

U.S. Federal Register Update: September 4 – September 8, 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?*

[Request for Information on Implementation of the United States Government National Standards Strategy for Critical and Emerging Technology \(USG NSSCET\)](#)

Published 9/07/2023

Reference ANSI, NIST

NIST is seeking information on behalf of the U.S. Department of Commerce and the U.S. Government to support the development of an implementation plan for the United States Government National Standards Strategy for Critical and Emerging Technology (USG NSSCET). The USG NSSCET is intended to support and complement existing private sector-led activities and plans, including the American National Standards Institute (ANSI) United States Standards Strategy (USSS), with a focus on critical and emerging technology(ies) (CET). The USG NSSCET reinforces the U.S. Government's support of a private sector-led, open, consensus-based international standards system, corresponding to the World Trade Organization (WTO) Technical Barriers to Trade (TBT) Committee decision that articulates and elaborates on principles that are fundamental to the development of an international standards: transparency; openness; impartiality and consensus; effectiveness and relevance; and coherence. To inform the USG NSSCET implementation, including how to best partner with relevant stakeholders, NIST is requesting information that will support the identification and prioritization of key activities that will optimize the USG NSSCET implementation and further enhance the U.S. Government's ability to support a private sector-led, open, consensus-based international standards system, to which the U.S. Government is an active stakeholder and participant. Comments must be received by 5:00 p.m. Eastern Time on **November 6, 2023**.

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Columbia East Lateral XPRESS Project](#)

Published 9/07/2023

Reference ANSI, ISO

NMFS has received a request from TC Energy Columbia Gulf Transmission, LLC for authorization to take marine mammals incidental to the East Lateral XPRESS Project in Barataria Bay, Louisiana. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. Comments and information must be received no later than **October 10, 2023**.

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pier Maintenance and Bank Stabilization at U.S. Coast Guard Air Station Port Angeles, Port Angeles, Washington](#)

Published 09/07/2023

Reference ANSI, ISO

NMFS has received a request from the U.S. Coast Guard (Coast Guard or USCG) for authorization to take marine mammals incidental to pier maintenance and bank stabilization construction activities at USCG Air Station Port Angeles, Port Angeles, Washington. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision. Comments and information must be received no later than **October 10, 2023**.

[Pipeline Safety: Safety of Gas Distribution Pipelines and Other Pipeline Safety Initiatives](#)

Published 9/07/2023

Reference ANSI, ASME, NFPA

PHMSA proposes revisions to the pipeline safety regulations to require operators of gas distribution pipelines to update their distribution integrity management programs (DIMP), emergency response plans, operations and maintenance manuals, and other safety practices. These proposals implement provisions of the Leonel Rondon Pipeline Safety Act—part of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020—and a National Transportation Safety Board (NTSB) recommendation directed toward preventing catastrophic incidents resulting from overpressurization of low-pressure gas distribution systems similar to that which occurred on a gas distribution pipeline system in Merrimack Valley on September 13, 2018. PHMSA also proposes to codify use of its State Inspection Calculation Tool, which is used to help states determine the base-level amount of time needed for inspections to maintain an adequate pipeline safety program. Further, PHMSA proposes other pipeline safety initiatives for all part 192-regulated pipelines, including gas transmission and gathering pipelines, such as updating emergency response plans and inspection requirements. Finally, PHMSA proposes to apply annual reporting requirements to small, liquefied petroleum gas (LPG) operators in lieu of DIMP requirements. Individuals interested in submitting written comments on this NPRM must do so by **November 6, 2023**.

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Skagway Ore Terminal Redevelopment Project in Skagway, Alaska](#)

Published 9/05/2023

Reference ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Municipality of Skagway (MOS) to incidentally harass marine mammals during construction associated with the Ore Terminal redevelopment project in Skagway, Alaska. This authorization is effective from **October 1, 2023** through **September 30, 2024**.

[Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Port of Nome Modification Project in Nome, Alaska](#)

Published 9/07/2023

Reference ANSI

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the U.S. Army Corps of Engineers (USACE) to incidentally harass, by Level B harassment only, marine mammals during construction activities associated with the Port of Nome Modification Project in Nome, Alaska. This Authorization is effective from **May 1, 2024** through **April 30, 2025**.

[Improvements to Generator Interconnection Procedures and Agreements](#)

Published 9/06/2023

Reference ANSI

The Federal Energy Regulatory Commission (Commission or FERC) is adopting reforms to its *pro forma* Large Generator Interconnection Procedures, *pro forma* Small Generator Interconnection Procedures, *pro forma* Large Generator Interconnection Agreement, and *pro forma* Small Generator Interconnection Agreement to address interconnection queue backlogs, improve certainty, and prevent undue discrimination for new technologies. The reforms are intended to ensure that the generator interconnection process is just, reasonable, and not unduly discriminatory or preferential. This final rule is effective **November 6, 2023**.

