

# Exhibit 176

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A106 / A106 M	2004b	Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service	49 C.F.R. § 192.7 (2010)	2011	<p>49 C.F.R. § 192.7, "What documents are incorporated by reference partly or wholly in this part?" (2010):</p> <p>(a) Any documents or portions thereof incorporated by reference in this part are included in this part as though set out in full. When only a portion of a document is referenced, the remainder is not incorporated in this part.</p> <p>(b) All incorporated materials are available for inspection in the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: <a href="http://www.archives.gov/federalregister/codofederalregulations/implocations.html">http://www.archives.gov/federalregister/codofederalregulations/implocations.html</a>. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, the incorporated materials are available from the respective organizations listed in paragraph (c) (1) of this section.</p> <p>...</p> <p>(c)(1) Incorporated by reference (IBR). List of Organizations and Addresses:</p> <p>...</p> <p>C. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428.</p> <p>...</p> <p>(c)(2) Documents incorporated by reference.</p> <p>...</p> <p>C. American Society for Testing and Materials (ASTM):</p> <p>...</p> <p>(2) ASTM A106/A106M-04b (2004) "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service."</p> <p>§§ 192.113; Item 1, Appendix B.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

<sup>1</sup> ASTM has only included Works listed in Appendix A that are the subject of the Parties' motions. ECF No. 198-2, ECF No. 202.

<sup>2</sup> Where the ASTM standard referenced in the quoted C.F.R. language differs from the version of the ASTM standard that PRO reproduced and displayed, ASTM has highlighted and bolded that language.

<sup>3</sup> PRO does not do any analysis of the cited federal regulations that would illuminate which, if any, portions of the standard PRO considers "necessary to comply with [a] legal duty." *ASTM II*, 896 F.3d at 450, nor does it address Plaintiffs' analysis of these regulations, *see* Dkt. 199-2 at ¶¶ 45-56, which is expressly incorporated herein. Indeed, it seems unlikely that PRO could meet this burden (which is presumably why it did not try).

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A184	1979	Standard Specification for Fabricated Deformed Steel Bar Mats for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 184-79 Fabricated Deformed Steel Bar Mats for Concrete Reinforcement; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A184-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A185	1979	Standard Specification for Welded Steel Wire Fabric for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 185-79 Welded Steel Wire Fabric for Concrete Reinforcement; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A185-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

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ASTM A203 / A203M	1997	Standard Specification for Pressure Vessel Plates, Alloy Steel, Nickel	46 C.F.R. § 54.01-1 (2010)	2013	<p>46 C.F.R. § 54.01-1, "Incorporation by Reference" (2010):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER, and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/thrllocations.html">http://www.archives.gov/federalregister/codofederalregulations/thrllocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...(2) ASTM A 203/A 203M-97, Standard Specification for Pressure Vessel Plates, Alloy Steel, Nickel ("ASTM A 203"), 54.05-20</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM A242	1979	Standard Specification for High-Strength Low-Alloy Structural Steel	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 242-79 High-Strength Low-Alloy Structural Steel; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A242-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

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ASTM A285	1978	Standard Specification for Pressure Vessel Plates, Carbon Steel, Low- and Intermediate-Tensile Strength	49 C.F.R. § 171.7 (2009)	2009	<p>49 C.F.R. § 171.7, "Reference Material" (2009):</p> <p>(a) Matter incorporated by reference—</p> <p>(1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.O 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: <a href="http://www.phmsa.dot.gov">http://www.phmsa.dot.gov</a>; and (ii) The National Archives and Records Administration to (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a> (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>...</p> <p>American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, <a href="http://www.astm.org">http://www.astm.org</a>: Noncurrent ASTM Standards are available from:</p> <p>Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>...</p> <p>ASTM A 285-78 Pressure Vessel Plates, Carbon Steel, Low- and Intermediate-Tensile Strength (179.300-7)</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM A307	1978e	Standard Specification for Carbon Steel Externally Threaded Standard Fasteners	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capital Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at Ile HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p><b>ASTM A 307-78</b> Carbon Steel Externally Threaded Standard Fasteners; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A307-78e. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM A325	1979	Standard Specification for High-Strength Bolts for Structural Steel Joints	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 325-79 High Strength Bolts for Structural Steel Joints; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A325-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A333/A333M	1994	Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St, SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(25) ASTM A 333/A 333M-94, Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service ("ASTM A-333" or "ASTM A 333"), 56.50-105; 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM A36	1977ae	Standard Specification for Structural Steel	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p><b>ASTM A 36-77a</b> Structural Steel; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A307-78e. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



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ASTM A36 / A36M	1997ae1	Standard Specification for Carbon Structural Steel	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St, SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(1) <b>ASTM A 36/A 36M-97a</b>, Standard Specification for Carbon Structural Steel ("ASTM A 36"), 56.30-10.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM A369 / A369M	1992	Standard Specification for Carbon and Ferritic Alloy Steel Forged and Bored Pipe for High-Temperature Service	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St, SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(32) ASTM A 369/A 369M-92, Standard Specification for Carbon and Ferritic Alloy Steel Forged and Bored Pipe for High-Temperature Service ("ASTM A 369"), 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A370	1977e2	Standard Methods and Definitions for Mechanical Testing of Steel Products	46 C.F.R. § 56.01-1 (1997)		<p>46 C.F.R. § 56.01-1, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Design and Engineering Standards (G—MSE), 2100 Second Street SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>American Society for Testing and Materials (ASTM) 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p><b>ASTM A-370, Mechanical Testing of Steel Products, 1977 54.25-20</b></p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, PRO's quoted language does not accurately reflect the text of 46 C.F.R. § 56.01-1 (1997), which does not IBR A370-77e2. See Wise Decl. II ¶ 6, Ex. 178.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM A441	1979	Standard Specification for High-Strength Low-Alloy Structural Manganese Vanadium Steel	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 441-79 High-Strength Low-Alloy Structural Manganese Vanadium Steel; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A441-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A449	1978a	Standard Specification for Quenched and Tempered Steel Bolts and Studs	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capital Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 449-78a Quenched and Tempered Steel Bolts and Studs; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A449-78a. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A475	1978 (1984) e1	Standard Specification for Zinc-Coated Steel Wire Strand	7 C.F.R. § 1755.370 (1999)		<p>7 C.F.R. § 1755.370 RUS specification for seven wire galvanized steel strand (1999):</p> <p>(a) RUS incorporates by reference <b>ASTM A475-78</b>, Standard Specification for Zinc-Coated Steel Wire Strand, issued May 1978. All seven wire galvanized steel strand purchased after April 1, 1990 for use on telecommunications systems financed by RUS loan funds must conform to this standard. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 on January 19, 1990). Copies of <b>ASTM A475-78</b> are available for inspection during normal business hours at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the Rural Utilities Service, Administrative Services Division, room 0175-5, U.S. Department of Agriculture, Washington, DC 20250, telephone 202-382-9551.</p> <p>Copies are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, telephone 215-299-5400.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A490	1979	Standard Specification for Quenched and Tempered Alloy Steel Bolts for Structural Steel Joints	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 490-79 Quenched and Tempered Alloy Steel Bolts for Structural Steel Joints; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A490-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A496	1978	Standard Specification for Deformed Steel Wire for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 496-78 Deformed Steel Wire for Concrete Reinforcement; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A496-78. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A497	1979	Standard Specification for Welded Deformed Steel Wire Fabric for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 497-79 Welded Deformed Steel Wire, Fabric for Concrete Reinforcement; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A497-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM 500	1978	Standard Specification for Cold-Formed Welded and Seamless Carbon Steel Structural Tubing in Rounds and Shapes	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 500-78 Cold-Formed Welded and Seamless Carbon Steel Structural Tubing in Rounds and Shapes; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A500-78. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A501	1976	Standard Specification for Hot-Formed Welded and Seamless Carbon Steel Structural Tubing	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 501-76 Hot-Formed Welded and Seamless Carbon Steel Structural Tubing; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A501-76. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A502	1976	Standard Specification for Steel Structural Rivets	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 502-76 Steel Structural Rivets; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A502-76. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A514	1977	Standard Specification for High-Yield Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 514-77 High-Yield Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A514-77. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A522M	1995b	Standard Specification for Forged or Rolled 8 and 9 % Nickel Alloy Steel Flanges, Fittings, Valves, and Parts for Low-Temperature Service	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St, SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(c) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(38) ASTM A 522/A 522M-95b, Standard Specification for Forged or Rolled 8 and 9% Nickel Alloy Steel Flanges, Fittings, Valves, and Parts for Low-Temperature Service ("ASTM A-522"), 56.50-105.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A539	1990a	Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines	24 C.F.R. § 3280.4 (2004)	2007	<p>24 C.F.R. § 3280.4, "Incorporation by Reference" (2004):</p> <p>a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.</p> <p>(b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW room B-133 Washington, DC 20410.</p> <p>ASTM—AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103</p> <p>...</p> <p>3280.703, 'Minimum Standards':</p> <p>Heating, cooling and fuel burning appliances and systems in manufactured homes shall be free of defects, and shall conform to applicable standards in the following table unless otherwise specified in this standard. (See § 3280.4) When more than one standard is referenced, compliance with any one such standard shall meet the requirements of this standard.</p> <p>STANDARD SPECIFICATION FOR ELECTRIC-RESISTANCE-WELDED COILED STEEL TUBING FOR GAS AND FUEL OIL LINES—*ASTM A539-90A.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



