U.S. Federal Register Update: October 28 – November 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?

National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
Published 11/1/2019
Reference ANSI, ASME, ASTM
This action finalizes certain amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP): Clay Ceramics Manufacturing source category. The final amendments are being issued in response to a petition for reconsideration filed by an affected industry (Kohler Company) on the final rule promulgated on October 26, 2015, as well as our review of the 2015 rule with respect to certain other issues raised by Kohler. This action revises the temperature monitoring methodology used to demonstrate continuous compliance with the dioxin/furan (D/F) emissions limit of the final rule. In addition, we are addressing concerns raised by Kohler regarding visible emissions (VE) monitoring of tunnel kiln stacks for continuous compliance with particulate matter (PM) and mercury (Hg) emission limitations. This action also amends the requirements for weekly visual inspections of system ductwork and control device equipment for water curtain spray booths. Lastly, this action amends the NESHAP to include provisions for emissions averaging, makes technical corrections, and adds certain definitions. This final rule is effective on November 1, 2019.

Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements
Published 11/1/2019
Reference ANSI, ASABE
EPA is proposing changes to the Agricultural Worker Protection Standard (WPS) to simplify the application exclusion zone (AEZ) requirements. The proposed changes described in this document are the only changes EPA is currently planning to make to the WPS provisions that are now in effect. Comments must be received on or before January 30, 2020.

National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Surface Coating of Miscellaneous Metal Parts and Products; Surface Coating of Plastic Parts and Products; Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture Residual Risk and Technology Reviews
Published 11/1/2019
Reference ANSI, ASME, ASTM
The U.S. Environmental Protection Agency (EPA) is proposing amendments to address the results of the residual risk and technology reviews (RTR) that the EPA is required to conduct in accordance with the Clean Air Act (CAA) with regard to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for the Surface Coating of Automobiles and Light-Duty Trucks (ALDT), the NESHAP for the Surface Coating of Miscellaneous Metal Parts and Products (MMPP), and the NESHAP for the Surface Coating of Plastic Parts and Products (PPP). The EPA is proposing to find the risks due to emissions of air toxics from these source categories under the current standards are acceptable and the standards provide an ample margin of safety to protect public health. We are proposing no revisions to the numerical emission limits based on these analyses. The EPA is proposing to amend provisions addressing emissions during periods of startup, shutdown, and malfunction (SSM); to amend provisions regarding electronic reporting of performance test results; to amend provisions regarding monitoring requirements; and to make miscellaneous clarifying and technical corrections. This notice also proposes technical corrections to the NESHAP for Surface Coating of Large Appliances; NESHAP for Printing, Coating, and Dyeing of Fabrics and Other Textiles; and NESHAP for Surface Coating of Metal Furniture. Comments must be received on or before December 16, 2019. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before December 2, 2019.

Energy Labeling Rule
Published 10/30/2019
Reference ANSI, AHAM
The Commission amends the Energy Labeling Rule (“Rule”) to make the Rule easier to use by reorganizing several sections, amending language to increase clarity, eliminating several obsolete provisions, and making minor corrections. The amendments are effective on November 29, 2019.
New Hampshire: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference
Published 11/1/2019
Reference ASME, NFPA
Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Services Agency (EPA) is taking direct final action to approve revisions to the State of New Hampshire's Underground Storage Tank (UST) program submitted by the New Hampshire Department of Environmental Services (NH DES). This action also codifies EPA's approval of New Hampshire's State program and incorporates by reference those provisions of the State regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions. This rule is effective December 31, 2019, unless EPA receives adverse comment by December 2, 2019. If EPA receives adverse comments, it will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of December 31, 2019, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

Aluminum Wire and Cable From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value
Published 10/30/2019
Reference ASTM, UL
The Department of Commerce (Commerce) determines that aluminum wire and cable 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). Applicable October 30, 2019.

Aluminum Wire and Cable From the People's Republic of China: Final Affirmative Countervailing Duty Determination
Published 10/30/2019
Reference ASTM, UL
The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of aluminum wire and cable from the People's Republic of China (China). Applicable October 30, 2019.

