

U.S. Federal Register Update: August 5 – August 9, 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?*

[Energy Conservation Program: Test Procedures for Water Closets and Urinals](#)

Published 8/5/2019

Reference ANSI, ASME

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 procedures for water closets and urinals. 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 concern water closets and urinals, specifically whether to conform the test procedures to American Society of Mechanical Engineers/American National Standards Institute ("ASME/ANSI") Standard A112.19.2-2018, "Ceramic plumbing fixtures," including updates to terms and definitions, figures, and tables. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI) 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 is reasonably designed to produce results that measure water use or efficiency during a representative average use cycle or period of use. **Written comments, data, and information are requested and will be accepted on or before September 4, 2019.**

[Energy Conservation Program: Decision and Order Granting a Waiver Store It Cold From the Department of Energy Walk-in Cooler Refrigeration System Test Procedure](#)

Published 8/9/2019

Reference ANSI, ASHRAE

The U.S. Department of Energy ("DOE") gives notice of a Decision and Order (Case Number 2018-002) that grants Store It Cold a waiver from specified portions of the DOE test procedure for determining the energy efficiency of specified walk-in refrigeration system models. Store It Cold is required to test and rate specified basic models of its walk-in cooler refrigeration system in accordance with the alternate test procedure specified. **The Decision and Order is effective on August 9, 2019. The Decision and Order will terminate upon the compliance date of any future amendment to the test procedure for walk-in cooler refrigeration systems located at 10 CFR part 431, subpart R, appendix C that addresses the issues presented in this waiver. At such time, Store It Cold must use the relevant test procedure for this equipment for any testing to demonstrate compliance with the applicable standards, and any other representations of energy use.**

[Energy Conservation Program: Test Procedures for Cooking Products](#)

Published 8/9/2019

Reference ANSI, AHAM, IEC, UL

On April 25, 2018, the U.S. Department of Energy (DOE) published a notification of petition from the Association of Home Appliance Manufacturers (AHAM) to withdraw, and immediately stay the effectiveness of, the conventional cooking top test procedure. Based on the review of public comments and data received in response to this petition, DOE proposes to withdraw the test procedure for conventional cooking tops established under the Energy Policy and Conservation Act (EPCA). DOE has tentatively determined that the conventional cooking top test procedure may not accurately represent consumer use for gas cooking tops, may not be repeatable or reproducible for both gas and electric cooking tops, and is overly burdensome to conduct. Written comments and information are requested on or before October 8, 2019. DOE will hold a public meeting on this proposed rule. The details for that public meeting will be provided in a subsequent notice published in the Federal Register.

[Energy Conservation Program: Petition for Waiver of LG Electronics USA, Inc. From the Department of Energy Portable Air Conditioner Test Procedure and Notice of Grant of Interim Waiver](#)

Published 8/9/2019

Reference ANSI, AHAM, ASHRAE

This document announces receipt of and publishes a petition for waiver from LG Electronics USA, Inc. (“LG”), which seeks an exemption from the U.S. Department of Energy (“DOE”) test procedure used for determining the efficiency of specified portable air conditioner basic models. LG seeks to use an alternate test procedure to address issues involved in testing the basic models identified in its petition. According to LG, the current DOE test procedure for single-duct portable air conditioners does not take into account the benefits of portable air conditioners that use variable-speed compressors (“variable-speed portable air conditioners”), due to their part-load performance characteristics, and misrepresents their actual energy consumption. LG requests use of an alternate test procedure, under which the test unit’s final combined energy efficiency ratio (“CEER”) metric would be calculated by multiplying the unit’s measured CEER value (as measured according to the existing procedure for a single-duct portable air conditioner) by a “performance adjustment factor.” The performance adjustment factor would reflect the performance improvement associated with avoiding cycling losses as a result of implementing a variable-speed compressor, when tested under the two rating conditions currently used for testing dual-duct portable air conditioners. DOE grants LG an interim waiver from DOE’s portable air conditioner test procedure for the basic models listed in the interim waiver, subject to use of the alternate test procedure as set forth in the Interim Waiver Order. DOE solicits comments, data, and information concerning LG’s petition and its suggested alternate test procedure to inform its final decision on LG’s waiver request. **Written comments and information are requested and will be accepted on or before September 9, 2019.**

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Sand Island Pile Dike System Test Piles Project Near the Mouth of the Columbia River](#)

Published 8/6/2019

Reference ANSI, ISO

NMFS has received a request from U.S. Army Corps of Engineers, Portland District (Corps) for authorization to take marine mammals incidental to the Sand Island Pile Dike System Test Piles project near the Mouth of the Columbia River. 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 September 5, 2019.**

