

aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 99-AGL-51." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contract with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of the Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to establish Class E airspace at Garrison, ND, to accommodate aircraft executing the proposed GPS Rwy 13 SIAP and GPS Rwy 31 SIAP at Garrison Municipal Airport by creating controlled airspace for the airport. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approaches. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR

71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL ND E5 Garrison, ND [New]

Garrison Municipal Airport, ND
Lat. 47°39'22" N, long. 101°26'17" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Garrison Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on October 15, 1999.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 99-28617 Filed 11-2-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Part 287

[Docket No. 981222315-8315-01]

RIN 0693-AB49

Proposed Guidance on Federal Conformity Assessment Activities

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Proposed policy guidance; request for comments.

SUMMARY: The Director of the National Institute of Standards and Technology (NIST), United States Department of Commerce, requests comments on the proposed addition of guidance on Federal conformity assessment activities. In February 1996, The National Technology Transfer and Advancement Act of 1995 was enacted by Congress. Section 12 of the Act changed the policies contained in the existing Office of Management and Budget (OMB) Circular A-119 into law, created additional reporting requirements, and directed NIST to coordinate conformity assessment activities of Federal, state and local entities thus eliminating any unnecessary duplication of conformity assessment activities. OMB Circular A-119, revised February 19, 1998, recognized the conformity assessment requirements and obligations defined in the Act and the role of the Department of Commerce in this area. The Circular directed the Secretary of Commerce to issue guidance to the agencies to ensure effective coordination of Federal conformity assessment activities. This document contains that guidance.

The Director of NIST has decided to include this guidance for conformity assessment activities in the Code of Federal Regulations (CFR). Inclusion in the CFR will make it easier for federal, state and local entities to find the guidance necessary for effective coordination of conformity assessment activities. The provisions are solely intended to be used as guidance for agencies in their conformity assessment activities.

DATES: Comments must be received no later than January 18, 2000.

ADDRESSES: All comments concerning this proposed guidance should be addressed to: Dr. Belinda Collins, Director, Office of Standards Services, National Institute of Standards and Technology, Building 820, Room 282, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Belinda L. Collins, Office of Standards Services, NIST, 301-975-4000, facsimile: 301-963-2871 or Maureen A. Breitenberg, Global Standards Program, NIST, 301-975-4031, facsimile: 301-963-2871.

SUPPLEMENTARY INFORMATION:

Background

Section 12 of the National Technology Transfer and Advancement Act of 1995, (Public Law 104-113 or "the Act") enacted by Congress in February 1996 established the policies of the existing Office of Management and Budget (OMB) Circular A-119 into law. The Act also directed the National Institute of Standards and Technology (NIST) to coordinate conformity assessment activities of Federal, state and local entities thus eliminating unnecessary duplication of conformity assessment activities. OMB Circular A-119, which was revised and reissued on February 19, 1998, recognized the conformity assessment requirements and obligations defined in the Act and the role of the Department of Commerce in this area.

Conformity assessment is defined in the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Guide 2 (1996), as: "any activity concerned with determining directly or indirectly that relevant requirements are fulfilled." Conformity assessment includes: sampling and testing; inspection; certification; and quality and environmental management system assessment and registration. It also includes accreditation and recognition.

The Act states and OMB Circular A-119 reiterates that NIST is to "coordinate Federal, State and local * * * conformity assessment activities, with private sector * * * conformity assessment activities. * * *" This guidance is designed to improve the internal management of the Executive Branch with regard to its conformity assessment activities.

Purpose of This Guidance

This guidance outlines Federal agencies' responsibility for evaluating the efficacy and efficiency of their conformity assessment activities. Each

agency is responsible for coordinating its conformity assessment activities with those of other appropriate government agencies and with those of the private sector to make more productive use of the increasingly limited Federal resources available for the conduct of conformity assessment activities and to reduce unnecessary duplication.

Applicability of This Guidance

This guidance applies to all agencies, which set policy for, manage, operate, or use conformity assessment activities and results, both domestic and international, except for activities carried out pursuant to treaties. "Agency" means any Executive Branch Department, independent commission, board, bureau, office, agency, government-owned or controlled corporation, or other establishment of the federal government. It also includes any regulatory commission or board, except for independent regulatory commissions subject to separate statutory requirements regarding policy setting, management, operation, and use of conformity assessment activities. It does not include the legislative or judicial branches of the Federal government.

Rulemaking Requirements

Under 5 U.S.C. 553(b)(A), this guidance is not subject to the notice and comment requirements of the Administrative Procedure Act. Furthermore, pursuant to 5 U.S.C. 553(d)(2), this guidance is not subject to the delayed effective date requirement of the Act. The Director has chosen to publish this document for comment only to obtain input from persons who may be affected by the guidance.

PRA Clearance

This policy statement does not contain a collection of information for purposes of the Paperwork Reduction Act.

Executive Order 12866

It has been determined that this action is significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

This action is exempt from the analytical requirements of the Regulatory Flexibility Act because notice and comment are not required for this action by section 553 of the Administrative Procedure Act or any other law.