[Protection of Stratospheric Ozone: Determination 38 for Significant New Alternatives Policy Program](#)

Published 09/08/2023

Reference ASHRAE, NFPA

This determination of acceptability expands the list of acceptable substitutes pursuant to the U.S. Environmental Protection Agency's Significant New Alternatives Policy program. This action lists as acceptable additional

substitutes for use in the refrigeration and air conditioning and fire suppression sectors. This determination is applicable on **September 8, 2023**.

Energy Conservation Program: Energy Conservation Standards for Walk-In Coolers and Freezers

Published 9/05/2023

Reference ASHRAE, UL

The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including walk-in coolers and freezers (“walk-ins” or “WICFs”). EPCA also requires the U.S. Department of Energy (“DOE”) to periodically determine whether more-stringent, standards would be technologically feasible and economically justified, and would result in significant energy savings. In this notice of proposed rulemaking (“NOPR”), DOE proposes amended energy conservation standards for walk-ins, and also announces a public meeting to receive comment on these proposed standards and associated analyses and results. DOE will accept comments, data, and information regarding this NOPR no later than **November 6, 2023**.

Northern States Power Company; Prairie Island Independent Spent Fuel Storage Installation

Published 9/08/2023

Reference ASME

PHMSA proposes revisions to the pipeline safety regulations to require operators of gas distribution pipelines to update their distribution integrity management programs (DIMP), emergency response plans, operations and maintenance manuals, and other safety practices. These proposals implement provisions of the Leonel Rondon Pipeline Safety Act—part of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020—and a National Transportation Safety Board (NTSB) recommendation directed toward preventing catastrophic incidents resulting from overpressurization of low-pressure gas distribution systems similar to that which occurred on a gas distribution pipeline system in Merrimack Valley on September 13, 2018. PHMSA also proposes to codify use of its State Inspection Calculation Tool, which is used to help states determine the base-level amount of time needed for inspections to maintain an adequate pipeline safety program. Further, PHMSA proposes other pipeline safety initiatives for all part 192-regulated pipelines, including gas transmission and gathering pipelines, such as updating emergency response plans and inspection requirements. Finally, PHMSA proposes to apply annual reporting requirements to small, liquefied petroleum gas (LPG) operators in lieu of DIMP requirements. Individuals interested in submitting written comments on this NPRM must do so by **November 6, 2023**.

Certain Cut-To-Length Carbon-Quality Steel Plate From India, Indonesia, and the Republic of Korea: Continuation of Antidumping and Countervailing Duty Orders

Published 9/08/2023

Reference ASTM, SAE

As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order and countervailing duty (CVD) orders on certain cut-to-length carbon-quality steel plate (CTL plate) from India, Indonesia, and the Republic of Korea (Korea) would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders. Applicable **August 28, 2023**.

Improvements to Generator Interconnection Procedures and Agreements

Published 09/06/2023

Reference IEEE, ISO

The Federal Energy Regulatory Commission (Commission or FERC) is adopting reforms to its *pro forma* Large Generator Interconnection Procedures, *pro forma* Small Generator Interconnection Procedures, *pro forma* Large Generator Interconnection Agreement, and *pro forma* Small Generator Interconnection Agreement to address interconnection queue backlogs, improve certainty, and prevent undue discrimination for new technologies. The reforms are intended to ensure that the generator interconnection process is just, reasonable, and not unduly discriminatory or preferential. This final rule is effective **November 6, 2023**.

[Use of International Standard ISO 10993-1, "Biological Evaluation of Medical Devices-Part 1: Evaluation and Testing Within a Risk Management Process"; Guidance for Industry and Food and Drug Administration Staff; Availability](#)

Published 09/08/2023

Reference ISO

The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled "Use of International Standard ISO 10993-1, 'Biological evaluation of medical devices—Part 1: Evaluation and testing within a risk management process'." This guidance was revised to incorporate updates to FDA's current thinking regarding the type of biocompatibility information that should be provided in a premarket submission for certain devices made from common polymers and fabrics that are in contact with intact skin. The purpose of this guidance is to provide further clarification and updated information on the use of International Standard ISO 10993-1, "Biological evaluation of medical devices—Part 1: Evaluation and testing within a risk management process" to support premarket approval applications (PMAs), humanitarian device exemptions (HDEs), investigational device exemption (IDE) applications, premarket notifications (510(k)s), and De Novo requests. The announcement of the guidance is published in the *Federal Register* on **September 8, 2023**.

[Anthropomorphic Test Devices; THOR 50th Percentile Adult Male Test Dummy; Incorporation by Reference](#)

Published 9/07/2023

Reference ISO, SAE

This document proposes to amend NHTSA's regulations to include an advanced crash test dummy, the Test Device for Human Occupant Restraint (THOR) 50th percentile adult male (THOR-50M). The dummy represents an adult male of roughly average height and weight and is designed for use in frontal crash tests. NHTSA plans to issue a separate NPRM to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant crash protection," to specify the THOR-50M as an alternative (at the vehicle manufacturer's option) to the 50th percentile adult male dummy currently specified in FMVSS No. 208 for use in frontal crash compliance tests. You should submit your comments early enough to be received not later than **November 6, 2023**.

