible hospitals, and critical access hospitals (CAHs) under the Medicare and Medicaid EHR Incentive Programs (EHR Incentive Programs) when such edition is required for use under these programs. **These regulations are effective January 14, 2016, except for Sec. 170.523(m) and (n), which are effective on April 1, 2016.**

---

### [National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants](#)

**Published** 10/15/2015

**Reference** ASME, ASTM

This action finalizes the residual risk and technology review (RTR) conducted for the Primary Aluminum Production source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action regarding new and revised emission standards for various hazardous air pollutants (HAP) emitted by this source category based on the RTR, newly obtained emissions test data, and comments we received in response to the 2011 proposal and 2014 supplemental proposal.

These final amendments include technology-based standards and work practice standards reflecting performance of maximum achievable control technology (MACT), and related monitoring, reporting, and testing requirements, for several previously unregulated HAP from various emissions sources. Furthermore, based on our risk review, we are finalizing new

and revised emission standards for certain HAP emissions from potlines using the Soderberg technology to address risk. We are also adding a requirement for electronic reporting of compliance data, eliminating the exemptions for periods of startup, shutdown, and malfunctions (SSM), and not adopting the affirmative defense provisions proposed in 2011, consistent with a recent court decision vacating the affirmative defense provisions. This action will provide improved environmental protection regarding potential emissions of HAP emissions from primary aluminum reduction facilities. **This final action is effective on October 15, 2015. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of October 15, 2015.**

---

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

**Published** 10/13/2015

**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 September 15 to September 28, 2015. The last biweekly notice was published on September 29, 2015. **Comments must be filed by November 12, 2015. A request for a hearing must be filed by December 14, 2015.**

---

#### **[Amendment To Clarify When Component Part Testing Can Be Used and Which Textile Products Have Been Determined Not To Exceed the Allowable Lead Content Limits](#)**

**Published** 10/14/2015

**Reference** ASTM

The Consumer Product Safety Act ("CPSA") requires third party testing and certification of children's products that are subject to children's product safety rules. The Consumer Product Safety Commission ("Commission," or "CPSC") has previously issued regulations related to this requirement: A regulation that allows parties to test and certify component parts of products under certain circumstances; and a regulation determining that certain materials or products do not require lead content testing. The Commission is issuing a direct final rule clarifying when component part testing can be used and clarifying which textile products have been determined not to exceed the allowable lead content limits. **The rule is effective on December 14, 2015, unless we receive significant adverse comment by November 13, 2015. If we receive a timely significant adverse comment, we will publish notification in the Federal Register, withdrawing this direct final rule before its effective date.**

---

#### **[Final Primary Category Airworthiness Design Standards; AutoGyro USA, LLC \(AutoGyro\) Model Calidus Gyroplane](#)**

**Published** 10/15/2015

**Reference** ASTM

These airworthiness design standards are issued to AutoGyro for certification of the Model Calidus gyroplane under the regulations for primary category aircraft. **These airworthiness design standards are effective November 16, 2015.**

---

#### **[Sewage Treatment Technology-Type Approval of Marine Sanitation Devices](#)**

**Published** 10/16/2015

**Reference** ASTM

The Coast Guard will conduct a public workshop in Washington, DC to discuss sewage treatment technologies, issues concerning testing of marine sanitation devices for type approval, and issues concerning gray water. This workshop is intended to be an interactive exchange of information between policymakers, industry experts, and interested members of the public. **The workshop will be held on Tuesday and Wednesday, December 8 and 9, 2015 beginning at 9:30 a.m. and ending at 4 p.m., Eastern Time. This workshop is open to the public. Please note that the workshop has a limited number of seats and may close early if all business is finished. Contact the Coast Guard (see FOR FURTHER INFORMATION CONTACT) by December 4, 2015 to reserve seating. The comment period for the docket closes January 9, 2016.**

---

### [Prestressed Concrete Steel Wire Strand From the People's Republic of China: Continuation of the Antidumping and Countervailing Duty Orders](#)

**Published** 10/13/2015

**Reference** ASTM

The Department of Commerce (the "Department") and the International Trade Commission (the "ITC") have determined that revocation of the antidumping duty ("AD") and countervailing duty ("CVD") orders on prestressed concrete steel wire strand ("PC Strand") from the People's Republic of China ("PRC") would likely lead to a continuation or recurrence of dumping, net countervailable subsidies, and material injury to an industry in the United States. Therefore, the Department is publishing a notice of continuation of the antidumping and countervailing duty orders.

