

## U.S. Federal Register Update: December 12 – 16, 2016

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 Cooking Products](#)

**Published** 12/16/2016

**Reference** ANSI, AHAM, IEC, UL

On August 22, 2016, the U.S. Department of Energy (DOE) issued a supplemental notice of proposed rulemaking to amend the test procedure for conventional cooking products. That proposed rulemaking serves as the basis for this final rule. Specifically, this final rule amends DOE's test procedure for conventional electric cooking tops to incorporate by reference the relevant sections from European standard EN 60350-2:2013 "Household electric cooking appliances Part 2: Hobs—Methods for measuring performance" (EN 60350-2:2013). This final rule also includes methods for testing non-circular electric surface units, electric surface units with flexible concentric cooking zones, and full-surface induction cooking tops based on EN 60350-2:2013. In addition, DOE extends the test methods in EN 60350-2:2013 to measure the energy consumption of gas cooking tops by correlating test equipment diameter to burner input rate, including input rates that exceed 14,000 British thermal units per hour. This final rule also includes methods to calculate annual energy consumption and integrated annual energy consumption for conventional cooking tops based on the water-heating test method and provides updates to the sampling plan requirements. The final rule includes minor technical clarifications to the gas heating value correction and other grammatical changes to the regulatory text in the cooking products test procedure that do not alter the substance of the existing test methods. This final rule also repeals the regulatory provisions establishing the test procedure for conventional ovens under the Energy Policy and Conservation Act. DOE has determined that the conventional oven test procedure does not accurately represent consumer use as it favors conventional ovens with low thermal mass and does not capture cooking performance-related benefits due to increased thermal mass of the oven cavity. **The effective date of this rule is January 17, 2017. The final rule changes will be mandatory for representations of energy or power consumption of cooking products on or after June 14, 2017. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of January 17, 2017.**

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### [Intertek Testing Services NA, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards](#)

**Published** 12/16/2016

**Reference** ANSI, NFPA, UL

In this notice, OSHA announces its final decision to expand the scope of recognition for Intertek Testing Services NA, Inc. as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on December 16, 2016.**

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### [Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles](#)

**Published** 12/14/2016

**Reference** ANSI, ASTM, ISO, SAE

To reduce the risk of pedestrian crashes, especially for the blind and visually-impaired, and to satisfy the mandate in the Pedestrian Safety Enhancement Act (PSEA) of 2010 this final rule establishes a new Federal motor vehicle safety standard (FMVSS) setting minimum sound requirements for hybrid and electric vehicles. This new standard requires hybrid and electric passenger cars, light trucks and vans (LTVs), and low speed vehicles (LSVs) to produce sounds meeting the requirements of this standard. This final rule applies to electric vehicles (EVs) and to those hybrid vehicles (HVs) that are capable of propulsion in any forward or reverse gear without the vehicle's internal combustion engine (ICE) operating. This standard will help to ensure that blind, visually impaired, and other pedestrians are able to detect and recognize nearby hybrid and electric vehicles, as required by the PSEA.

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### [Bay Area Compliance Laboratories Corp.: Application for Recognition](#)

**Published** 12/16/2016

**Reference** ANSI, UL

In this notice, OSHA announces the application of Bay Area Compliance Laboratories Corp. for recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant this recognition. **Submit**

comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before January 17, 2017.

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#### [Formaldehyde Emission Standards for Composite Wood Products](#)

**Published** 12/12/2016

**Reference** ANSI, ASTM, IEC, ISO

EPA is issuing a final rule to implement the Formaldehyde Standards for Composite Wood Products Act, which added Title VI to the Toxic Substances Control Act (TSCA). The purpose of TSCA Title VI is to reduce formaldehyde emissions from composite wood products, which will reduce exposures to formaldehyde and result in benefits from avoided adverse health effects. This final rule includes formaldehyde emission standards applicable to hardwood plywood, medium-density fiberboard, and particleboard, and finished goods containing these products, that are sold, supplied, offered for sale, or manufactured (including imported) in the United States. This final rule includes provisions relating to, among other things, laminated products, products made with no-added formaldehyde resins or ultra low-emitting formaldehyde resins, testing requirements, product labeling, chain of custody documentation and other recordkeeping requirements, enforcement, import certification, and product inventory sell-through provisions, including a product stockpiling prohibition. This final rule also establishes a third-party certification program for hardwood plywood, medium-density fiberboard, and particleboard and includes procedures for the accreditation of third-party certifiers and general requirements for accreditation bodies and third-party certifiers. **This final rule is effective February 10, 2017. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 10, 2017.**