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ASTM A570	1979	Standard Specification for Hot-Rolled Carbon Steel Sheet and Strip, Structural Quality	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 570-79 Hot-Rolled Carbon Steel Sheet and Strip, Structural Quality; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A570-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A572	1979	Standard Specification for High-Strength Low-Alloy Columbium-Vanadium Steels of Structural Quality	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 572-79 High-Strength Low-Alloy Columbium-Vanadium Steels of Structural Quality; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A572-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A588	1979a	Standard Specification for High-Strength Low-Alloy Structural Steel with 50,000 psi Minimum Yield Point to 4 in. Thick	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 588-79a High-Strength Low-Alloy Structural Steel with 50,000 PSI Minimum Yield Point to 4 in. Thick; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A588-79a. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A611	1972 (1979)	Standard Specification for Steel, Cold-Rolled Sheet, Carbon, Structural	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555 13</p> <p>...</p> <p><b>ASTM A 611-72</b> Steel, Cold-Rolled Sheet, Carbon, Structural; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A611-72 (1979). This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A615	1979	Standard Specification for Deformed and Plain Billet-Steel Bars for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be diluted for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 615-79 Deformed and Plain Billet-Steel Bars for Concrete Reinforcement Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A615-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM A616	1979	Standard Specification for Rail-Steel Deformed and Plain Bars for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 616-79 Rail-Steel Deformed and Plain Bars for Concrete Reinforcement; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A616-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A617	1979	Standard Specification for Axle-Steel Deformed and Plain Bars for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at to HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 617-79 Axle-Steel Deformed and Plain Bars for Concrete Reinforcement; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A617-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A633	1979a	Standard Specification for Normalized High-Strength Low Alloy Structural Steel	49 C.F.R. § 171.7 (2009)		<p>49 C.F.R. § 171.7, "Reference Material" (2009):</p> <p>(a) Matter incorporated by reference—</p> <p>(1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: <a href="http://www.phmsa.dot.gov">http://www.phmsa.dot.gov</a>; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofederalregulations/ibr/locations.html">http://www.archives.gov/federalregister/codofederalregulations/ibr/locations.html</a> (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>...</p> <p>American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, <a href="http://www.astm.org">http://www.astm.org</a>; Noncurrent ASTM Standards are available from Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>...</p> <p>ASTM A 633-79a Standard Specification for Normalized High-Strength Low-Alloy Structural Steel, 1979 Edition (178.338-2)</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM A82	1979	Standard Specification for Cold-Drawn Steel Wire for Concrete Reinforcement	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at</p> <p>HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM A 82-79 Cold-Drawn Steel Wire for Concrete Reinforcement; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to A82-79. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM B111	1995	Standard Specification for Copper and Copper-Alloy Seamless Condenser Tubes and Ferrule Stock	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibr/locations.html">http://www.archives.gov/federalregister/codofederalregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St, SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(52) ASTM B 111-95, Standard Specification for Copper and Copper-Alloy Seamless Condenser Tubes and Ferrule Stock ("ASTM B 111"), 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B122 / B122M	1995	Standard Specification for Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip and Rolled Bar	46 C.F.R. § 58.03-1 (2011)		<p>46 C.F.R. § 58.03-1, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. This material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(g) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(3) ASTM B 122/B 122M-95, Standard Specification for Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip, and Rolled Bar ("ASTM B 122"), 58.50-5.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM B124	1996	Standard Specification for Copper and Copper-Alloy Forging Rod, Bar, and Shapes	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St, SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(53) ASTM B 124-96, Standard Specification for Copper and Copper Alloy Forging Rod, Bar, and Shapes ("ASTM B 124"), 56.60-2.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B16	1992	Standard Specification for Free-Cutting Brass Rod, Bar and Shapes for Use in Screw Machines	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St, SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(42) ASTM B 16-92, Standard Specification for Free-Cutting Brass Rod, Bar, and Shapes for Use in Screw Machines ("ASTM B 16"), 56.60-2.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM B209	1996	Standard Specification for Aluminum and Aluminum Alloy Sheet and Plate	46 C.F.R. § 58.03-1 (2011)		<p>46 C.F.R. § 58.03-1, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. This material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(g) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(6) ASTM B 209-96, Standard Specification for Aluminum and Aluminum-Alloy Sheet and Plate ("ASTM B 209"), 58.50-5; 58.50-10.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B21	1996	Standard Specification for Naval Brass Rod, Bar, and Shapes	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER, and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codofregulations/ibr/locations.html</a>. This material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(43) ASTM B 21-96, Standard Specification for Naval Brass Rod, Bar, and Shapes ("ASTM B 21"), 56.60-2.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM B21	1983b	Standard Specification for Naval Brass Rod, Bar, and Shapes	46 C.F.R. § 56.01-2 (1996-2008)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1999):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition of the Standard Specification other than the one listed in paragraph (b) of this section, notice of the change must be published in the Federal Register and the material made available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and is available from the sources indicated in paragraph (b).</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>...</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)  ASTM INTERNATIONAL HEADQUARTERS, 100 BARR HARBOR DRIVE, WEST CONSHOCKEN, PA 19428-2959</p> <p>...</p> <p>ASTM B 21-83B NAVAL BRASS ROD, BAR, AND SHAPES..56.60-2</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B224	1980e 1	Standard Classification of Coppers	7 C.F.R. § 1755.390 (2010)		<p>7 C.F.R. § 1755.390, "RUS Specification for Filled Telephone Cables" (2010):</p> <p>(a) Scope. (1) This section covers the requirements for filled telephone cables intended for direct burial installation either by trenching or by direct plowing, for underground application by placement in a duct, or for aerial installations by attachment to a support strand.</p> <p>...</p> <p>(7) American Society for Testing and Materials specification (ASTM) A505-87, Standard Specification for Steel, Sheet and Strip, Alloy, Hot-Rolled and Cold-Rolled, General Requirements For; ASTM B 193-87, Standard Test Method for Resistivity of Electrical Conductor Materials; <b>ASTM B 224-80</b>, Standard Classification of Coppers; ASTM B 694-86, Standard Specification for Copper, Copper Alloy, and Copper-Clad Stainless Steel Sheet and Strip for Electrical Cable Shielding; ASTM D 4565-90a, Standard Test Methods for Physical and Environmental Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable; and ASTM D 4566-90, Standard Test Methods for Electrical Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable referenced in this section are incorporated by reference by RUS. These incorporations by references were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845, U.S. Department of Agriculture, Washington, DC 20250, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html</a>. Copies are available from ASTM, 1916 Race Street, Philadelphia, PA 19103-1187, telephone number (215) 299-5585.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B283	1996	Standard Specification for Copper and Copper-Alloy Die Forgings (Hot-Pressed)	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(63) ASTM B 283-96, Standard Specification for Copper and Copper-Alloy Die Forgings (Hot-Pressed) ("ASTM B 283"), 56.60-2.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM B315	1993	Standard Specification for Seamless Copper Alloy Pipe and Tube	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(64) ASTM B 315-93, Standard Specification for Seamless Copper Alloy Pipe and Tube ("ASTM B 315"), 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B42	1996	Standard Specification for Seamless Copper Pipe, Standard Sims	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(45) ASTM B 42-96, Standard Specification for Seamless Copper Pipe, Standard Sizes ("ASTM B 42"), 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B557	1984	Standard Methods of Tension Testing Wrought and Cast Aluminum and Magnesium-Alloy Products	49 C.F.R. § 1713 (2009)		<p>49 C.F.R. § 171.7, "Reference Material" (2009):</p> <p>(a) Matter incorporated by reference—</p> <p>(1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: <a href="http://www.phmsa.dot.gov">http://www.phmsa.dot.gov</a>; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than §171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>...</p> <p>American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, <a href="http://www.astm.org">http://www.astm.org</a>: Noncurrent ASTM Standards are available from Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>...</p> <p>ASTM B 557-84 Tension Testing Wrought and Cast Aluminum and Magnesium-Alloy Products (178.46)</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B580	1979	Standard Specification for Anodized Oxide Coatings on Aluminum	49 C.F.R. § 171.7 (2009)		<p>50 C.F.R. § 171.7, "Reference Material" (2009):</p> <p>(a) Matter incorporated by reference—</p> <p>(1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: <a href="http://www.phmsa.dot.gov">http://www.phmsa.dot.gov</a>; and (ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. (3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than §171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>...</p> <p>American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, <a href="http://www.astm.org">http://www.astm.org</a>: Noncurrent ASTM Standards are available from Engineering Societies Library, 354 East 47th Street, New York, NY 10017</p> <p>...</p> <p>ASTM B 580-79 Standard Specification for Anodic Oxide Coatings on Aluminum, (Re-approved 2000) (173.316, 173.318, 178.338-17)</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B68	1995	Standard Specification for Seamless Copper Tube, Bright Annealed	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(47) ASTM B 68-95, Standard Specification for Seamless Copper Tube, Bright Annealed ("ASTM B 68"), 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B694	1986	Standard Specification for Copper, Copper Alloy, and Copper-Clad Stainless Steel Sheet and Strip for Electrical Cable Shielding	7 C.F.R. § 1755.390 (2010)		<p>7 C.F.R. § 1755.390, "RUS Specification for Filled Telephone Cables" (2010):</p> <p>(a) Scope. (1) This section covers the requirements for filled telephone cables intended for direct burial installation either by trenching or by direct plowing, for underground application by placement in a duct, or for aerial installations by attachment to a support strand.</p> <p>...</p> <p>(7) American Society for Testing and Materials specifications (ASTM) A505-87, Standard Specification for Steel, Sheet and Strip, Alloy, Hot-Rolled and Cold-Rolled, General Requirements For, ASTM B 193-87, Standard Test Method for Resistivity of Electrical Conductor Materials; ASTM B 224-80, Standard Classification of Coppers; ASTM B 694-86, Standard Specification for Copper, Copper Alloy, and Copper-Clad Stainless Steel Sheet and Strip for Electrical Cable Shielding; ASTM D 4565-90a, Standard Test Methods for Physical and Environmental Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable; and ASTM D 4566-90, Standard Test Methods for Electrical Performance Properties of Insulations and Jackets for Telecommunications Wire and Cable referenced in this section are incorporated by reference by RUS. These incorporations by references were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845, U.S. Department of Agriculture, Washington, DC 20250, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html</a>. Copies are available from ASTM, 1916 Race Street, Philadelphia, PA 19103-1187, telephone number (215) 299-5585.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B75	1997	Standard Specification for Seamless Copper Tube	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER, and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(48) ASTM B 75-97, Standard Specification for Seamless Copper Tube ("ASTM B 75"), 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM B85	1984	Standard Specification for Aluminum-Alloy Die Castings	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM B 85-84 Aluminum-Alloy Die Castings. 56.60-2.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM B88	1996	Standard Specification for Seamless Copper Water Tube	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(50) ASTM B 88-96, Standard Specification for Seamless Copper Water Tube ("ASTM B 88"), 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM B96	1993	Standard Specification for Copper-Silicon Alloy Plate, Sheet Strip, and Rolled Bar for General Purposes and Pressure Vessels	46 C.F.R. § 56.01-2 (2011)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>(e) ASTM International (formerly American Society for Testing and Materials) (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>(51) ASTM B 96-93, Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels ("ASTM B 96"), 56.60-2.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C150	1999a	Standard Specification for Portland Cement	30 C.F.R. § 250.198 (2007)	2010	<p>30 C.F.R. § 250.901, "Documents Incorporated by Reference" (2007):</p> <p>(a) MMS is incorporating by reference the documents listed in the table in paragraph (e) of this section. The Director of the Federal Register has approved this incorporation by reference according to 5 U.S.C. 552(a) and 1 CFR part 51.1--1</p> <p>...</p> <p>(d) You may inspect these documents at the Minerals Management Service, 381 Elden Street, Room 3313, Herndon, Virginia; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. You may obtain the documents from the publishing organizations at the addresses given in the following table:</p> <p>...</p> <p>(5) ASTM Standards..... American Society for Testing and Materials, 100 Bar Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM Standard C 150-99</b>, Standard Specification for Portland Cement..... § 250.901(a)(13).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C177	1997	Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded Hot-Plate Apparatus	10 C.F.R. § 431.105 (2010)	2013	<p>10 C.F.R. § 431.105, "Materials Incorporated by Reference" (2010):</p> <p>(a) The Department incorporates by reference the following test procedures into Subpart G of Part 431. The Director of the Federal Register has approved the material listed in paragraph (b) of this section for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Any subsequent amendment to this material by the standard-setting organization will not affect the Department test procedures unless and until the Department amends its test procedures. The Department incorporates the material as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER.</p> <p>...</p> <p>(c) Availability of references—(1) Inspection of test procedures. The test procedures incorporated by reference are available for inspection at: (i) National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>.</p> <p>...</p> <p>(2) Obtaining copies of Standards. Anyone can purchase a copy of the standard incorporated by reference from Global Engineering Documents, 15 Inverness Way West, Englewood, CO 80112, or <a href="http://global.ihs.com/">http://global.ihs.com/</a>, or <a href="http://webstore.ansi.org/ansidocstore/">http://webstore.ansi.org/ansidocstore/</a>.</p> <p>...</p> <p>(d) Reference standards—(1) General. The standards listed in this paragraph are referred to in the Department test procedures in this subpart, but they are not incorporated by reference. These sources are given here for information and guidance.</p> <p>...</p> <p>(ii) ASTM Standard Test Method C177-97, "Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus."</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C236	1989(1993) e 1	Standard Test Method for Steady-State Thermal Performance of Building Assemblies by Means of a Goaded Hot Box	10 C.F.R. § 434.701 (2012)		<p>10 C.F.R. § 434.701, "General" (2012):</p> <p>701.1 General. The standards, technical handbooks, papers, regulations, and portions thereof, that are referred to in the sections and subsections in the following list are hereby incorporated by reference into this part 434. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR part 51. A notice of any change in these materials will be published in the FEDERAL REGISTER. The standards incorporated by reference are available for inspection at the U.S. Department of Energy, Office of Energy Efficiency, Hearings and Dockets, Forrestal Building 1000 Independence Avenue SW, Washington, DC 20585, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. The standards may be purchased at the addresses listed at the end of each standard. The following standards are incorporated by reference in this part:</p> <p>...</p> <p>RS-7... <b>ASTM C 236-89 (Reapproved 1993)</b>, Test Method for Steady-State Thermal Performance of Building Assemblies by Means of a Guarded Hot Box, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. 434.402.1.1; 434.402.1.2.1; 434.402.1.2.2.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM C330	1999	Standard Specification for Lightweight Structural Concrete	30 C.F.R. § 250.198 (2007)	2010	<p>30 C.F.R. § 250.901, "Documents Incorporated by Reference" (2007):</p> <p>(a) MMS is incorporating by reference the documents listed in the table in paragraph (e) of this section. The Director of the Federal Register has approved this incorporation by reference according to 5 U.S.C. 552(a) and 1 CFR part 51.</p> <p>...</p> <p>(d) You may inspect these documents at the Minerals Management Service, 381 Elden Street, Room 3313, Herndon, Virginia; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html</a>. You may obtain the documents from the publishing organizations at the addresses given in the following table:</p> <p>...</p> <p>(5) ASTM Standards American Society for Testing and Materials, 100 Bar Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM Standard C 330-99, Standard Specification for Lightweight Aggregates for Structural Concrete...§250.901(a)(14).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C5	1979 (1997)	Standard Specification for Quicklime for Structural Purposes	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p><b>ASTM C 5-79</b> Quicklime for Structural Purposes; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to C5-79 (1997). This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C509	1984	Standard Specification for Cellular Elastomeric Preformed Gasket and Sealing Material	10 C.F.R. § 440, Appendix A (2010)		<p>10 C.F.R. § 440, Appendix A, "Standards for Weatherization Materials)" (2010): The following standards which are not otherwise set forth in part 440 are incorporated by reference and made a part of part 440. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on April 5, 1993 and a notice of any change in these materials will be published in the FEDERAL REGISTER. The standards incorporated by reference are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The standards incorporated by reference in part 440 can be obtained from the following sources:</p> <p>...</p> <p>American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103; (215) 299-5400</p> <p>...</p> <p>Caulks and Sealants: Preformed gaskets and sealing materials ... ASTM C509-84</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C516	1980 (1996) e1	Standard Specification for Vermiculite Loose Fill Thermal Insulation	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p><b>ASTM C 516-80</b> Standard Specification for Vermiculite Loose Fill Thermal Insulation (Reapproved 1985); Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to C1516-80 (1996)e1. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C518	1991	Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus	10 C.F.R. § 431.105 (2010)	2013	<p>10 C.F.R. § 431.105, "Materials Incorporated by Reference" (2010):</p> <p>(a) The Department incorporates by reference the following test procedures into Subpart G of Part 431. The Director of the Federal Register has approved the material listed in paragraph (b) of this section for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Any subsequent amendment to this material by the standard-setting organization will not affect the Department test procedures unless and until the Department amends its test procedures. The Department incorporates the material as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER.</p> <p>...</p> <p>(c) Availability of references—(1) Inspection of test procedures. The test procedures incorporated by reference are available for inspection at: (i) National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>.</p> <p>...</p> <p>(2) Obtaining copies of Standards. Anyone can purchase a copy of the standard incorporated by reference from Global Engineering Documents, 15 Inverness Way West, Englewood, CO 80112, or <a href="http://global.ihc.com/">http://global.ihc.com/</a>, or <a href="http://webstore.ansi.org/ansidocstore/">http://webstore.ansi.org/ansidocstore/</a>.</p> <p>...</p> <p>(d) Reference standards—(1) General. The standards listed in this paragraph are referred to in the Department test procedures in this subpart, but they are not incorporated by reference. These sources are given here for information and guidance.</p> <p>...</p> <p>(2) List of References. (i) ASTM Standard Test Method C518-91, "Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C549	<b>1981 (1995) e1</b>	Standard Specification for Perlite Loose Fill Insulation	24 C.F.R. § 200, Appendix A (2010)		<p>24 C.F.R. § 200, APPENDIX A TO PART 200—STANDARDS INCORPORATED BY REFERENCE IN THE MINIMUM PROPERTY STANDARDS FOR HOUSING (HUD HANDBOOK 4910.1) (2010):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, Telephone (215) 299-5400</p> <p>...</p> <p><b>ASTM C 549-81 Standard Specification for Perlite Loose Fill Insulation (Reapproved 1986)</b></p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM C564	1970 (1982)	Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office.</p> <p>Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p><b>ASTM C 564-70 (R 76)</b> Rubber Gaskets for Cast Iron Soil Pipe and Fittings; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to C564-70 (1982). This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1217	1993 (1998)	Standard Test Method for Density and Relative Density (Specific Gravity) of Liquids by Bingham Pycnometer	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Those materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(7) <b>ASTM D1217-993 (Reapproved 1998)</b>, Standard Test Method for Density and Relative Density (Specific Gravity) of Liquids by Bingham Pycnometer, for appendix D of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