[Medicare and Medicaid Programs: Application From the Accreditation Commission for Health Care, Inc. for Continued Approval of its Ambulatory Surgical Center \(ASC\) Accreditation Program](#)

Published 09/07/2023

Reference NFPA

This notice announces our decision to approve the Accreditation Commission for Health Care, Inc for continued recognition as a national accrediting organization for Ambulatory Surgical Centers that wish to participate in the Medicare or Medicaid programs. The decision announced in this notice is applicable on **September 22, 2023** through **September 22, 2027**.

[Medicare and Medicaid Programs: Application From the Accreditation Commission for Healthcare \(ACHC\) for Continued CMS-Approval of Its Hospital Accreditation Program](#)

Published 9/06/2023

Reference NFPA

This notice announces our decision to approve the Accreditation Commission for Healthcare (ACHC) for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs. The decision announced in this notice is applicable on **September 25, 2023** through **September 25, 2027**.

[Industrial Advisory Committee](#)

Published 9/05/2023

Reference NIST

The Industrial Advisory Committee (Committee) will hold an open meeting via web conference on Wednesday, November 8, 2023, from 10:30 a.m. to 3:30 p.m. Eastern Time. The primary purposes of this meeting are to update the Committee on the progress of the CHIPS R&D Programs, receive updates from the Committee working groups, and allow the Committee to deliberate and discuss the progress that has been made. The final agenda will be posted on the NIST website at <https://www.nist.gov/chips/industrial-advisory-committee>. The Industrial Advisory

Committee will meet on Wednesday, **November 8, 2023**, from 10:30 a.m. to 3:30 p.m. Eastern Time. The meeting will be open to the public.

Information Collection; Federal Acquisition Regulation Part 11 Requirements

Published 9/08/2023

Reference NIST

In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision concerning certain Federal Acquisition Regulation (FAR) part 11 requirements. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through March 31, 2024. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date. DoD, GSA, and NASA will consider all comments received by **November 7, 2023**.

Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; CHIPS Full-Application Information Collection

Published 9/06/2023

Reference NIST

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the Federal Register on Wednesday, **April 12, 2023**, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency Information Collection Activities: Proposed Request and Comment Request

Published 9/08/2023

Reference NIST

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

DOL Acquisition Regulation: Department of Labor Acquisition Regulation System

Published 9/05/2023

Reference NIST

The Department of Labor (DOL) is proposing to revise the Department of Labor Acquisition Regulations (DOLAR), in its entirety in order to update and streamline agency procurement regulations consistent with the Federal Acquisition Reform Act, and the Federal Acquisition Streamlining Act. The proposed updates remove provisions that are redundant or obsolete and codify the use of certain contractual provisions that DOL has developed and deployed in recent years in order to put potential contractors on notice of these provisions and to formalize their usage. The provisions address a range of matters, including: government property, continuity of operations, system requirements, records management, telework policy for contractor personnel, submission of invoices, mandatory training for contractors, organizational conflicts of interest, and changing the scope of a contract. Proposed edits have also been made to existing language for clarity and streamlining purposes and do not change the substantive meaning of those provisions. The proposed revision will also remove provisions in the current DOLAR that are DOL internal operating procedures, which need not be published in the Code of Federal Regulations in order for them to take effect. The current DOLAR supplements the executive branch-wide Federal Acquisition Regulations (FAR) to address matters specific to the Department of Labor relating to its procurement of

goods and services. It also includes certain rules governing private entities doing business with DOL. Comments must be received on or before **November 6, 2023** to be considered in the formulation of the final rule.

Federal Motor Vehicle Safety Standards; Occupant Crash Protection, Seat Belt Reminder Systems

Published 9/07/2023

Reference SAE

The Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21) directs NHTSA to initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant crash protection," to require a seat belt use warning system for rear seats. Pursuant to this mandate and following on an earlier Advance Notice of Proposed Rulemaking, NHTSA is proposing to require a seat belt warning system for the rear seats of passenger cars, trucks, most buses, and multipurpose passenger vehicles with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less. This document also proposes to enhance the existing front seat belt warning requirements, including requiring a seat belt warning for the front outboard passenger seat and increasing the duration of the warning. You should submit your comments early enough to be received not later than **November 6, 2023**. In compliance with the Paperwork Reduction Act, NHTSA is also seeking comment on a revision to an existing information collection. For additional information, see the Paperwork Reduction Act section under the Regulatory Notices and Analyses section below. All comments relating to the information collection requirements should be submitted to NHTSA and to the Office of Management and Budget (OMB) at the address listed in the **ADDRESSES** section on or before **November 6, 2023**.