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#### [Energy Conservation Program: Energy Conservation Standards for Residential Dishwashers](#)

**Published** 12/13/2016

**Reference** ANSI, AHAM, ASME

The Energy Policy and Conservation Act of 1975 (EPCA or the Act), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential dishwashers. EPCA also requires the U.S. Department of Energy (DOE) to periodically determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would save a significant amount of energy. In this final rule, DOE has determined that more stringent residential dishwasher standards would not be economically justified, and, thus, does not amend its energy conservation standards for residential dishwashers. DOE also eliminates an obsolete dishwasher test procedure that is no longer used to demonstrate compliance with the existing energy conservation standards. **This rule is effective January 12, 2017. The incorporation by reference of the standards listed in this rule was approved by the Director of the Federal Register on December 17, 2012.**

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#### [Certain Hardwood Plywood Products From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation](#)

**Published** 12/16/2016

**Reference** ANSI

On November 18, 2016, the Department of Commerce (the Department) received an antidumping duty (AD) petition concerning imports of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (PRC), filed in proper form on behalf of the Coalition for Fair Trade in Hardwood Plywood and its individual members (Petitioners).

On November 22, 2016, the Department requested additional information and clarification of certain areas of the Petition. Petitioners filed responses to these requests on November 29, 2016. On December 5, 2016, Far East America, Inc. (FEA), a U.S. importer of hardwood plywood, provided comments on domestic industry support for the Petitions and requested that the Department poll the domestic industry to determine industry support. We also received comments on industry support and a request to poll the domestic industry from Ashley Furniture Industries, Inc.; Heritage Home Group, Inc.; and Standard Furniture Manufacturing Company, U.S. producers of wooden and upholstered furniture and wooden furniture parts, on December 5, 2016. On December 6, 2016, Petitioners provided a response to FEA's comments on industry support and provided further clarification regarding the scope. On December 7, 2016, Petitioners provided a response to the Furniture Producers' Letter. On December 7, 2016, the Government of the PRC (GOC) provided comments on industry support and requested the Department poll the industry to determine industry support.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that imports of hardwood plywood from the PRC are being, or are likely to be, sold in the United States at less-than-fair value within the

meaning of section 731 of the Act, and that imports of hardwood plywood from the PRC are materially injuring, or threaten material injury to, the domestic industry producing hardwood plywood in the United States. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed this Petition on behalf of the domestic industry because Petitioners are an interested party as defined in section 771(9)(C) and (F) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigation that Petitioners are requesting. **Effective December 8, 2016.**

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### Certain Hardwood Plywood Products From the People's Republic of China: Initiation of Countervailing Duty Investigation

**Published** 12/16/2016

**Reference** ANSI

On November 18, 2016, the Department of Commerce (Department) received a countervailing duty (CVD) petition concerning imports of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (PRC), filed in proper form on behalf of the Coalition for Fair Trade in Hardwood Plywood and its individual members (Petitioners).

On November 22, 2016, the Department requested additional information and clarification of certain areas of the Petition. Petitioners filed responses to these requests on November 29, 2016. On December 5, 2016, Far East America, Inc. (FEA), a U.S. importer of hardwood plywood, provided comments on domestic industry support for the Petitions and requested that the Department poll the domestic industry to determine industry support. We also received comments on industry support and a request to poll the domestic industry from Ashley Furniture Industries, Inc.; Heritage Start Printed Page 91132Home Group, Inc.; and Standard Furniture Manufacturing Company, U.S. producers of wooden and upholstered furniture and wooden furniture parts, on December 5, 2016. On December 6, 2016, Petitioners provided a response to FEA's comments on industry support and provided further clarification regarding the scope. On December 7, 2016, Petitioners provided a response to the Furniture Producers' Letter. On December 7, 2016, the Government of the PRC provided comments on industry support and requested the Department poll the industry to determine industry support. In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that the Government of the PRC (GOC) is providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) with respect to imports of hardwood plywood from the PRC, and that imports of hardwood plywood from the PRC are materially injuring, or threaten material injury to, the domestic industry producing hardwood plywood in the United States. Also, consistent with section 702(b)(1) of the Act, for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed this Petition on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) and (F) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigation that Petitioners are requesting. **Effective December 8, 2016.**