ASTM D1246	1995 (1999)	Standard Test Method for Bromide Ion in Water	40 C.F.R. § 136.3(a) Table IB (2003)	<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003): -0-.</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-1000. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B135, Washington, DC (Telephone: 202-566-2426); or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>...</p> <p>(b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be co verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>...</p> <p>Table IB: 11. Bromide, mg/L: Titrimetric .....<b>ASTM D1246-95(C)</b>.....</p> <p>...</p> <p>10) Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
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No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1253	1986 (1996)	Standard Test Method for Residual Chlorine in Water	40 C.F.R. § 141.131(a)(2) (2006-2008)		<p>40 C.F.R. § 141.131(a)(2) (2008):</p> <p>The following documents are incorporated by reference. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at EPA's Drinking Water Docket, 1301 Constitution Avenue, NW., EPA West, Room B102, Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. . . . ASTM Methods D 1253-86 and D 1253-86 (Reapproved 1996) shall be followed in accordance with the Annual Book of ASTM Standards, Volume 11.01, American Society for Testing and Materials International, 1996 or any ASTM edition containing the IBR-approved version of the method may be used.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D1266	1998	Standard Test Method for Sulfur in Petroleum Products (Lamp Methods)	40 C.F.R. § 1065.1010 (2005)	2006	<p>40 C.F.R. § 1065.1010 "Reference materials." (2005):</p> <p>We have incorporated by reference the documents listed in this section. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>.</p> <p>(a) ASTM material. Table 1 of § 1065.1010 lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name Ail material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428. Table 1 follows:</p> <p>TABLE 1 OF § 1065.1010—ASTM MATERIALS</p> <p>ASTM D 1266-98, Standard Test Method for Sulfur in Petroleum Products (Lamp Method)..... 1065.210</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D129	1995	Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)	42 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011):</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(8) ASTM D129-64, 78, 95, 00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for §§ 60.106(j)(2), 60.335(b)(10)(i), and appendix A: Method 19, 12.5.2.2.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D1298	1999	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method	40 C.F.R. § 600.011 (2013)	2014	<p>40 C.F.R. § 600.011, "Incorporation by reference" (2013):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Environmental Protection Agency must publish a notice of the change in the Federal Register and the material must be available to the public. All approved material is available for inspection at U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460, (202) 202-1744, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a> and is available from the sources listed below:</p> <p>(b) American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428-2959, (610) 832-9585, <a href="http://www.astrag.org/">http://www.astrag.org/</a>.</p> <p>(2) <b>ASTM D 1298-99 (Reapproved 2005)</b> Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method, approved November 1, 2005, IBR approved for §§ 600.113-08(f) and (g), 600.113-12(f) and (g), 600.510-08(g), and 600.510-12(g).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



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ASTM D1335	1967 (1972)	Standard Method of Test for Tuft Bind of Pile Floor Coverings	24 C.F.R. § 200.942 (2015)		<p>24 C.F.R. § 200.942, "Supplementary specific procedural requirements under HUD building product standards and certification program for carpet and carpet with attached cushion" (2015):</p> <p>(a) Applicable standards.</p> <p>(v) ASTM D1335-67 (Reapproved 1972)—Standard Test Method for Tuft Bind of Pile Floor Coverings;</p> <p>...</p> <p>(2) These standards have been approved by the Director of the Federal Register for incorporation by reference. They are available from the...</p> <p>(ii) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D1412	1993 (1997)	Standard Test Method for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 Degrees Celsius	30 C.F.R. § 870.18		<p>30 C.F.R. § 870.18, "General rules for calculating excess moisture" (1999):</p> <p>(c) The following definitions are applicable to §§ 870.19 and 870.20. ASTM standards D4596-93, Standard Practice for Collection of Channel Samples of Coal in a Mine; D5192-91, Standard Practice for Collection of Coal Samples from Core; and, <b>D1412-93</b>, Standard Test Method for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 °C are incorporated by reference as published in the 1994 Annual Book of ASTM Standards, Volume 05.05. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Each date of the approval, and a notice of any change in it will be published in the FEDERAL REGISTER. You may obtain copies from the ASTM, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. A copy of the ASTM standards is available for inspection at the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 101, 1951 Constitution Avenue, NW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol St., NW., Suite 700, Washington, DC.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1480	1993 (1997)	Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Bingham Pycnometer	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St, SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>(10) ASTM D1480-93 (Reapproved 1997), Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Bingham Pycnometer, for appendix D of this part</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1481	1993 (1997)	Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Lipkin Bicapillary Pycnometer	40 C.F.R. § 75.6 (2008-2018)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at DC and at the Library (MD-35), U.S. EPA, Research Triangle NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/thrllocations.html">http://www.archives.gov/federalregister/codeofregulations/thrllocations.html</a></p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>(11) ASTM D1481-93 (Reapproved 1997), Standard Test Method for Density and Relative Density (Specific Gravity) of Viscous Materials by Lipkin Bicapillary Pycnometer, for appendix D of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D1518	1985 (1998) e1	Standard Test Method for Thermal Transmittance of Textile Materials	46 C.F.R. § 160.174-3 (2014)		<p>46 C.F.R. § 160.174-3, "Incorporation by reference" (2014):</p> <p>(a) Certain materials are incorporated by reference into this subchapter with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found citations to the particular sections of this part where the material is incorporated and date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in paragraph (b) of the section, notice of change must be published in the Federal Register and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408, and at Coast Guard Headquarters. Contact Commandant (CG-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue, SE., Washington, DC 20593-7509, Washington, DC 20593-7126.</p> <p>(b) The materials approved for incorporation by reference in this subpart are:            AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 100 BARR HARBOR DRIVE, WEST CONSHOCKEN, PA 19428-2959.            ...  <b>ASTM D 1518-85 (1990)</b>, STANDARD TEST METHOD FOR THERMAL TRANSMITTANCE OF TEXTILE MATERIALS-160.174-17</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1535	1989	Standard Test Method for Specifying Color by the Munsell System	7 C.F.R. § 1755.910 (2014)		<p>7 C.F.R. § 1755.910, "RUS specification for outside plant housings and serving area interface systems" (2014):</p> <p>(7) The American Society for Testing and Materials Specifications (ASTM).....ASTM D 1535-89, Standard Test Method for Specifying Color by the Munsell System; ASTM D 1654-92, Standard Test Method for Evaluation of Painted or Coated Specimens Subjected to Corrosive Environments; ASTM D 1693-70 (Reapproved 1988), Standard Test Method for Environmental Stress-Cracking of Ethylene Plastics; ASTM D 2197-86 (Reapproved 1991), Standard Test Method for Adhesion of Organic Coatings by Scrape Adhesion; ASTM D 2247-92, Standard Practice for Testing Water Resistance of Coatings in 100% Relative Humidity; ASTM D 2565-92, Standard Practice for Operating Xenon Arc-Type Light-Exposure Apparatus With and Without Water for Exposure of Plastics; ASTM D 2794-92, Standard Test Method for Resistance of Organic Coatings to the Effects of Rapid Deformation (Impact); ASTM D 3928-89, Standard Test Method for Evaluation of Gloss or Sheen Uniformity; ASTM D 4568-86, Standard Test Methods for Evaluating Compatibility Between Cable Filling and Flooding Compounds and Polyolefin Cable Materials; ASTM G 21-90, Standard Practice for Determining Resistance of Synthetic Polymeric Materials to Fungi; and ASTM G 23-90, Standard Practice for Operating Light-Exposure Apparatus (Carbon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials, referenced in this section are incorporated by reference by RUS. These incorporations by references were approved by the Director of the Federal Register in accordance with U.S.C. 552(a) and 7 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845-8, U.S. Department of Agriculture, Washington, 50-20250, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/fix_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/fix_locations.html</a> Copies are available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, telephone number (215) 299-5585.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1552	1995	Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method)	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(24) ASTM D1552-83, 95, 01, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), IBR approved for §§ 60.106(j)(2), 60.335(b)(10)(i), and appendix A: Method 19, Section 12.5.2.2.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

ASTM D1688	1995	Standard Test Methods for in Water	40 C.F.R. § 136.3(a) Table IB (2003)	<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-1000. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B135, Washington, DC (Telephone: 202-566-2426); or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>...</p> <p>(b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>...</p> <p>Table IB: 22. Copper-Total, 4 mg/L; Digestion followed by: AA direct aspiration.....<b>DI688-95(A or B)</b>.</p> <p>...</p> <p>10) Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
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No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1785	1986	Standard Specification for Poly (Vinyl Chloride)(PVC) Plastic Pipe, Schedules 40, 80, and 120	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER, and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofregallregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codofregallregulations/ibr/location.s.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM D 1785-83</b> Poly(Vinyl Chloride)(PVC) Plastic Pipe, Schedules 40, 80, and 120. 56.60-25.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM D1835	1997	Standard Specification for Liquefied Petroleum (LP) Gases	41 C.F.R. §60.17 (2011)		<p>C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(27) ASTM D 1835-87, 91, 97, 03a, Standard Specification for Liquefied Petroleum (LP) Gases, IBR approved for §§ 60.41Da of subpart Da of this part, 60.41b of subpart Db of this part, 60.41c of subpart Dc of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1890	1996	Standard Test Method for Beta Particle Radioactivity of Water	40 C.F.R. § 136.3(b)(15)(xxvi ii) and Table IE (2012-2018)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(b) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at EPA's Water Docket, EPA West, 1301 Constitution Avenue NW., Room 3334, Washington, DC 20004, Telephone: 202-566-2426, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="https://www.archives.gov/federal-register/cfr/ibr-locations.html">https://www.archives.gov/federal-register/cfr/ibr-locations.html</a>.</p> <p>...</p> <p>(15) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or online at <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>...</p> <p>(xxviii) ASTM D1890-96, Standard Test Method for Beta Particle Radioactivity of Water. April 1996. Table IE.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D1943	1996	Standard Test Method for Alpha Particle Radioactivity of Water	40 C.F.R. § 136.3(a) Table IE (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>...</p> <p>Table IE: 1. Alpha-Total, pCi per liter...D1943-90, 96.</p> <p>...</p> <p>10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or <a href="http://www.astm.org">http://www.astm.org</a>. Tables IA, IB, IC, ID, IE, and IH.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D1945	1996	Standard Test Method for Analysis of Natural Gas by Chromatography	41 C.F.R. § 60.17 (2019)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2019) :</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the EPA must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the EPA Docket Center, Public Reading Room, EPA WIC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, telephone number 202-566-1744, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a> . . . .</p> <p>(74) ASTM D1945-96, Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved for §60.45(f).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D1946	1990 (1994) e1	Standard Practice for Analysis of Reformed Gas by Gas Chromatography	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(15) <b>ASTM D1946-90 (Re-approved 2006)</b>, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, for appendices F and G of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM D2013	1986 (1994)	Standard Method of Preparing Coal Samples for Analysis	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(30) <b>ASTM D2013-72, 86</b>, Standard Method of Preparing Coal Samples for Analysis, IBR approved for appendix A: Method 19, Section 12.5.2.1.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM D2015	1996	Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter	4 C.F.R. § 60.17 (2015)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2015) :</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the EPA must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the EPA Docket Center, Public Reading Room, EPA WIC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, telephone number 202-566-1744, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location.html">http://www.archives.gov/federalregister/codeofregulations/ibr/location.html</a>.</p> <p>...</p> <p>(g) The following material is available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959, (800) 262-1373, <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>...</p> <p>(82) ASTM D2015-96, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved for §§ 60.45(f), 60.46(c), and appendix A-7 to part 60: Method 19, Section 12.5.2.1.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