---

### [DoD Environmental Laboratory Accreditation Program \(ELAP\)](#)

**Published** 10/15/2015

**Reference** IEC, ISO

This proposed rule would establish policy, assign responsibilities, and provide procedures to be used by DoD personnel for the operation and management of the DoD ELAP. The DoD ELAP provides a unified DoD program through which commercial environmental laboratories can voluntarily demonstrate competency and document conformance to the international quality systems standards as they are implemented by DoD. **Comments must be received by December 14, 2015.**

---

### [Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Gas](#)

**Published** 10/13/2015

**Reference** IEC, ISO

This proposed rule would revise and replace Onshore Oil and Gas Order No. 5 (Order 5) with a new regulation that would be codified in the Code of Federal Regulations. This proposed rule would establish the minimum standards for accurate measurement and proper reporting of all gas removed or sold from Federal and Indian leases (except the Osage Tribe), units, unit participating areas, and areas subject to communitization agreements, by providing a system for production accountability by operators, lessees, purchasers, and transporters. This proposed rule would include requirements for the hardware and software related to approved metering equipment, overall measurement performance standards, and reporting and record keeping. The proposed rule would identify certain specific acts of noncompliance that would result in an immediate assessment and would provide a process for the BLM to consider variances from the requirements of this proposed rule. **Send your comments on this proposed rule to the BLM on or before December 14, 2015. The BLM is not obligated to consider any comments received after the above date in making its decision on the final rule.**

---

### [Agency Information Collection Activities; Proposed Collection; Comment Request; Recommended Recordkeeping for Cosmetic Good Manufacturing Practices](#)

**Published** 10/13/2015

**Reference** ISO

The Food and Drug Administration (FDA or we) is announcing an opportunity for public comment on our proposed collection of certain information. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies must publish a notice in the Federal Register concerning each proposed collection of information, including collections of information in current guidance documents, and allow 60 days for public comment. This notice invites comments on the recommended recordkeeping associated with our draft guidance entitled, "Draft Guidance for Industry: Cosmetic Good Manufacturing Practices." Our draft guidance remains unchanged by this notice. We are publishing this notice in compliance with the PRA. This notice does not represent any new regulatory initiative. **Submit either electronic or written comments on the collection of information by December 14, 2015.**

---

### [Ensuring Continuity of 911 Communications](#)

**Published** 10/16/2015

**Reference** NFPA

In this document the Federal Communications Commission (FCC or Commission) adopts rules to promote continued access to 911 during commercial power outages by requiring providers of facilities-based, fixed residential voice services, which are not line powered, to offer subscribers the option to purchase a backup solution capable of 8 hours of standby power, and within three years, an additional solution capable of 24 hours of standby power. The item also promotes consumer education and choice by requiring providers of covered services to disclose to subscribers the following information: availability of backup power sources; service limitations with and without backup power during a power outage; purchase

and replacement options; expected backup power duration;) proper usage and storage conditions for the backup power source; subscriber backup power self-testing and monitoring instructions; and backup power warranty details, if any.

---

**[SGS North America, Inc.: Application for Expansion of Recognition](#)**

**Published** 10/13/2015

**Reference** UL

In this notice, OSHA announces the application of SGS 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 application. Additionally, OSHA proposes incorporating one new test standard to the NRTL Program's list of appropriate test standards.

**Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before October 28, 2015.**

---