[Energy Conservation Program: Energy Conservation Standards for Unfired Hot Water Storage Tanks](#)

Published 8/9/2019

Reference ASHRAE, ASTM

The U.S. Department of Energy (“DOE”) is initiating an effort to determine whether to amend the current uniform national standard for unfired hot water storage tanks (“UFWSTs”). Under the Energy Policy and Conservation Act of 1975, as amended, DOE must review this standard at least once every six years and publish either a notice of proposed rulemaking (“NOPR”) to propose an amended standard (or standards) for UFWSTs or a notice of determination that the existing standard does not need to be amended. This request for information (“RFI”) seeks to solicit information from the public to help DOE determine whether an amended standard for UFWSTs would result a significant energy savings and whether such a standard would be technologically feasible and economically justified. 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 September 23, 2019.**

[Carbon and Alloy Steel Threaded Rod From Thailand: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances](#)

Published 8/7/2019

Reference ASME, ASTM

The Department of Commerce (Commerce) preliminarily determines that carbon and alloy steel threaded rod (steel threaded rod) from Thailand is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination. **Applicable August 7, 2019.**

[Federal Reserve Actions To Support Interbank Settlement of Faster Payments](#)

Published 8/9/2019

Reference ISO

The Board of Governors of the Federal Reserve System (Board) has determined that the Federal Reserve Banks (Reserve Banks) should develop a new interbank 24x7x365 real-time gross settlement service with integrated clearing functionality to support faster payments in the United States. The new service would support depository institutions' provision of end-to-end faster payment services and would provide infrastructure to promote ubiquitous, safe, and efficient faster payments in the United States. In addition, the Federal Reserve intends to explore expanded hours for the Fedwire® Funds Service and the National Settlement Service, up to 24x7x365, to support a wide range of payment activities, including liquidity management in private-sector real-time gross settlement services for faster payments. Subject to the outcome of additional analysis of relevant operational, risk, and policy considerations, the Board will seek public comment separately on plans to expand hours for the Fedwire Funds Service and the National Settlement Service. **Comments on the proposed actions must be received on or before November 7, 2019.**

[Northern Natural Gas Company; Notice of Schedule for Environmental Review of The Bushton to Clifton A-Line Abandonment Project](#)

Published 8/5/2019

Reference ISO

On June 7, 2019, Northern Natural Gas Company (Northern) filed an application in Docket No. CP19-479 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(b) and 7(c) of the Natural Gas Act to abandon, construct, and operate certain natural gas pipeline facilities. The proposed project is known as the Bushton to Clifton A-line Abandonment Project (Project). The Project would consist of abandoning in-place segments of Northern's A-line and J-line facilities and constructing modifications at the existing Tescott Compressor Station. Due to the age of the pipeline, Northern has been operating segments of the A-line and J-line at reduced pressures to minimize safety risks, and the proposed abandonment will eliminate these safety concerns. The Project is located in Clay, Cloud, Ellsworth, Lincoln, Ottawa, and Rice Counties, Kansas.

On June 16, 2019, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

[Medicare Program: Proposed Changes to Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Price Transparency of Hospital Standard Charges; Proposed Revisions of Organ Procurement Organizations Conditions of Coverage; Proposed Prior Authorization Process and Requirements for Certain Covered Outpatient Department Services; Potential Changes to the Laboratory Date of Service Policy; Proposed Changes to Grandfathered Children's Hospitals-Within-Hospitals](#)

Published 8/9/2019

Reference NFPA

This proposed rule proposes revisions to the Medicare hospital outpatient prospective payment system (OPPS) and the Medicare ambulatory surgical center (ASC) payment system for CY 2020 based on our continuing experience with these systems. In this proposed rule, we describe the proposed changes to the amounts and factors used to determine the payment rates for Medicare services paid under the OPPS and those paid under the ASC payment system. In addition, this proposed rule would update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program. In addition, in this proposed rule, we are proposing to establish requirements for all hospitals in the United States for making hospital standard charges available to the public; establish a process and requirements for prior authorization for certain covered outpatient department services; revise the conditions for coverage of organ procurement organizations; and revise the regulations to allow grandfathered children's hospitals-within-hospitals to increase the number of beds without resulting in the loss of grandfathered status. We also solicit comments on potential revisions to the laboratory date of service policy under the Clinical Laboratory Fee Schedule. Finally, we solicit comments on an appropriate remedy in litigation involving our OPPS payment policy for 340B-acquired drugs, which would inform future rulemaking in the event of an adverse decision on appeal in that litigation. **To be assured consideration, comments on this proposed rule must be received at one of the addresses provided in the ADDRESSES section no later than 5 p.m. EST on September 27, 2019.**