ASTM D2036	1998	Standard Test Method for Cyanides in Water	40 C.F.R. § 136.3(a) Table IB (2003)	<p>40 C.F.R. § 136.3, "Identification of test procedures" (2003):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, and IF. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, and IF. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Information regarding obtaining these documents can be obtained from the EPA Office of Water Statistics and Analytical Support Branch at 202-566-1000. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B135, Washington, DC (Telephone: 202-566-2426); or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, IE, and IF, or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances (paragraph (b) or (c) of this section or 40 CFR 401.13) other test procedures may be more advantageous when such other test procedures have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing the Director of the State in which such discharge will occur does not object to the use of such alternate test procedure.</p> <p>...</p> <p>(b) The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, and IF are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the National Exposure Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 26 West Martin Luther King Dr., Cincinnati, OH 45268 and the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.</p> <p>...</p> <p>Table IB: 23. Cyanide-Total, mg/L: Manual distillation with MgCl<sub>2</sub>...<b>D2036-98(A)</b>.</p> <p>...</p> <p>10) Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, and 1999. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C-700, West Conshohocken, PA 19428-2959. Tables IB, IC, ID, and IE.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
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No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D2163	1991 (1996)	Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propane Concentrates by Gas Chromatography	40 C.F.R. § 1065.1010(a) and Table 1 (2003-2008)	2008	<p>40 C.F.R. § 1065.1010 "Reference materials" (2008):</p> <p>Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofllofederalregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codofllofederalregulations/ibr/location.s.html</a>.</p> <p>(a) ASTM material. Table 1 of this section lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428 or <a href="http://www.astm.com">www.astm.com</a>. Table 1 follows: ):</p> <p>TABLE 1 OF § 1065.1010-ASTM MATERIALS</p> <p>...</p> <p>ASTM D 2163-91 (Reapproved 1996), Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propane Concentrates by Gas Chromatography 1065.720</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D2216	1998	Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass	40 C.F.R. § 258.41 (2014)		<p>40 C.F.R. § 258.41, "Project XL Bioreactor Landfill Projects" (2014):</p> <p>(a)(4)(iii)(A) The GCL shall be formulated and manufactured from polypropylene geotextiles and high swelling containment resistant sodium bentonite. The bentonite-geotextile liner shall be manufactured using a minimum of one pound per square foot as determined using the Standard Test Method for Measuring Mass per Unit Area of Geotextiles, ASTM D-5261-92 (reapproved in 1996). The high swelling sodium montmorillonite clay shall be at 12% moisture content as determined by the Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass, ASTM D2216-98. The Director of the Federal Register approves this incorporation by reference with 5 U.S.C. 552(a) and 1 CFR part 51. These methods are available from The American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. These methods may be inspected at EPA's docket office located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofllofederalregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codofllofederalregulations/ibr/location.s.html</a>.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D2234	1998	Standard Practice for Collection of a Gross Sample of Coal	41 C.F.R. § 60.17(2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(33) ASTM D2234-76, 96, 97b, 98, Standard Methods for Collection of a Gross Sample of Coal, IBR approved for appendix A: Method 19, Section 12.5.2.1.1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D2460	1997	Standard Test Method for Alpha-Particle-Emitting Isotopes of Radium in Water	40 C.F.R. § 136.3(a) Table IE (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>...</p> <p>Table IE: 5. (a) Radium Total pCi per liter(b) Ra, pCi per liter...D2460-90, 97.</p> <p>...</p> <p>10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or <a href="http://www.astm.org">http://www.astm.org</a>. Tables IA, IB, IC, ID, IE, and IH.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



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ASTM D2502	1992 (1996)	Standard Test Method for Estimation of Molecular Weight (Relative Molecular Mass) of Petroleum Oils from Viscosity Measurements	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(21) ASTM D2502-92 (Reapproved 1996), Standard Test Method for Estimation of Molecular Weight (Relative Molecular Mass) of Petroleum Oils from Viscosity Measurements, for appendix G of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D2503	1992 (1997)	Standard Test Method for Relative Molecular Mass (Molecular Weight) of Hydrocarbons by Thermoelectric Measurement of Vapor Pressure	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location.html">http://www.archives.gov/federalregister/codeofregulations/ibr/location.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(22) ASTM D2503-92 (Reapproved 1997), Standard Test Method for Relative Molecular Mass (Molecular Weight) of Hydrocarbons by Thermoelectric Measurement of Vapor Pressure, for appendix G of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D2597	1994 (1999)	Standard Test Method for Analysis of Demethanized Hydrocarbon Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(38) ASTM D2597-94 (Reapproved 1999), Standard Test Method for Analysis of Demethanized Hydrocarbon Liquid Mixtures Containing Nitrogen and Carbon Dioxide by Gas Chromatography, IBR approved for § 60.335(b)(9)(i).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D2622	1998	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(39) ASTM D2622-87, 94, 98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, IBR approved for §§ 60.106(j)(2) and 60.335(b)(10)(i).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D2724	1987 (1995)	Standard Test Methods for Bonded, Fused, and Laminated Apparel Fabrics	49 C.F.R. § 238 Appendix B (2010)		<p>49 C.F.R. § 238 APPENDIX B TO PART 238, "TEST METHODS AND PERFORMANCE CRITERIA FOR THE FLAMMABILITY AND SMOKE EMISSION CHARACTERISTICS OF MATERIALS USED IN PASSENGER CARS AND LOCOMOTIVE CABS"</p> <p>(a) Incorporation by reference. Certain documents are incorporated by reference into this appendix with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect a copy of each document during normal business hours at the Federal Railroad Administration, Docket Clerk, 1200 New Jersey Avenue, SE., Washington, DC 20950 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location.html">http://www.archives.gov/federalregister/codofregulations/ibr/location.html</a>. The documents incorporated by reference into this appendix and the sources from which you may obtain these documents are listed below:</p> <p>(1) American Society for Testing and Materials (ASTM), 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(ii) <b>ASTM D 2724-87</b>, Standard Test Methods for Bonded, Fused, and Laminated Apparel Fabrics.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM D2777	1998	Standard Practice for Determination of Precision and Bias of Applicable Test Methods of Committee D-19 on Water	46 C.F.R. § 162.050-4 (2011)		<p>46 C.F.R. § 162.050-4, "Incorporation by reference: Where can I get a copy of the publications mentioned in this part?" (2011)</p> <p>(a) Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 (2011) CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1379, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>(1) ASTM D2777-98, Standard Practice for Determination of Precision and Bias of Applicable Test Methods of Committee D-19 on Water ("ASTM D2777-98"), incorporation by reference approved for §162.050-15.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D287	1992 (1995)	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)	40 C.F.R. § 94.5 (2014)		<p>40 C.F.R. § 94.5, "Reference materials" (2014):</p> <p>The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the Federal Register and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. In addition, these materials are available from the sources listed below.</p> <p>(a) ASTM material. Copies of these materials may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959, or by calling (877) 909-ASTM, or at <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>...</p> <p>(4) <b>ASTM D287-92 (Reapproved 2000)</b>, Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method), IBR approved for § 94.108.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM D2879	1997	Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenoscope	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(41) ASTM D2879-83, 96, 97, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenoscope, IBR approved for §§ 60.111b(f)(3), 60.116b(e)(3)(ii), 60.116b(f)(2)(i), 60.485(e)(1), and 60.485a(e)(1).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D2986	1995a (1999)	Standard Practice for Evaluation of Air, Assay Media by the Monodisperse DOP (Diocetyl Phthalate) Smoke Test	40 C.F.R. § 86.1 (2008)	2014	<p>C.F.R. § 86.1, "Reference materials" (2008):</p> <p>(a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location.html">http://www.archives.gov/federalregister/codofregulations/ibr/location.html</a>. (b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part. (1) ASTM material. The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than this section, in which the matter is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>ASTM D2986-95a, (Reapproved 1999) Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Diocetyl Phthalate) Smoke Test....86.1310-2007.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D3120	1996	Standard Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry	40 C.F.R. § 80.580(b) (2001-2003)	2004	<p>40 C.F.R. § 80.580 “What are the sampling and testing methods for sulfur?” (2003)</p> <p>...</p> <p>(b) Incorporation by reference. ASTM Standard Methods D 2622-98, “Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry,” D 3120-96, “Standard Test Method for Trace Quantities of Sulfur in Light Liquid Petroleum Hydrocarbons by Oxidative Microcoulometry,” D 6428-99, “Test Method for Total Sulfur in Liquid Aromatic Hydrocarbons and Their Derivatives by Oxidative Combustion and Electrochemical Detection,” and D 5453-00, “Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence,” are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959. Copies may be inspected at the Air Docket Section (LE-131), Room M-1500, U.S. Environmental Protection Agency, Docket No. A-99-06, 401 M Street, SW, Washington, DC 20460, or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit’s mandate to analyze—“standard by standard and use by use”—whether the material PRO copied is “essential to complying with any legal duty.” <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D3173	1987 (1996)	Standard Test Method for Moisture in the Analysis Sample of Coal and Coke	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, “Incorporations by reference” (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(45) <b>ASTM D3173-73, 87</b>. Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved for appendix A: Method 19, Section 12.5.2.1.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit’s mandate to analyze—“standard by standard and use by use”—whether the material PRO copied is “essential to complying with any legal duty.” <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM D3178	1989 (1997)	Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(48) <b>ASTM D3178-73 (Reapproved 1979), 89</b>, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved for § 60.45(f)(5)(i).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