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### Maritime Radio Equipment and Related Matters

**Published** 12/15/2016

**Reference** ANSI, IEC, ISO

In this document, the Federal Communications Commission (Commission or FCC) addresses a number of important issues regarding updating rules and requirements for technologies used to locate and rescue distressed ships and individuals in distress at sea or on land to provide better and more accurate data to rescue personnel. The Commission also addresses issues regarding radar equipment, the use of portable marine Very High Frequency (VHF) transmitters by persons on shore; permitting VHF digital small message service (VDSMS); and allowing assignment or transfer of control of ship station licenses. The Commission is amending its rules to permit the maritime community to make use of the most advanced and reliable communications technologies available for the alerting of search and rescue authorities when a vessel or individual is in distress, and to further the Commission's goal of ensuring that the spectrum allocated for emergency communications is used effectively and efficiently. **Effective January 17, 2017 except for the amendments to Sec. Sec. 80.233, 80.1061, 95.1402 and 95.1403 which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the Federal Register announcing the effective date for those amendments. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of January 17, 2017, except for the publications in Sec. Sec. 80.7 (amendatory**

instruction #7), 80.233, 80.1061, 95.1402 and 95.1403 which are in sections that contain information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the Federal Register announcing the approval date for the incorporation by reference of publications into those sections.

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#### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Port of Kalama Expansion Project on the Lower Columbia River](#)

**Published** 12/12/2016

**Reference** ANSI

In accordance with the Marine Mammal Protection Act (MMPA), notification is hereby given that NMFS has issued an IHA to the Port of Kalama (POK) for an IHA to take small numbers of marine mammals, by Level B harassment, incidental to in-water construction activities associated with the Port of Kalama Expansion Project. **Effective September 1, 2017, through August 31, 2018.**

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#### [Americans With Disabilities Act \(ADA\) Accessibility Guidelines for Transportation Vehicles](#)

**Published** 12/14/2016

**Reference** ANSI, ISO, SAE

The Architectural and Transportation Barriers Compliance Board (Access Board or Board) is issuing a final rule that revises its existing accessibility guidelines for non-rail vehicles—namely, buses, over-the-road buses, and vans—acquired or remanufactured by entities covered by the Americans with Disabilities Act. The revised guidelines ensure that such vehicles are readily accessible to, and usable by, individuals with disabilities. The U.S. Department of Transportation (DOT) is required to revise its accessibility standards for transportation vehicles acquired or remanufactured by entities covered by the Americans with Disabilities Act (ADA) to be consistent with the final rule. **The final rule is effective January 13, 2017. Compliance with the final rule is not required until DOT revises its accessibility standards for buses, over-the-road buses, and vans acquired or remanufactured by entities covered by the ADA to be consistent with the final rule.**

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

**Published** 12/16/2016

**Reference** ASTM

Notice is hereby given, pursuant to CBP regulations, that Intertek USA, 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 May 25, 2016.

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#### [Accreditation and Approval of Amspec Services, LLC, as a Commercial Gauger and Laboratory](#)

**Published** 12/15/2016

**Reference** ASTM

Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, 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 August 4, 2016.

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#### [Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018](#)

**Published** 12/12/2016

**Reference** ASTM

Under section 211 of the Clean Air Act, the Environmental Protection Agency (EPA) is required to set renewable fuel percentage standards every year. This action establishes the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to all motor vehicle gasoline and diesel produced or imported in the year 2017. Relying on statutory authority that is available when projected cellulosic biofuel production volumes are less than the applicable volume specified in the statute, the EPA is setting volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel that are below the statutory applicable volumes, but which are nevertheless significantly higher than past requirements. The final rule also establishes the four percentage standards applicable to obligated parties, namely producers and importers of gasoline and diesel, based on the corresponding volume requirements. The final standards are expected to continue driving the market to overcome constraints in renewable fuel distribution infrastructure, which in turn is expected to lead to substantial growth over time in the production and use of renewable fuels. In this action, we are also establishing the applicable volume of biomass-based diesel for 2018. **This final rule is effective on February 10, 2017.**