Steel Concrete Reinforcing Bar From Mexico: Initiation of Anti-Circumvention Inquiry of Antidumping Duty Order
Published 10/30/2019
Reference ASTM
In response to a request from the Rebar Trade Action Coalition (RTAC), the Department of Commerce (Commerce) is initiating an anti-circumvention inquiry to determine whether otherwise straight rebar bent at one or both ends produced and/or exported to the United States by Deacero S.A.P.I de C.V. (Deacero) is circumventing the antidumping duty (AD) order on rebar from Mexico. Applicable October 30, 2019.

Published 10/28/2019
Reference ASTM
In September 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately $200 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated a product exclusion process in June 2019, and interested persons have submitted requests for the exclusion of specific products. This notice announces the U.S. Trade Representative's determination to grant certain exclusion requests, as specified in the annex to this notice. The product exclusions announced in this notice will apply as of the September 24, 2018, effective date of the $200 billion action, to August 7, 2020.

Request for Comments on FIPS 186-5 and SP 800-186
Published 10/31/2019
Reference IEEE
The National Institute of Standards and Technology (NIST) requests comments on Federal Information Processing Standard (FIPS) 186-5, Digital Signature Standard. FIPS 186-5 specifies four techniques for the generation and verification of digital signatures that can be used for the protection of data: The Rivest-Shamir Adelman Algorithm (RSA), the Digital Signature Algorithm (DSA), the Elliptic Curve Digital Signature Algorithm (ECDSA), and the Edwards curve Digital Signature Algorithm (EdDSA). Elliptic curves recommended for government use with ECDSA and EdDSA are specified in draft NIST Special Publication (SP) 800-186, Recommendations for Discrete-Logarithm Based Cryptography: Elliptic Curve Domain Parameters. We are also requesting comments on draft SP 800-186. Comments on FIPS 186-5 and SP 800-186 must be received on or before January 29, 2020.

Establishment of a Domestic Hemp Production Program
Published 10/31/2019
Reference ISO
This rule establishes a new part specifying the rules and regulations to produce hemp. This action is mandated by the Agriculture Improvement Act of 2018, which amended the Agricultural Marketing Act of 1946. This rule outlines provisions for the Department of Agriculture (USDA) to approve plans submitted by States and Indian Tribes for the domestic production of hemp. It also establishes a Federal plan for producers in States or territories of Indian Tribes that do not have their own USDA-approved plan. The program includes provisions for maintaining information on the land where hemp is produced, testing the levels of delta-9 tetrahydrocannabinol, disposing of plants not meeting necessary requirements, licensing requirements, and ensuring compliance with the requirements of the new part. This rule is effective October 31, 2019 through November 1, 2021.

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Require Confirmation of Cybersecurity Program
Published 10/30/2019
Reference ISO
Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b-4 thereunder, notice is hereby given that on October 15, 2019, National Securities Clearing Corporation (“NSCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Require Confirmation of Cybersecurity Program
Published 10/30/2019
Reference ISO
Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b-4 thereunder, notice is hereby given that on October 15, 2019, The Depository Trust Company (“DTC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change To Require Confirmation of Cybersecurity Program
Published 10/30/2019
Reference ISO
Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b-4 thereunder, notice is hereby given that on October 15, 2019, Fixed Income Clearing Corporation (“FICC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organizations; LCH SA; Notice of Filing of a Proposed Rule Change Relating to the Updated 2018 Version of the Recovery Plan
Published 10/29/2019
Reference ISO
Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder notice is hereby given that on October 8, 2019, Banque Centrale de Compensation, which conducts business under the name LCH SA ("LCH SA"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

TUV Rheinland of North America, Inc.: Application for Expansion of Recognition
Published 10/29/2019
Reference UL
In this notice, OSHA announces the application of TUV Rheinland of North America, Inc. (TUVRNA) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency’s preliminary finding to grant the application. Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before November 13, 2019.