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ASTM D3236	1988 (1999)	Standard Test Method for Apparent Viscosity of Hot Melt Adhesives and Coating Materials	21 C.F.R. § 177.1520 (2013)		<p>21 C.F.R. § 177.1520, "Olefin polymers" (2013):</p> <p>(b) The basic olefin polymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic olefin polymers. The optional adjuvant substances required in the production of the basic olefin polymers or finished food-contact articles may include substances permitted for such use by applicable regulations in parts 170 through 189 of this chapter, substances generally recognized as safe in food and food packaging, substances used in accordance with a prior sanction or approval, and the following:</p> <p>...</p> <p>Petroleum hydrocarbon resins (cyclopentadiene-type), hydrogenated (CAS Reg. No. 68132-00-3) produced by the thermal polymerization of dicyclopentadiene and cyclooctadiene codimers (consisting of a mixture of cyclopentadiene, methyl cyclopentadiene, and C4-C5 acyclic dienes), followed by hydrogenation and having a ring-and-ball softening point of 119 °C minimum as determined by ASTM Method E 28-67 (Reapproved 1982), "Standard Test Method for Softening Point by Ring-and-Ball Apparatus," and a minimum viscosity of 3,000 centipoise, measured at 160 °C, as determined by <b>ASTM Method D 3236-88</b>, "Standard Test Method for Apparent Viscosity of Hot Melt Adhesives and Coating Materials," both of which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, Philadelphia, PA 19428-2959, or from the Center For Food Safety and Applied Nutrition (HFS-200), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or may be examined at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html</a>.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM D3246	1996	Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(49) ASTM D3246-81, 92, 96, Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved for § 60.335(b)(10)(ii).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D3286	1996	Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(52) ASTM D3286-85, 96, Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter, IBR approved for appendix A: Method 19, Section 1.2.5.2.1.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D3371	1995	Standard Test Method for Nitriles in Aqueous Solution by Gas-Liquid Chromatography	40 C.F.R. § 136.3(a) Table IF (2014)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2014):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. The methods listed in Tables IA, IB, IC, ID, IE, IF, IG, and IH are incorporated by reference, see paragraph (b) of this section ...</p> <p>... acetone/nitrile .....75-05-8 .....</p> <p>1666/1671/D3371/D3695.</p> <p>...</p> <p>(b) The documents required in this section are incorporated by reference into this section with approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.</p> <p>Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/locations.html</a>. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the FEDERAL REGISTER. The full texts of the methods from the following references which are cited in Tables IA, IB, IC, ID, IE, IF, IG and IH are incorporated by reference into this regulation and may be obtained from the source identified. All costs cited are subject to change and must be verified from the indicated source.</p> <p>...</p> <p>(15) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or online at <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>...</p> <p>(xxxvi) ASTM D3371-95, Standard Test Method for Nitriles in Aqueous Solution by Gas-Liquid Chromatography, February 1996. Table IF.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D3454	1997	Standard Test Method for Radium-226 in Water	40 C.F.R. § 136.3(a) Table IE (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>...</p> <p>Table IE: 5. (a) Radium Total pCi per liter(b) Ra, pCi per liter...Scintillation counter...D3454-91, 97.</p> <p>...</p> <p>10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or <a href="http://www.astm.org">http://www.astm.org</a>. Tables IA, IB, IC, ID, IE, and IH.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D3588	1998	Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location">http://www.archives.gov/federalregister/codeofregulations/ibr/location</a>s.html.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(31) ASTM D3588-98, Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels, for appendices D and F to this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D3697	1992 (1996)	Standard Test Method for Antimony in Water	21 C.F.R. § 165.110 (2015)		<p>21 C.F.R. § 165.110, "Bottled water" (2015):</p> <p>(b)(2)(E) Analyses to determine compliance with the requirements of paragraph (b)(4)(iii)(A) of this section shall be conducted in accordance with an applicable method and applicable revisions to the methods listed in paragraphs (b)(4)(iii)(E)(1) through (b)(4)(iii)(E)(14) of this section and described, unless otherwise noted, in "Methods for Chemical Analysis of Water and Wastes," U.S. EPA Environmental Monitoring and Support Laboratory (EMSL), Cincinnati, OH 45258 (EPA-600/4-79-020), March 1983, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this publication are available from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5825 Port Royal Rd., Springfield, VA 22161, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>...</p> <p>(iv) Method <b>D-3697-92</b>. "Standard Test Method for Antimony in Water," contained in the Annual Book of ASTM Standards, vols. 11.01 and 11.02, 1995, American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this publication are available from American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM D396	1998	Standard Specification for Fuel Oils	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(14) ASTM D396-78, 89, 90, 92, 96, 98, Standard Specification for Fuel Oils, IBR approved for §§ 60.41b of subpart Db of this part, 60.41c of subpart Dc of this part, 60.111(b) of subpart K of this part, and 60.111a(b) of subpart Ka of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D4177	1995	Standard Practice for Automatic Sampling of Petroleum and Petroleum Products	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(60) ASTM D4177-95, Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for appendix A: Method 19, Section 12.5.2.2.1.</p> <p>(61) ASTM D4177-95 (Reapproved 2000), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, IBR approved for § 60.4415(a)(1).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D4239	1997e1	Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(62) <b>ASTM D4239-85, 94, 97</b>, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for appendix A: Method 19, Section 12.5.2.1.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D4268	1993	Standard Test Method for Testing Fiber Ropes	33 C.F.R. § 164.03 (2014)		<p>33 C.F.R. § 164.03, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Navigation Systems Division (CG-553), Coast Guard Headquarters, 2100 2nd St. SW., Stop 7580, Washington, DC 20593-7580 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The materials approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>...</p> <p>ASTM D4268-93, Standard Test Method for Testing Fiber Ropes..... 164.74.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM D4294	1998	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectrometry	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location.html">http://www.archives.gov/federalregister/codeofregulations/ibr/location.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(36) ASTM D4294-98, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry, for appendices A and D of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D4329	1999	Standard Practice for Fluorescent UV Exposure of Plastics	49 C.F.R. § 571.5 (2014)		<p>49 C.F.R. § 571.5, "Matter incorporated by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the National Highway Traffic Safety Administration (NHTSA) must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NHTSA, or if you experience difficulty obtaining the standards referenced below, contact NHTSA Office of Technical Information Services, phone number (202) 366-2588.</p> <p>For information on the availability of this material at NARA, call (202) 741-6030, or go to: <a href="http://www.archives.gov/federal-register/cfr/ibr-locations.html">http://www.archives.gov/federal-register/cfr/ibr-locations.html</a>.</p> <p>...</p> <p>(d) ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. Telephone: (610) 832-9500; Fax (610) 832-9555; Web site: <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>...</p> <p>(22) ASTM D4329-99, "Standard Practice for Fluorescent UV Exposure of Plastics," approved January 10, 1999, into § 571.106.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D4809	1995	Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method)	40 C.F.R. § 61.18 (2014)		<p>40 C.F.R. § 61.18, "Incorporations by reference" (2014):</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register.</p> <p>The materials are available for inspection at the corresponding address noted below, and at U.S. EPA's Air Docket at 1200 Pennsylvania Avenue, NW, Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428-2959; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(13) ASTM D4809-95, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), IBR approved for § 61.245(e)(3).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D4891	1989 (1994) E 1	Standard Test Method for Heating Value of Gases in Natural Gas Range by Stoichiometric Combustion	40 C.F.R. § 75.6 (2010)		<p>40 C.F.R. § 75.6, "Incorporation by reference" (2010):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the FEDERAL REGISTER.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location.html">http://www.archives.gov/federalregister/codeofregulations/ibr/location.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 100 Barr harbor Drive, P.O. Box C-700, West Conshohocken, Pennsylvania 19428-2959; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(39) <b>ASTM D4891-89 (Reapproved 2006)</b>, Standard Test Method for Heating Value of Gases in Natural Gas Range by Stoichiometric Combustion, for appendices D and F to this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D4986	1998	Standard Test Method for Horizontal Burning Characteristics of Cellular Polymeric Materials	46 C.F.R. § 32.01-1 (2014)		<p>46 C.F.R. § 32.01-1, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509. You may also inspect this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. All material is available from the sources indicated in paragraph (b) of this section.</p> <p>...</p> <p>(c) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>(1) ASTM D4986-98, Standard Test Method for Horizontal Burning Characteristics of Cellular Polymeric Materials, incorporation by reference approved for § 32.57-10.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D512	1989 (1999)	Standard Test Methods for Chloride Ion In Water	40 C.F.R. § 136.3(a) Table IB (2010)	2012	<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locati ons.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locati ons.html</a>. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used. ...</p> <p>Table IB: 16. Chloride, mg/L... Titrimetric: (silver nitrate) ... <b>D512-89(99) (B)</b> ... or ... (Mercuric nitrate)...D512-89 (99) (A).</p> <p>...</p> <p>10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or <a href="http://www.astm.org">http://www.astm.org</a>. Tables IA, IB, IC, ID, IE, and IH.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM D5257	1997	Standard Test Method for Dissolved Hexavalent Chromium in Water by Ion Chromatography	40 C.F.R. § 136.3(a) Table IB (2010)	2012	<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locati ons.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locati ons.html</a>. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used. ...</p> <p>Table IB: 18. Chromium VI dissolved, mg/L...Ion Chromatography...D5257-97.</p> <p>...</p> <p>10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or <a href="http://www.astm.org">http://www.astm.org</a>. Tables IA, IB, IC, ID, IE, and IH.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM D5373	1993 (1997)	Standard Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Laboratory Samples of Coal and Coke	40 C.F.R. § 75.6 (2004)	2008	<p>40 C.F.R. § 75.6, "Incorporation by reference" (2004):</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they existed on the date of approval, and a notice of any change in these materials will be published in the Federal Register.</p> <p>The materials are available for purchase at the corresponding address noted below and are available for inspection at the Public Information Reference Unit of the U.S. EPA, 401 M St., SW., Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(a) The following materials are available for purchase from the following addresses: American Society for Testing and Material (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; and the University Microfilms International 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(40) <b>ASTM D5373-93</b>, "Standard Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Laboratory Samples of Coal and Coke," for appendix G to this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D5489	1996	Standard Guide for Care Symbols for Care Instructions Textile Products	16 C.F.R. § 423.8 (2014)		<p>16 C.F.R. § 423.8, "Exemptions" (2014):</p> <p>(g) The symbol system developed by the American Society for Testing and Materials (ASTM) and designated as <b>ASTM Standard D5489-96c</b> Guide to Care Symbols for Care Instructions on Consumer Textile Products may be used on care labels or care instructions in lieu of terms so long as the symbols fulfill the requirements of this part. In addition, symbols from the symbol system designated as <b>ASTM Standard D5489-96c</b> may be combined with terms so long as the symbols and terms used fulfill the requirements of this part. Provided, however, that for the 18-month period beginning on July 1, 1997, such symbols may be used on care labels in lieu of terms only if an explanation of the meaning of the symbols used on the care label in terms is attached to, or provided with, the item of textile wearing apparel. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of <b>ASTM Standard D5489-96c</b> Guide to Care Symbols for Care Instructions on Textile Products may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or may be inspected at the Federal Trade Commission, room 130, 600 Pennsylvania Avenue, NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D5673	1996	Standard Test Method for Elements in Water by Inductively Coupled Plasma- Mass Spectrometry	40 C.F.R. § 444.12 (2004)		<p>40 C.F.R. § 444.12, "Monitoring Requirements" (2004):</p> <p>(b) Incorporation by reference:</p> <p>(1) Compliance with the monitoring requirements may be accomplished using approved test procedures listed in the table to this paragraph. Most of these test procedures have previously been incorporated by reference at 40 CFR 136.3(a), Table IB. The test procedures for the regulated pollutants (arsenic, cadmium, chromium (total), copper, pH, lead, mercury, TSS, silver, titanium, and zinc) listed in the table to this paragraph are also incorporated by reference into this regulation. The full texts of the test procedures listed in this paragraph are available from the sources indicated in paragraph (b)(2) of this section. In addition to those test procedures incorporated by reference at 40 CFR 136.3(a), Table IB, you may also use EPA Method 200.8, "Determination of Trace Elements in Water and Wastes by Inductively Coupled Plasma-Mass Spectrometry," from "Methods for Determination of Metals in Environmental Samples-Supplement I," EPA-600/R-94-111, May 1994, and ASTM Method D 5673-96, "Standard Test Method for Elements in Water by Inductively Coupled Plasma-Mass Spectrometry," from 1999 Annual Book of ASTM Standards, for determination of arsenic, cadmium, chromium (total), copper, lead, silver, and zinc. The full texts of these methods are incorporated by reference into this regulation and may be obtained from the sources identified in paragraph (b)(2) of this section.</p> <p>(2) The full texts of the methods from the following references which are cited in the table in paragraph (b)(1) of this section are incorporated by reference into this regulation and may be obtained from the sources identified. All costs cited are subject to change and must be verified from the indicated sources. The full texts of all the test procedures cited are available for inspection at the Analytical Methods Staff, Office of Water, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>...</p> <p>(3) "ANNUAL BOOK OF ASTM STANDARDS-WATER AND ENVIRONMENTAL TECHNOLOGY," SECTION 11, VOLUMES 11.01 (WATER I) AND 11.02 (WATER II), 1994. [1996 FOR D5673-96; SEE NOTE 17]. AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PA 19103.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D5865	1998a	Standard Test Method for Gross Calorific Value of Coal and Coke	40 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(78) <b>ASTM D5865-98</b>, Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for § 60.45(f)(5Xii), 60.46(c)(2), and appendix A: Method 19, Section 12.5.2.1.3.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D611	1982 (1998)	Standard Test Methods for Aniline Point and Mixed Aniline Point of Petroleum Products and Hydrocarbon Solvents	D611 - 121982), 21 C.F.R. § 176.170 (2014)		<p>21 C.F.R. § 176.170, "Components of paper and paperboard in contact with aqueous and fatty foods" (2014):</p> <p>(b)(2) Substances identified in this paragraph (b)(2) follow:</p> <p>...</p> <p>Pentaerythritol tetrastearate</p> <p>Petroleum alicyclic hydrocarbon resins, or the hydrogenated product thereof, meeting the following specifications: Softening point 97 °C minimum, as determined by ASTM method E28-67 (Reapproved 1982); "Standard Test Method for Softening Point by Ring and Ball Apparatus;" aniline point 120 °C minimum, as determined by <b>ASTM method D611-82</b>, "Standard Test Methods for Aniline Point and Mixed Aniline Point of Petroleum Products and Hydrocarbon Solvents," which are incorporated by reference (Copies may be obtained from the American Society for Testing Materials, 100 Barr Harbor Dr., West Conshohocken, Philadelphia, PA 19428-2959, or may be examined at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>). Specific gravity 0.96-0.99 (20 °C/20 °C). Such petroleum hydrocarbon resins are produced by the catalytic polymerization of dienes and olefins from low-boiling distillates of cracked petroleum stocks that contain no material boiling over 200 °C and that meet the ultraviolet absorbance limits prescribed in § 172.880(b) of this chapter when subjected to the analytical procedure described in § 172.886(b) of this chapter, modified as follows: Treat the product as in the first paragraph under "Procedure" in § 172.250(b)(3) of this chapter. Then proceed with § 172.886(b) of this chapter, starting with the paragraph commencing with "Promptly complete transfer of the sample * * *</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D6216	1998	Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications	41 C.F.R. § 60.17 (2011)	2019	<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(79) ASTM D6216-98, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, IBR approved for appendix B, Performance Specification 1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D6228	1998	Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011):</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(80) ASTM D6228-98, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for § 60.334(h)(1).</p> <p>(81) ASTM D6228-98 (Reapproved 2003), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Flame Photometric Detection, IBR approved for §§ 60.4360 and 60.4415.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D6420	1999	Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry	40 C.F.R. § 63.14(h)(89) (2019)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2019):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the EPA must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St. SW., Washington, DC, telephone number 202-566, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal-register/cfr/ibr-locations.html">www.archives.gov/federal-register/cfr/ibr-locations.html</a>. ...</p> <p>(h) ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, <a href="http://www.astm.org">http://www.astm.org</a>; also available from ProQuest, 789 East Eisenhower Parkway, Ann Arbor, MI 48106-1346, Telephone (734) 761-4700, <a href="http://www.proquest.com">http://www.proquest.com</a>.</p> <p>...</p> <p>(89) ASTM D6420-99, Standard Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography-Mass Spectrometry, IBR approved for §§63.5799, 63.5850, and Table 4 of Subpart UUUU.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D6503	1999	Standard Test Method for Enterococci in Water Using Enterolert	40 C.F.R. § 136.3(a) Table IA (2010)		<p>40 C.F.R. § 136.3, "Identification of test procedures" (2010):</p> <p>(a) Parameters or pollutants, for which methods are approved, are listed together with test procedure descriptions and references in Tables IA, IB, IC, ID, IE, IF, IG, and IH. In the event of a conflict between the reporting requirements of 40 CFR Parts 122 and 125 and any reporting requirements associated with the methods listed in these tables, the provisions of 40 CFR Parts 122 and 125 are controlling and will determine a permittee's reporting requirements. The full text of the referenced test procedures are incorporated by reference into Tables IA, IB, IC, ID, IE, IF, IG, and IH. The incorporation by reference of these documents, as specified in paragraph (b) of this section, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the documents may be obtained from the sources listed in paragraph (b) of this section. Documents may be inspected at EPA's Water Docket, EPA West, 1301 Constitution Avenue, NW., Room B102, Washington, DC (Telephone: 202-566-2426); or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locati ons.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locati ons.html</a>. These test procedures are incorporated as they exist on the day of approval and a notice of any change in these test procedures will be published in the Federal Register. The discharge parameter values for which reports are required must be determined by one of the standard analytical test procedures incorporated by reference and described in Tables IA, IB, IC, ID, IE, IF, IG, and IH or by any alternate test procedure which has been approved by the Administrator under the provisions of paragraph (d) of this section and §§ 136.4 and 136.5. Under certain circumstances paragraph (c) of this section, § 136.5(a) through (d) or 40 CFR 401.13, other additional or alternate test procedures may be used.</p> <p>...</p> <p>Table IA: 7. Enterococci, number per 100 mL 20...MPN 7,9, multiple tube/multiple well...D6503-99 10.</p> <p>...</p> <p>10) ASTM International. Annual Book of ASTM Standards, Water, and Environmental Technology, Section 11, Volumes 11.01 and 11.02, 1994, 1996, 1999, Volume 11.02, 2000, and individual standards published after 2000. Available from: ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, or <a href="http://www.astm.org">http://www.astm.org</a>. Tables IA, IB, IC, ID, IE, and IH.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D665	1998e 1	Standard Test Method for Rust-Preventing Characteristics of Inhibited Mineral Oil in the Presence of Water	46 C.F.R. § 61.03-1 (2014)		<p>46 C.F.R. § 61.03-1, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509. The material is also available from the sources indicated in paragraph (b) of this section or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)  100 BARR HARBOR DRIVE, WEST CONSHOHOCKEN, PA 19428-2959.  <b>ASTM D 665-98</b>, STANDARD TEST METHOD FOR RUST-PREVENTING CHARACTERISTICS OF INHIBITED MINERAL OIL IN THE PRESENCE OF WATER</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D814	1995	Standard Test Method for Rubber Property--Vapor Transmission of Volatile Liquids	40 C.F.R. § 1051.810 (2007)	2008	<p>40 C.F.R. § 1051.810, "What materials does this part reference?" (2007): Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For 202-741-6030, or go <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location">http://www.archives.gov/federalregister/codeofregulations/ibr/location</a> s.html. information on the availability of this material at NARA, call to:</p> <p>(a) ASTM material. Table 1 of this section lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428 or <a href="http://www.astm.com">www.astm.com</a>. Table 1 follows:</p> <p>TABLE 1 OF § 1051.810-ASTM MATERIALS</p> <p>...</p> <p><b>ASTM D814-95 (reapproved 2000)</b>, Standard Test Method for Rubber Property Vapor Transmission of Volatile Liquids.....1051.245</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM D86	2007	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure	40 C.F.R. § 80.47(r) (2017)		<p>(r) Materials incorporated by reference. The published materials identified in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the FEDERAL REGISTER and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location">http://www.archives.gov/federalregister/codeofregulations/ibr/location</a>s.html. In addition, these materials are available from the sources listed below.</p> <p>(1) ASTM International material. The following standards are available from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959, (877) 909-ASTM, or <a href="http://www.astm.org">http://www.astm.org</a>:</p> <p>(i) ASTM D86-07, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, approved January 15, 2007 ("ASTM D86").</p>	<p>PRO misleadingly implies that 40 C.F.R. § 80.46(d) (2017) IBR<sup>ed</sup> D86-07; 40 C.F.R. § 80.46(h)(1)(i) defines "ASTM D86" as D86-12.</p>
ASTM D975	1998b	Standard Specification for Diesel Fuel Oils	41 C.F.R. § 60.17 (2011)		<p>40 C.F.R. § 60.17, "Incorporations by reference" (2011) :</p> <p>The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Library (C267-01), U.S. EPA, Research Triangle Park, NC or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. (a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(15) <b>ASTM D975-78, 96, 98a</b>, Standard Specification for Diesel Fuel Oils, IBR approved for §§ 60.111(b) of subpart K of this part and 60.111a(b) of subpart Ka of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM D975	2007	Standard Specification for Diesel Fuel Oils	40 C.F.R. § 1065.1010 (2011)	2014	<p>40 C.F.R. § 1065.1010, "Reference materials" (2011):</p> <p>Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(a) ASTM material. Table 1 of this section lists material from the American Society for Testing and Materials that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the American Society for Testing and Materials, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428 or <a href="http://www.astm.com">www.astm.com</a>. Table 1 follows:</p> <p>...</p> <p><b>ASTM D975-07b</b>, Standard Specification for Diesel Fuel Oils</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTME11	1995	Standard Specification for Wire Cloth and Sieves for Testing Purposes	33 C.F.R. § 159.4 (2014)		<p>33 C.F.R. § 159.4, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at the Engineering Division, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593-7102, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)  100 BARR HARBOR DRIVE, WEST CONSHOCKEN, PA 19428-2959.  ASTM E 11-95, STANDARD SPECIFICATION FOR WIRE CLOTH AND SIEVES FOR TESTING PURPOSES-159.125</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM E1337	1990 (1996)	Standard Test Method for Determining Longitudinal Peak Braking Coefficient of Paved Surfaces Using a Standard Reference Test Tire	49 C.F.R. § 571.126 (2007-2009)	2012	<p>49 C.F.R. § 571.126 (2008):</p> <p>S3.2 Incorporation by reference. ASTM E1337-90 (Reapproved 1996), Standard Test Method for Determining Longitudinal Peak Braking Coefficient of Paved Surfaces Using a STD Reference Test Tire, and ASTM E1136-93 (1993), Standard Specification for a Radial Standard Reference Test Tire, are incorporated by reference in S6.2.2 of this section. The Director of the Federal Register has approved the incorporation by reference of this material in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of ASTM E1337-90 (rev. 1996) and ASTM E1136-93 (1993) may be obtained from the ASTM Web site at <a href="http://www.astm.org">http://www.astm.org</a>, or by contacting ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. Copies of ASTM E1337-90 (Reapproved 1996) and ASTM E1136-93 (1993) may be inspected at NHTSA's Office of Rulemaking, 400 Seventh Street, SW., Washington, DC 20590, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location.html">http://www.archives.gov/federalregister/codeofregulations/ibr/location.html</a>.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM E145	1994e 1	Standard Specification for Gravity-Convection and Forced-Ventilation Ovens	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(34) <b>E145-94 (Reapproved 2001)</b>, Standard Specification for Gravity-Convection and Forced-Ventilation Ovens, IBR approved for § 63.4581, appendix A.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM E169	1987	Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis	40 C.F.R. § 260.11 (2011)		<p>40 C.F.R. § 260.11, "References" (2011):</p> <p>(a) When used in parts 260 through 268 and 278 of this chapter, the following publications are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW. (3403T), Washington, DC 20460, libraryhq@epa.gov; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codetolofederalregulations/ibr/location.html">http://www.archives.gov/federalregister/codetolofederalregulations/ibr/location.html</a>.</p> <p>(b) The following materials are available for purchase from the American Society for Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959. ...</p> <p>(8) ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," IBR approved for §264.1063.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM E185	1982	Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels	10 C.F.R. § 50 App. H (2014)		<p>10 C.F.R. § 50 Appendix H, "Reactor Vessel Material Surveillance Program Requirements" (2014):</p> <p>I. Introduction</p> <p>The purpose of the material surveillance program required by this appendix is to monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region of light water nuclear power reactors which result from exposure of these materials to neutron irradiation and the thermal environment. Under the program, fracture toughness test data are obtained from material specimens exposed in surveillance capsules, which are withdrawn periodically from the reactor vessel. These data will be used as described in section IV of appendix G to part 50.</p> <p>ASTM E 185-73, "Standard Recommended Practice for Surveillance Tests for Nuclear Reactor Vessels"; ASTM E 185-79, "Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels"; and ASTM E 185-82, "Standard Practice for Conducting Surveillance Tests for Light-Water Cooled Nuclear Power Reactor Vessels"; which are referenced in the following paragraphs, have been approved for incorporation by reference by the Director of the Federal Register. Copies of ASTM E 185-73, -79, and -82, may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103 and are available for inspection at the NRC Library, 11545 Rockville Pike, Two White Flint North, Rockville, MD 20852-2738.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM E23	1982	Standard Test Methods for Notched Bar Impact Testing of Metallic Materials	46 C.F.R. § 56.012 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM E 23-82 Notched Bar Impact Testing of Metallic Materials. 56.50-105.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM E260	1996	Standard Practice for Packed Column Gas Chromatography	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(18) ASTM E260-91, 96, General Practice for Packed Column Gas Chromatography, IBR approved for §§ 63.750(b)(2) and 63.786(b)(5).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