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[Proposed Information Collection; Comment Request; Building for Environmental and Economic Sustainability \(BEES\) Please](#)

**Published** 12/13/2016

**Reference** ASTM, ISO

The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. **Written comments must be submitted on or before February 13, 2017.**

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[Energy Conservation Program: Test Procedure for Uninterruptible Power Supplies](#)

**Published** 12/12/2016

**Reference** CSA, IEC, NEMA

The U.S. Department of Energy (DOE) is revising its battery charger test procedure established under the Energy Policy and Conservation Act of 1975, as amended. These revisions will add a discrete test procedure for uninterruptible power supplies (UPSs) to the current battery charger test procedure. **The effective date of this rule is January 11, 2017. The final rule changes will be mandatory for representations starting June 12, 2017. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register on January 11, 2017.**

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[Amendments to Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and To Issue Certifications To Provide for the User Fee Program](#)

**Published** 12/14/2016

**Reference** IEC, ISO

The Food and Drug Administration (FDA, the Agency, or we) is amending its regulations on accreditation of third-party certification bodies to conduct food safety audits and to issue certifications to provide for a reimbursement (user fee) program to assess fees for the work FDA performs to establish and administer the third-party certification program under the FDA Food Safety Modernization Act (FSMA). **This rule is effective January 13, 2017.**

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[NASA Federal Acquisition Regulation Supplement: Contractor Financial Reporting of Property \(2016-N024\)](#)

**Published** 12/16/2016

**Reference** ISO

NASA is issuing a final rule amending the NASA Federal Acquisition Regulation Supplement (NFS) to add a monthly reporting requirement for contractors having custody of \$10 million or more in NASA-owned Property, Plant and Equipment (PP&E). **Effective: January 17, 2017.**

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[Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems \(EFVS\) and to Pilot Compartment View Requirements for Vision Systems](#)

**Published** 12/13/2016

**Reference** SAE

Prior to this final rule, persons could only use an Enhanced Flight Vision System (EFVS) in lieu of natural vision to descend below the decision altitude, decision height, or minimum descent altitude (DA/DH or MDA) down to 100 feet above the touchdown zone elevation (TDZE) using certain straight-in landing instrument approach procedures (IAPs). This final rule permits operators to use an EFVS in lieu of natural vision to continue descending from 100 feet above the TDZE to the runway and to land on certain straight-in IAPs under instrument flight rules (IFR). This final rule also revises and relocates the regulations that permit operators to use an EFVS in lieu of natural vision to descend to 100 feet above the TDZE using certain straight-in IAPs. Additionally, this final rule addresses provisions that permit operators who conduct EFVS operations under parts 121, 125, or 135 to use EFVS-equipped aircraft to dispatch, release, or takeoff under IFR, and revises the regulations for those operators to initiate and continue an approach, when the destination airport weather is below authorized visibility minimums for the runway of intended landing. This final rule establishes pilot training and recent flight experience requirements for operators who use EFVS in lieu of natural vision to descend below the DA/DH or MDA. EFVS-equipped aircraft conducting operations to touchdown and rollout are required to meet additional airworthiness requirements. This final rule also revises pilot compartment view certification requirements for vision systems using a transparent display surface located in the pilot's outside field of view. The final rule takes advantage of advanced vision capabilities, thereby achieving the Next Generation Air Transportation System (NextGen) goals of increasing access,

efficiency, and throughput at many airports when low visibility is the limiting factor. Additionally, it enables EFVS operations in reduced visibilities on a greater number of approach procedure types while maintaining an equivalent level of safety. **The final rule is effective March 13, 2017, except for the amendments to Sec. Sec. 61.66 (amendatory instruction no. 15), 91.175 (amendatory instruction no. 18), 91.1039 (amendatory instruction no. 23), 121.651 (amendatory instruction no. 27), 125.325 (amendatory instruction no. 33), 125.381 (amendatory instruction no. 35), and 135.225 (amendatory instruction no. 38), which are effective March 13, 2018.**

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