

## U.S. Federal Register Update: August 7 – August 11, 2023

The U.S. Federal Register Update contains summaries of entries in the U.S. Federal Register that may be of particular interest to the standards and conformity assessment community. This update is provided on a weekly basis by ANSI as a service to its members as part of the Institute's e-newsletter, *What's New?*

### Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 060

**Published** 8/07/2023

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

The Food and Drug Administration (FDA or Agency) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled "Modifications to the List of Recognized Standards, Recognition List Number: 060" (Recognition List Number: 060), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices. Submit either electronic or written comments on the notice at any time. These modifications to the list of recognized standards are applicable **August 7, 2023**.

### Federal Acquisition Regulation: Update to ASSIST Database References

**Published** 08/08/2023

**Reference** ANSI

DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to update contact information, web addresses, and office titles associated with the DoD Acquisition Streamlining and Standardization Information System and clarify the authoritative source for a form. Effective **September 7, 2023**.

### Energy Conservation Program: Test Procedure for Fans and Blowers

**Published** 8/08/2023

**Reference** ANSI, ASHRAE, ISO

On May 1, 2023, the U.S. Department of Energy ("DOE") published a final rule adopting procedures for fans and blowers (hereafter the "May 2023 Final Rule"). This document corrects editorial and typographical errors in the May 2023 Final Rule. Neither the errors nor the corrections in this document affect the substance of the rulemaking or any conclusions reached in support of the final rule. Effective **August 8, 2023**.

### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey in Coastal Waters Off of Texas

**Published** 08/08/2023

**Reference** ANSI, ISO

NMFS has received a request from the University of Texas at Austin (UT) for authorization to take marine mammals incidental to a marine geophysical survey in coastal waters off of Texas. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal Start Printed Page 53454 to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, 1-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. Comments and information must be received no later than **September 7, 2023**.

### Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

**Published** 08/08/2023

**Reference** ANSI

The Architectural and Transportation Barriers Compliance Board (Access Board or Board) issues its final rule that provides minimum guidelines for the accessibility of pedestrian facilities in the public right-of-way. These guidelines, once adopted, would ensure that facilities used by pedestrians, such as sidewalks and crosswalks,

constructed or altered in the public right-of-way by Federal, state, and local Governments are readily accessible to and usable by pedestrians with disabilities. When the guidelines are adopted, with or without modifications, as accessibility standards in regulations issued by other Federal agencies implementing the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Architectural Barriers Act, compliance with those enforceable accessibility standards is mandatory. The final rule is effective **September 7, 2023**.

#### Energy Conservation Program: Test Procedure for Air Cleaners

**Published** 08/08/2023

**Reference** AHAM

Correction: In rule document 2023–03987, appearing on pages 14014 through 14045 in the issue of Monday, March 6, 2023, on page 14045, in the middle column, make the following correction to paragraph 5.1.2.: PART 430 ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS [Corrected] Appendix FF of Subpart B 5.1.2. PM<sub>2.5</sub> CADR may alternately be calculated using the smoke CADR and dust CADR values determined according to sections 5 and 6, respectively, of AHAM AC–1–2020, according to the following equation:

$$PM_{2.5}CADR = \sqrt{\text{Smoke CADR (0.1 – 1 } \mu\text{m)} \times \text{Dust CADR (0.5 – 3 } \mu\text{m)}}$$

#### American Society of Mechanical Engineers 2021-2022 Code Editions

**Published** 08/08/2023

**Reference** ASME

The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to incorporate by reference the 2021 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the 2022 Edition of the American Society of Mechanical Engineers Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST, for nuclear power plants. This action is in accordance with the NRC's policy to periodically update the regulations to incorporate by reference new editions of the American Society of Mechanical Engineers Codes and is intended to maintain the safety of nuclear power plants and to make NRC activities more effective and efficient. This amendment also incorporates editorial changes that do not change the technical information. Submit comments by **October 23, 2023**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

#### Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan and Circular Welded Non-Alloy Steel Pipe From Taiwan: Negative Final Determinations of Circumvention of the Antidumping Duty Orders

**Published** 08/09/2023

**Reference** ASTM

The U.S. Department of Commerce (Commerce) determines that certain circular welded carbon steel pipes and tubes (pipe and tube) and circular welded non-alloy steel pipe (CWP) imported into the United States during the period of inquiry, January 1, 2017, through December 31, 2021, were not completed in the Socialist Republic of Vietnam (Vietnam) using hot-rolled steel (HRS) manufactured in Taiwan, and, therefore, no such imports are circumventing the antidumping duty (AD) orders on pipe and tube and CWP from Taiwan. Applicable **August 9, 2023**.

#### Reporting and Information Requirements for Derivatives Clearing Organizations

**Published** 08/08/2023

**Reference** ISO

The Commodity Futures Trading Commission (Commission) is amending certain reporting and information regulations applicable to derivatives clearing organizations (DCOs). These amendments, among other things, update information requirements associated with commingling customer funds and positions in futures and swaps in the same account, revise certain daily and event-specific reporting requirements in the regulations, and codify in an appendix the fields that a DCO is required to provide on a daily basis under the regulations. In addition, the Commission is adopting amendments to certain delegation provisions in its regulations. Effective date: The effective date for this final rule is **September 7, 2023**. Compliance date: DCOs must comply with the amendments

to § 39.19 and appendix C by **February 10, 2025**; DCOs must comply with the amendments to all other rules by **September 7, 2023**.

### Privacy Act of 1974; System of Records

**Published** 08/09/2023

#### **Reference** NIST

The Federal Energy Regulatory Commission (FERC) is publishing notice of a new FERC system of records, titled “*FERC–65—Agencywide Notification System*.” This system of records covers emergency contact information collection of current FERC employees, contractors and interns to be used in the event of an emergency. This notice has 12 routine uses, including two prescribed by the Office of Management and Budget (OMB) Memorandum M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information*, January 3, 2017, that will permit FERC to disclose information as necessary in response to an actual or suspected breach of its own records or to assist another agency in its efforts to respond to a breach. Comments on this new system of records must be received no later than 30 days after the date of publication in the **Federal Register** . If no public comment is received during this period or unless otherwise published in the **Federal Register** by FERC, the new system of records will become effective a minimum of 30 days after the date of publication in the **Federal Register** . If FERC receives public comments, FERC shall review the comments to determine whether any changes to the notice are necessary.

### Request for Information on Open-Source Software Security: Areas of Long-Term Focus and Prioritization

**Published** 08/10/2023

#### **Reference** NIST

The Office of the National Cyber Director (ONCD), the Cybersecurity Infrastructure Security Agency (CISA), the National Science Foundation (NSF), the Defense Advanced Research Projects Agency (DARPA), and the Office of Management and Budget (OMB) invite public comments on areas of long-term focus and prioritization on open-source software security. Comments must be received in writing by 5 p.m. ET **October 9, 2023**.