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ASTM E283	1991 (1999)	Standard Test Method for Determining Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors Under Specified Pressure Differences Across the Specimen	10 C.F.R. § 434.701 (2012)		<p>10 C.F.R. § 434.701, "General" (2012):</p> <p>701.1 General. The standards, technical handbooks, papers, regulations, and portions thereof, that are referred to in the sections and subsections in the following list are hereby incorporated by reference into this part 434. The following standards have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 522(a) and 1 CFR part 51. A notice of any change in these materials will be published in the FEDERAL REGISTER. The standards incorporated by reference are available for inspection at the U.S. Department of Energy, Office of Energy Efficiency, Hearings and Dockets, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.s.html</a>. The standards may be purchased at the addresses listed at the end of each standard. The following standards are incorporated by reference in this part:</p> <p>...</p> <p>RS-10...<b>ASTM E 283-91</b>, Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls, and Doors Under Specified Pressure Difference Across the Specimen, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103....434.402.2; 434.402.2.1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 10 C.F.R. §§ 434.402.2-434.402.2.2 do not refer to E283-91 (1999). . This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM E29	1990	Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications	40 C.F.R. § 86.1 (2008)	2014	<p>40 C.F.R. § 86.1, "Reference materials" (2008):</p> <p>(a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.html">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.html</a>. (b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part. (1) ASTM material. The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than this section, in which the matter is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>ASTM E29-90, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications....86.609-84; 86.609-96; 86.609-97; 86.609-98; 86.1009-84; 86.1009-96; 86.1442; 86.1708-99; 86.1709-99; 86.1710-99; 86.1728-99.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM E408	1971	Standard Methods of Test for Total Normal Emission of Surfaces Using Inspection-Meter Techniques	16 C.F.R. § 460.5 (2014)		<p>16 C.F.R. § 460.5, "R-value Tests" (2014):</p> <p>R-value measures resistance to heat flow. R-values given in labels, fact sheets, ads, or other promotional materials must be based on tests done under the methods listed below. They were designed by the American Society of Testing and Materials (ASTM). The test methods are:</p> <p>...</p> <p>(b) Single sheet systems of aluminum foil must be tested with <b>ASTM E 408-71 (Reapproved 2002)</b>, "Standard Test Methods for Total Normal Emission of Surfaces Using Inspection-Meter Techniques," or ASTM C 1371-04a, "Standard Test Method for Determination of Emission of Materials Near Room Temperature Using Portable Emissometers." This tests the emissivity of the foil—its power to radiate heat. To get the R-value for a specific emissivity level, air space, and direction of heat flow, use the tables in the most recent edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers' (ASHRAE) Fundamentals Handbook, if the product is intended for applications that meet the conditions specified in the tables. You must use the R-value shown for 50[degrees] Fahrenheit, with a temperature differential of 30[degrees] Fahrenheit.</p> <p>...</p> <p>(e) The standards listed above are incorporated by reference into this section. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at the Federal Trade Commission, Consumer Response Center, Room 130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. Copies of materials and standards incorporated by reference may be obtained from the issuing organizations listed in this section.</p> <p>(1) The American Society of Testing and Materials, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E424	1971	Standard Methods of Test for Solar Energy Transmittance and Reflectance (Terrestrial) of Sheet Materials	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), 'Minimum Property Standards for Care-Type Housing' (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ANSI/ASTM E 424-71 Test for Solar Energy Transmittance and Reflectance (Terrestrial) of Sheet Materials; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to E424-71. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>
ASTM E606	1980	Standard Recommended Practice for Constant-Amplitude Low-Cycle Fatigue Testing	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), 'Minimum Property Standards II' (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p>ASTM E 606-80, Standard Recommended Practice for Constant-Amplitude Low-Cycle Fatigue Testing. 200.946.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to E606-80. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E681	1985	Standard Test Method for Concentration Limits of Flammability of Chemicals	49 C.F.R. § 171.7 (2002)	2004	<p>49 C.F.R. § 171.7, "Reference material" (2002):</p> <p>(a) Matter incorporated by reference-(1) General. There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.</p> <p>(2) Accessibility of materials. All incorporated matter is available for inspection at: (i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, Room 8422, NASSIF Building, 400 7th Street, SW., Washington, DC 20590; and (ii) The Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.</p> <p>(3) Table of material incorporated by reference. The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than § 171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.</p> <p>...</p> <p>American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428 Noncurrent ASTM Standards are available from: Engineering Societies Library, 354 E. 47th Street</p> <p>...</p> <p>ASTM E 681-85 Standard Test Method for Concentration Limits of Flammability of Chemicals ..... 173.115</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E695	1979 (1997) e1	Standard Method of Measuring Relative Resistance of Wall, Floor, and Roof Construction to Impact Loading	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards II" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained for appropriate use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the HUD, Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p><b>ASTM E 695-79 (Reapproved 1991)</b>, Standard Method of Measuring Relative Resistance of Wall, Floor and Roof Construction to Impact Loading, 200.946.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to E695-79 (1997)e1. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E711	<b>1987 (1992)</b>	Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(50) <b>ASTM E711-87 (Reapproved 2004)</b> Standard Test Method for Gross Calorific Value of Refuse-Derived Fuel by the Bomb Calorimeter, approved August 28, 1987, IBR approved for table 6 to subpart DDDDD of this part and table 5 to subpart JJJJJ of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E72	1980	Standard Methods of Conducting Strength Tests of Panels for Building Construction	30 C.F.R. § 75.333 (2014)		<p>30 C.F.R. § 75.333, "Ventilation controls" (2014):</p> <p>(e)(1)(i) Except as provided in paragraphs (e)(2), (e)(3) and (e)(4) of this section all overcasts, undercasts, shaft partitions, permanent stoppings, and regulators, installed after June 10, 1996, shall be constructed in a traditionally accepted method and of materials that have been demonstrated to perform adequately or in a method and of materials that have been tested and shown to have a minimum strength equal to or greater than the traditionally accepted in-mine controls. Tests may be performed under ASTM E72-80, "Standard Methods of Conducting Strength Tests of Panels for Building Construction" (Section 12-Transverse Load-Specimen Vertical, load, only), or the operator may conduct comparative in-mine tests. In-mine tests shall be designed to demonstrate the comparative strength of the proposed construction and a traditionally accepted in-mine control. The publication ASTM E72-80, "Standard Methods of Conducting Strength Tests of Panels for Building Construction" is incorporated by reference and may be inspected at any MSHA Coal Mine Safety and Health district office, or at MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2352, Arlington, Virginia 22209-3939, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959; <a href="http://www.astm.org">http://www.astm.org</a>. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>



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ASTM E773	1997	Standard Test Method for Accelerated Weathering of Sealed Insulating Glass Units	24 C.F.R. § 3280.4 (2014)		<p>24 C.F.R. § 3280.4, "Incorporation by Reference" (2014):</p> <p>(a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.</p> <p>(b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410.</p> <p>...</p> <p>ASTM-AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103</p> <p>...</p> <p>(28) ASTM E 773-97, Standard Test Methods for Accelerated Weathering of Sealed Insulating Glass Units, IBR approved for § 3280.403(d).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E774	1997	Standard Specifications for the Classification of the Durability of Sealed Insulating Glass Units	24 C.F.R. § 3280.4 (2014)		<p>24 C.F.R. § 3280.4, "Incorporation by Reference" (2014):</p> <p>(a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.</p> <p>(b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410.</p> <p>...</p> <p>ASTM-AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103</p> <p>...</p> <p>(29) ASTM E 774-97, Standard Specification for the Classification of the Durability of Sealed Insulating Glass Units, IBR approved for § 3280.403(d).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E775	1987 (1992)	Standard Test Methods for Total Sulfur in the Analysis Sample of Refuse-Derived Fuel	40 C.F.R. § 49.123 (2014)		<p>40 C.F.R. § 49.123, "General provisions" (2014):</p> <p>(e) Incorporation by reference. The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, or are available for inspection at EPA's Air and Radiation Docket and Information Center, located at 1301 Constitution Avenue, NW, Room B102, Mail Code 6102T, Washington, D.C. 20004, at EPA Region 10, Office of Air, Waste, and Toxics, 10th Floor, 1200 Sixth Avenue, Seattle, Washington 98101, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(1) The materials listed below are available for purchase from at least one of the following addresses: ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.</p> <p>...</p> <p>(xiii) <b>ASTM E775-87(Reapproved 2004)</b>, Standard Test Methods for Total Sulfur in the Analysis Sample of Refuse-Derived Fuel, IBR approved for § 49.130(e)(3).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E776	<b>1987 (1992)</b>	Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel	40 C.F.R. § 63.14 (2011)		<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(51) <b>ASTM E776-87 (Reapproved 2009)</b> Standard Test Method for Forms of Chlorine in Refuse-Derived Fuel, approved July 1, 2009, IBR approved for table 6 to subpart DDDDD of this part.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM E885	<b>1988</b>	Standard Test Methods for Analyses of Metals in Refuse-Derived Fuel by Atomic Absorption Spectroscopy	40 C.F.R. § 63.14 (2011)	2013	<p>40 C.F.R. § 63.14, "Incorporations by reference" (2011):</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding addresses noted below, and all are available for inspection at the National Archives and Records Administration (NARA), at the Air and Radiation Docket and Information Center, U.S. EPA, 401 M St., SW., Washington, DC, and at the EPA Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(b) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.</p> <p>...</p> <p>(53) <b>ASTM E885-88 (Reapproved 1996)</b>, Standard Test Methods for Analyses of Metals in Refuse Derived [sic] Fuel by Atomic Absorption Spectroscopy,<sup>1</sup> IBR approved for table 6 to subpart DDDDD of this part 63.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM E96	1995	Standard Test Methods for Water Vapor Transmission of Materials	24 C.F.R. § 3280.4 (2014)		<p>24 C.F.R. § 3280.4, "Incorporation by Reference" (2014):</p> <p>(a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.</p> <p>(b) The abbreviations and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410.</p> <p>...</p> <p>ASTM-AMERICAN SOCIETY FOR TESTING AND MATERIALS, 1916 RACE STREET, PHILADELPHIA, PENNSYLVANIA 19103</p> <p>...</p> <p>(26) ASTM E 96-95 Standard Test Methods for Water Vapor Transmission of Materials, IBR approved for § 3280.504(a).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1003	1986 (1992)	Standard Specification for Searchlights on Motor Lifeboats	46 C.F.R. § 199.05 (2014)		<p>46 C.F.R. § 199.05, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register, and the material must be available to the public. All approved material is available for inspection at Coast Guard Headquarters. Contact Commandant (CG-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509. You may also contact the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>American Society for Testing and Materials (ASTM)  100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM F 1003-86 (1992), Standard Specification for Searchlights on Motor Lifeboats 199.175</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1006	1986 (1997)	Standard Specification for Entrainment Separators for Use in Marine Piping Applications	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location.html">http://www.archives.gov/federalregister/codofregulations/ibr/location.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 1006-86</b> Entrainment Separators for Use in Marine Piping Applications. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F1007	1986 (1996) e 1	Standard Specification for Pipe-Line Expansion Joints of the Packed Slip Type for Marine Application	46 C.F.R. § 56.01-2 (2004)	2013	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2004):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material is available from the sources indicated in paragraph (b) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location.html">http://www.archives.gov/federalregister/codofregulations/ibr/location.html</a>.</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p><b>ASTM F 1007-86 (1996)</b>, Standard Specification for Pipe-Line Expansion Joints of the Packed Slip Type for Marine Application.....56.60-1</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



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ASTM F1014	1992	Standard Specification for Flashlights on Vessels	46 C.F.R. § 199.05 (2014)		<p>46 C.F.R. § 199.05, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register, and the material must be available to the public. All approved material is available for inspection at Coast Guard Headquarters. Contact Commandant (CG-ENG-4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509. You may also contact the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. All approved material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>American Society for Testing and Materials (ASTM)  100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM F 1014-92, Standard Specification for Flashlights on Vessels 199.175.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM F1020	1986 (1996) e 1	Standard Specification for Line-Blind Valves for Marine Applications	46 C.F.R. § 56.012	2013	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2004):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material is available from the sources indicated in paragraph (b) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location.html">http://www.archives.gov/federalregister/codeofregulations/ibr/location.html</a>.</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p><b>ASTM F 1020-86 (1996)</b>, Standard Specification for Line-Blind Valves for Marine Applications .....56.60-1</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM F1120	1987 (1998)	Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (2004):</p> <p>(a) Certain standards and specifications are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of the change must be published in the FEDERAL REGISTER and the material made available to the public. All approved material is available from the sources indicated in paragraph (b) or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location.html">http://www.archives.gov/federalregister/codofregulations/ibr/location.html</a>.</p> <p>(b) The standards and specifications approved for incorporation by reference in this part, and the sections affected are:</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>ASTM F 1120-87 (1993), Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications .....56.60-1</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM F1121	1987 (1998)	Standard Specification for International Shore Connections for Marine Fire Applications	46 C.F.R. § 193.01-3 (2014)		<p>46 C.F.R. § 193.01-3, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. Also, it is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509; telephone 202-372-1405. The material is also available from the sources listed below.</p> <p>(b) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>(1) <b>ASTM F1121-87 (Reapproved 2010)</b>, Standard Specification for International Shore Connections for Marine Fire Applications, (approved March 1, 2010), incorporation by reference approved for § 193.10-10.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM F1122	1987 (1998)	Standard Specification for Quick Disconnect Couplings	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(e) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(4) <b>ASTM F1122-87 (Reapproved 1992)</b>, Standard Specification for Quick Disconnect Couplings ("ASTM F1122"), IBR approved for § 154.500(d).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F1123	1987 (1998)	Standard Specification for Non-Metallic Expansion Joints	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codetofederalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codetofederalregulations/ibrlocations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 1123-87</b> Non-Metallic Expansion Joints for Use in Marine Piping Applications. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

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ASTM F1139	1988 (1998)	Standard Specification for Steam Traps and Drains	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codoflregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codoflregulations/ibr/location.s.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 1139-88</b> Steam Traps and Drains. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F1155	1998	Standard Practice for Selection and Application of Piping System Materials	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(c) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(5) ASTM F1155-98, Standard Practice for Selection and Application of Piping System Materials ("ASTM F1155"), IBR approved for Appendix A, 7.1, 8.4 to part 154.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

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ASTM F1172	1988 (1998)	Standard Specification for Fuel Oil Meters of the Volumetric Positive Displacement Type	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location">http://www.archives.gov/federalregister/codofregulations/ibr/location</a> s.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 1172-88</b> Fuel Oil Meters of the Volumetric Positive Displacement Type. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F1173	1995	Standard Specification for Thermosetting Resin Fiberglass Pipe and Fittings to be Used for Marine Applications	46 C.F.R. § 56.01-2 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location">http://www.archives.gov/federalregister/codofregulations/ibr/location</a> s.html. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM F 1173-95 Epoxy Resin Fiberglass Pipe and Fittings to be Used for Marine Applications. 56.60-1; 56.60-25.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1193	2006	Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices	40 C.F.R. § 799.5087 (2014)	Va. 13 VAC 5-31-40 (2010) Ind. 685 IAC 1-2-9 Fla. FAC 5F-8.0011 Colo. 7 C.C.R. 1101-12 Mass. 520 CMR 5.01 Tenn. Comp. R. & Regs. 0800-03-04	<p>40 C.F.R. § 799.5087, "Chemical testing requirements for second group of high production volume chemicals (HPV2)" (2014):</p> <p>(h) How must I conduct my testing? (1) The tests that are required for each chemical substance are indicated in Table 2 in paragraph (j) of this section. The test methods that must be followed are provided in Table 3 in paragraph (j) of this section. You must proceed in accordance with these test methods as required according to Table 3 in paragraph (j) of this section, or as appropriate if more than one alternative is allowed according to Table 3 in paragraph (j) of this section. Included in Table 3 in paragraph (j) of this section are the following 18 test methods which are incorporated by reference:</p> <p>...</p> <p>(vi) Standard Guide for Conducting Daphnia Magna Life-Cycle Toxicity Tests, <b>ASTM E 1193-97 (Reapproved 2004)</b>, approved April 1, 2004.</p> <p>...</p> <p>(2) The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the ASTM test methods from the American Society for Testing and Materials, 100 Bar Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959, telephone number: (610) 832-9585, web address: <a href="http://www.astm.org">http://www.astm.org</a>; copies of the ISO test methods from the International Organization for Standardization, 1, ch. de la Voie-Creuse, Case postale, 56 CH-1211 Geneve 20 Switzerland, telephone number: +41 22 749 01 11, web address: <a href="http://www.iso.org">http://www.iso.org</a>; and a copy of the OECD guideline from the Organization for Economic Cooperation and Development, 2, rue André Pascal, 75775 Paris Cedex 16 France, telephone number: +33 1 45 24 82 00, web address: <a href="http://www.oecd.org">http://www.oecd.org</a>. You may inspect each test method and guideline at the EPA Docket Center, EPA West, Rm. B102, 1301 Constitution Ave., NW., Washington, DC 20004, telephone number: (202) 566-1744, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <a href="http://www.archives.gov/federal-register/cfr/ibr-locations.html">http://www.archives.gov/federal-register/cfr/ibr-locations.html</a>.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not even included the incorporating language or undertaken any analysis of these claimed state regulations.</p> <p>And indeed:</p> <p>Va. 13 VAC 5-31-40 (2010) incorporates ASTM F1193-16, not ASTM F1193-06.</p> <p>Fla. FAC 5F-8.0011 was transferred to 5J-18.0011, which incorporates ASTM F1193-18, not ASTM F1193-06.</p> <p>Colo. 7 C.C.R. 1101-12 – 7 CCR 1101-12:1-5 incorporates ASTM F1193-18, not ASTM F1193-06.</p> <p>Tenn. Comp. R. &amp; Regs. 0800-03-04.12(1)(g) incorporates ASTM F1193-06, "Sections 1 through 7," not ASTM F1193-06 in its entirety. PRO offered no evidence that Ind. 685 IAC 1-2-9 or Mass. 520 CMR 5.01 impose binding legal obligations.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1199	<b>1988 (1998)</b>	Standard Specification for Cast (All Temperatures and Pressures) and Welded Pipe Line Strainers (150 psig and 150 Degrees F Maximum)	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codoflregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codoflregulations/ibr/location.s.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 1199-88</b> Cast and Welded Pipe Line Strainers. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F1200	<b>1988 (1998)</b>	Standard Specification for Fabricated (Welded) Pipe Line Strainers (Above 150 psig and 150°F)	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codoflregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codoflregulations/ibr/location.s.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 1200-88</b> Fabricated (Welded) Pipe Line Strainers. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1201	<b>1988 (1998)</b>	Standard Specification for Fluid Conditioner Fittings in Piping Applications Above Zero Degrees F	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codofregulations/ibr/location.s.html">http://www.archives.gov/federalregister/codofregulations/ibr/location.s.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Ban' Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 1201-88</b> Fluid Conditioner Fittings in Piping Applications Above 0°F. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F1271	<b>1990 (1995) e 1</b>	Standard Specification for Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment	46 C.F.R. § 39.10-5 (2009)		<p>46 C.F.R. § 39.10-5, "Incorporation by reference" (2009):</p> <p>(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved material is on file at the U.S. Coast Guard, Office of Operating and Environmental Standards (CG-522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. All material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part, and the sections affected are:</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p><b>ASTM F 1271-90 (1995)</b>-Standard Specification for Spill Valves for Use in Marine Tank Liquid Overpressure Protection Applications....39.20-9</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1273	1991	(1996) e 1	F1273		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(c) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(6) <b>ASTM F1273-91 (Reapproved 2007)</b> Standard Specification for Tank Vent Flame Arresters ("ASTM F1273"), approved December 1, 2007, IBR approved for §§ 154.2001 and 154.2105(j).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1321	1992	Standard Guide for Conducting a Stability Test (Lightweight Survey and Inclining Experiment) to Determine Light Ship Displacement and Centers of Gravity of a Vessel	46 C.F.R. § 28.40 (2011)		<p>46 C.F.R. § 28.40, "Incorporation by reference" (2011):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. All material is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>American Society for Testing and Materials (ASTM),  100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.  ASTM F 1321-92, Standard Guide for Conducting a Stability Test (Lightweight Survey and Inclining Experiment) to Determine the Light Ship Displacement and Centers of Gravity of a Vessel...28.535</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1323	1998	Standard Specification for Shipboard Incinerators	46 C.F.R. § 63.05-1 (2005)	2008	<p>46 C.F.R. §63.05-1, "Incorporation by reference" (2005):</p> <p>(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved materials is on file at the U.S. Coast Guard, Office of Design and Engineering Standards (G-MSE), 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources listed in paragraph (b) of this section or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)  100 BARR HARBOR DRIVE, WEST CONSHOCKEN, PA 19428-2959.  ASTM F 1323-98, STANDARD SPECIFICATION FOR SHIPBOARD INCINERATORS...63.25-9</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM F1471	1993	Standard Test Method for Air Cleaning Performance of a High-Efficiency Particulate Air-Filter System	40 C.F.R. § 86.1 (2008)	2014	<p>40 C.F.R. § 86.1, "Reference materials" (2008):</p> <p>(a) The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at U.S. EPA, OAR, 401 M St., SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/location">http://www.archives.gov/federalregister/codeofregulations/ibr/location</a> s.html. (b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part. (1) ASTM material. The following table sets forth material from the American Society for Testing and Materials that has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than this section, in which the matter is referenced. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>ASTM F1471-93, Standard Test Method for Air Cleaning Performance of a High-Efficiency Particulate Air-Filter System...86.1310-2007.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1546 / F1546M	1996	Standard Specification for Fire Hose Nozzles	46 C.F.R. § 162.027-1 (2004)	2013	<p>46 C.F.R. § 162.027, "Incorporation by reference" (2004):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA) and at the U.S. Coast Guard, Office of Design and Engineering Standards (G-MISE), 2100 Second Street SW, Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section. For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.shtml">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.shtml</a>.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are as follows:</p> <p>American Society for Testing and Materials (ASTM)  100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p><b>ASTM F 1546 [or] F 1546 M-96</b>, Standard Specification for Firehose Nozzles-162.027-2; 162.027-3</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F1548	1994	Standard Specification for the Performance of Fittings for Use with Gasketed Mechanical Couplings Used in Piping Applications	46 C.F.R. § 56.012 (1997)		<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.shtml">http://www.archives.gov/federalregister/codof/federalregulations/ibr/location.shtml</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p>ASTM F 1548-94 Standard specification for Performance of Fittings for Use with Gasketed Mechanical Couplings for Use in Piping Applications. 56.30-35.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F1951	1999	Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment	36 C.F.R. § 1191, App. B (2014)		<p>36 C.F.R. § 1191, App. B, "Referenced Standards" (2014):</p> <p>105.1 General. The standards listed in 105.2 are incorporated by reference in this document and are part of the requirements to the prescribed extent of each such reference. The Director of the Federal Register has approved these standards for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the referenced standards may be inspected at the Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004; at the Department of Justice, Civil Rights Division, Disability Rights Section, 1425 New York Avenue NW., Washington, DC 20005; at the Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to <a href="http://www.archives.gov/federalregister/codof/federalregulations/ibrlocations.html">http://www.archives.gov/federalregister/codof/federalregulations/ibrlocations.html</a>.</p> <p>105.2 Referenced Standards. The specific edition of the standards listed below are referenced in this document. Where differences occur between this document and the referenced standards, this document applies.</p> <p>...</p> <p>105.2.3 ASTM. Copies of the referenced standards may be obtained from the American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428 (<a href="http://www.astm.org">http://www.astm.org</a>).</p> <p>...</p> <p>ASTM F1951-99 Standard Specification for H263 Determination of Accessibility of Surface Systems Under and Around Playground Equipment (see 1008.2.6.1).</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 36 C.F.R. § 1191, App. B (2014) does not refer to F1951-99. This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F462	1979 (1999)	Standard Consumer Safety Specification for Slip-Resistant Bathing Facilities	24 C.F.R. (Parts 200 to 499) (2005)	2009	<p>24 C.F.R. (Parts 200 to 499), "Minimum Property Standards for Care-Type Housing" (2005):</p> <p>The following publications are incorporated by reference in the HUD Minimum Property Standards (MPS) in 24 CFR part 200, subpart S. The MPS are available for public inspection and can be obtained</p> <p>for appropriate [sic] use at 490 L'Enfant Plaza East, Suite 3214, or at each HUD Regional, Area, and Service Office. Copies are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. The individual standards referenced in the MPS are available at the address contained in the following table. They are also available for public inspection at the</p> <p>Manufactured Housing and Construction Standards Division, Suite 3214, 490 L'Enfant Plaza East, Washington, DC 20024.</p> <p>...</p> <p>American Society for Testing and Materials 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Telephone (610) 832-9585, FAX (610) 832-9555</p> <p>...</p> <p><b>ASTM F 462-79</b> Slip-Resistant Bathing Facilities; Part 200, Subpart S</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>Moreover, 24 C.F.R. (Parts 200 to 499) contains a non-substantive list of standards incorporated by reference. Each entry on this list references a substantive regulation—here, 24 C.F.R. Part 200, Subpart S. But 24 C.F.R. Part 200, Subpart S does not refer to F462-79 (1999). This underscores the fact that PRO has not analyzed the substantive regulations at issue.</p> <p>Finally, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F478	1992 (1999)	Standard Specification for In-Service Care of Insulating Line Hose and Covers	29 C.F.R. § 1910.137 (2012)	2014	<p>29 C.F.R. § 1910.137, "Electrical protective equipment":</p> <p>NOTE: Standard electrical test methods considered as meeting this requirement are given in the following national consensus standards:</p> <p>...</p> <p><b>ASTM F 478-92</b>, Specification for In-Service Care of Insulating Line Hose and Covers.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM F631	1993	Standard Guide for Collecting Skimmer Performance Data in Controlled Environments	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(c) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(1) ASTM F631-93, Standard Guide for Collecting Skimmer Performance Data in Controlled Environments ("ASTM F631"), IBR approved for Appendix C, 6.3 to part 154.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F631	1980 (1985)	Standard Method for Testing Full Scale Advancing Spill Removal Devices	33 C.F.R. § 154.106 (1999)	2009	<p>33 C.F.R. § 154.106, "Incorporation by reference" (1999):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC and at the U.S. Coast Guard, Office of the Compliance (GMOC), Room 1116, 2100 Second Street SW., Washington, DC 205930001, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 1916 RACE STREET, PHILADELPHIA, PA 19103.</p> <p>ASTM F 631-80 (REAPPROVED 1985), STANDARD METHOD FOR TESTING FULL SCALE ADVANCING SPILL REMOVAL DEVICES APPENDIX C.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM F682	1982a (1988)	Standard Specification for Wrought Carbon Steel Sleeve-Type Pipe Couplings	46 C.F.R. § 56.01-2 (1997)	2000	<p>46 C.F.R. § 56.01-2, "Incorporation by Reference" (1997):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html">http://www.archives.gov/federalregister/codeofregulations/ibr/locations.html</a>. The material is also available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.</p> <p>...</p> <p>American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959</p> <p>...</p> <p><b>ASTM F 682-82a</b> Wrought Carbon Steel Sleeve-Type Pipe Couplings. 56.60-1.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450-51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>



No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F715	1995	Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>.</p> <p>Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(e) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(2) ASTM F715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage ("ASTM F715"), IBR approved for Appendix C, 2.3.1 to part 154.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F715	1981 (1986)	Standard Methods of Testing Spill Control Barrier Membrane Materials	33 C.F.R. § 154.106 (1997-2008)	2009	<p>33 C.F.R. § 154.106, "Incorporation by reference" (1999):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC and at the U.S. Coast Guard, Office of the Compliance (G-MOC), Room 1116, 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 1916 RACE STREET, PHILADELPHIA, PA 19103.</p> <p>...</p> <p>ASTM F 715-81 (REAPPROVED 1986), STANDARD METHODS OF TESTING SPILL CONTROL BARRIER MEMBRANE MATERIALS APPENDIX C.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>
ASTM F722	1982 (1988)	Standard Specification for Welded Joints for Shipboard Piping Systems	33 C.F.R. § 154.106 (2014)		<p>33 C.F.R. § 154.106, "Incorporation by reference" (2014):</p> <p>(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593-7126, telephone 202-372-1418 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. Also, it is available from the sources indicated in this section.</p> <p>...</p> <p>(e) ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.</p> <p>...</p> <p>(3) <b>ASTM F722-82 (Reapproved 2008)</b>, Standard Specification for Welded Joints for Shipboard Piping Systems ("ASTM F722"), approved November 1, 2008, IBR approved for Appendix A, 8.4, 8.6 to part 154.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM F808	1983 (1988)e1	Standard Guide for Collecting Skimmer Performance Data in Uncontrolled Environments	33 C.F.R. § 154.106 (1999)	2009	<p>33 C.F.R. § 154.106, "Incorporation by reference" (1999):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC and at the U.S. Coast Guard, Office of the Compliance (G-MOC), Room 1116, 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.</p> <p>(b) The material approved for incorporation by reference in this part and the sections affected are:</p> <p>...</p> <p>AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) 1916 RACE STREET, PHILADELPHIA, PA 19103.</p> <p>...</p> <p><b>ASTM F 808-83 (1988)</b>, STANDARD GUIDE FOR COLLECTING SKIMMER PERFORMANCE DATA IN UNCONTROLLED ENVIRONMENTS APPENDIX C.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM G151	1997	Standard Practice for Exposing Nonmetallic Materials in Accelerated Test Devices that Use Laboratory Light Sources	49 C.F.R. § 571.5 (2014)		<p>49 C.F.R. § 571.5, "Matter incorporated by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the National Highway Traffic Safety Administration (NHTSA) must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NHTSA, or if you experience difficulty obtaining the standards referenced below, contact NHTSA Office of Technical Information Services, phone number (202) 366-2588.</p> <p>For information on the availability of this material at NARA, call (202) 741-6030, or go to: <a href="http://www.archives.gov/federal-register/cfr/ibr-locations.html">http://www.archives.gov/federal-register/cfr/ibr-locations.html</a>.</p> <p>...</p> <p>(d) ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. Telephone: (610) 832-9500; Fax (610) 832-9555; Web site: <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>...</p> <p>(37) ASTM G151-97, "Standard Practice for Exposing Nonmetallic Materials in Accelerated Test Devices that Use Laboratory Light Sources," approved July 10, 1997, into § 571.106.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>

No. <sup>1</sup>	Edition	Title	Reference	Year C.F.R. Amended	PRO's Truncated Text of Incorporation by Reference <sup>2</sup>	ASTM's Response <sup>3</sup>
ASTM G154	2000a	Standard Practice for Operating Light Fluorescent Light Apparatus for UV Exposure of Nonmetallic Materials	49 C.F.R. § 571.5 (2014)		<p>49 C.F.R. § 571.5, "Matter incorporated by reference" (2014):</p> <p>(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the National Highway Traffic Safety Administration (NHTSA) must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NHTSA, or if you experience difficulty obtaining the standards referenced below, contact NHTSA Office of Technical Information Services, phone number (202) 366-2588.</p> <p>For information on the availability of this material at NARA, call (202) 741-6030, or go to: <a href="http://www.archives.gov/federal-register/cfr/ibr-locations.html">http://www.archives.gov/federal-register/cfr/ibr-locations.html</a>.</p> <p>...</p> <p>(d) ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. Telephone: (610) 832-9500; Fax (610) 832-9555; Web site: <a href="http://www.astm.org">http://www.astm.org</a>.</p> <p>...</p> <p>(38) <b>ASTM G154-00</b>, "Standard Practice for Operating Fluorescent Light Apparatus for UV Exposure of Nonmetallic Materials," approved February 10, 2000, into § 571.106.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p> <p>Moreover, on its face, the incorporating language does not reference the edition of the ASTM Work that PRO reproduced and displayed.</p>
ASTM G21	1990	Standard Practice for Determining Resistance of Synthetic Polymeric Materials to Fungi	7 C.F.R. § 1755.910 (2014)		<p>7 C.F.R. § 1755.910, "RUS specification for outside plant housings and serving area interface systems" (2014):</p> <p>(7) The American Society for Testing and Materials Specifications (ASTM) .... ASTM G 21-90, Standard Practice for Determining Resistance of Synthetic Polymeric Materials to Fungi; and ASTM G 23-90, Standard Practice for Operating Light-Exposure Apparatus (Carbon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials, referenced in this section are incorporated by reference by RUS. These incorporations by references were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 7 CFR part 51. Copies of the ASTM standards are available for inspection during normal business hours at RUS, room 2845-S, U.S. Department of Agriculture, Washington, DC 20250-1500, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <a href="http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html">http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html</a>. Copies are available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, telephone number (215) 299-5585.</p>	<p>Mere identification of an incorporating reference does not satisfy the D.C. Circuit's mandate to analyze—"standard by standard and use by use"—whether the material PRO copied is "essential to complying with any legal duty." <i>ASTM II</i>, 896 F.3d at 450–51.</p> <p>PRO has not analyzed the substantive regulation that references this ASTM Standard.</p>