List of Subjects in 15 CFR Part 287

Conformity assessment, Procurement, Reporting and recordkeeping requirements.

Dated: October 22, 1999.

Karen H. Brown,
Deputy Director.

For the reasons set forth in the preamble, it is proposed that Part 287 be added to subchapter J of chapter II in Title 15 of the Code of Federal Regulations (CFR) to read as follows:

PART 287—GUIDANCE ON FEDERAL CONFORMITY ASSESSMENT

Sec.

- 287.1 Purpose and scope of this guidance.
- 287.2 Definitions.
- 287.3 Responsibilities of the National Institute of Standards and Technology.
- 287.4 Responsibilities of Federal agencies.
- 287.5 Responsibilities of an Agency Standards Executive.

Authority: 15 U.S.C. *et seq.* Pub. L. 104-113, section 12.

§ 287.1 Purpose and scope of this guidance.

(a) This part provides guidance for each Federal agency to use in evaluating the efficacy and efficiency of its conformity assessment activities. Each agency should coordinate its conformity assessment activities with those of other appropriate government agencies and with those of the private sector to reduce unnecessary duplication. This guidance is intended to help Federal agencies improve the management and coordination of their own conformity assessment activities with respect to other government entities and the private sector. This will help ensure more productive use of the increasingly limited Federal resources available to conduct conformity assessment activities. This will also support the role of the U.S. Government in pursuing international trade and other related negotiations and agreements with foreign countries and U.S. industry in pursuing agreements with foreign national and international private sector organizations.

(b) This guidance applies to all agencies, which set policy for, manage, operate, or use conformity assessment activities and results, both domestic and international, except for activities carried out pursuant to treaties.

(c) This guidance does not preempt the agencies' authority and responsibility to make regulatory or procurement decisions authorized by statute or required to meet programmatic objectives and requirements. These decision-making activities include: determining the level

of acceptable regulatory or procurement risk; setting the level of protection; balancing risk, cost and availability of technology (where statutes permit) in establishing regulatory and procurement objectives; and determining or implementing procurement or regulatory requirements necessary to meet programmatic or regulatory objectives. Each agency retains broad discretion in its selection and use of regulatory and procurement conformity assessment practices and may elect not to use or recognize alternative conformity assessment practices if the agency deems them to be inappropriate, inadequate, or inconsistent with statutory criteria or programmatic objectives and requirements. Each agency remains responsible for representation of the agency's views on conformity assessment in matters under its jurisdiction. Each agency also remains the primary point of contact for information on the agency's regulatory and procurement conformity assessment actions.

§ 287.2 Definitions¹.

Accreditation means a procedure used to provide formal notice that a body or person is competent to carry out specific tasks. These tasks include: sampling and testing; inspection; certification; and registration.

Agency means any Executive Branch Department, independent commission, board, bureau, office, agency, government-owned or controlled corporation, or other establishment of the Federal government. It also includes any regulatory commission or board, except for independent regulatory commissions subject to separate statutory requirements regarding policy setting, management, operation, and use of conformity assessment activities. It does not include the legislative or judicial branches of the Federal government.

Agency Standards Executive means an official designated by an agency as its representative on the Interagency Committee for Standards Policy (ICSP) and delegated the responsibility for agency implementation of OMB Circular A-119 and the guidance in this part.

Certification means a procedure used to provide written assurance that a product, process, service, or person's

qualifications conforms to specified requirements.

Conformity assessment means any activity concerned with determining directly or indirectly that requirements are fulfilled. Requirements for products, services, and systems are those defined by law or regulation or by an agency in a procurement action. Conformity assessment includes: sampling and testing; inspection; certification; and quality and environmental management system assessment and registration. It also includes accreditation and recognition. Conformity assessment does not include mandatory administrative procedures (such as registration notification) for granting permission for a good or service to be produced, marketed, or used for a stated purpose or under stated conditions.

Inspection is defined as the evaluation by observation and judgment accompanied as appropriate by measurement, testing or gauging of the conformity of a product, process or service to specified requirements.

NIST means the National Institute of Standards and Technology, an agency within the United States Department of Commerce.

Recognition means a procedure used to provide formal notice that an accreditation body is competent to carry out specific tasks. These tasks include: the accreditation of testing laboratories and inspection, certification, and registration bodies. A governmental recognition system is a set of one or more procedures used by a Federal agency to provide recognition.

Registration means a procedure used to give written assurance that a system conforms to specified requirements. Such systems include those established for the management of product, process or service quality and environmental performance.

Sampling means the selection of one or more specimens of a product, process, or service for the purpose of evaluating the conformity of the product, process or service to specified requirements.

Testing means the action of carrying out one or more technical operations (tests) that determine one or more characteristics or performance of a given product, material, equipment, organism, person's qualifications, physical phenomenon, process, or service according to a specified technical procedure (test method).

§ 287.3 Responsibilities of the National Institute of Standards and Technology.

(a) Work with agencies through the Interagency Committee on Standards Policy (ICSP) to coordinate Federal,

state and local conformity assessment activities with private sector conformity assessment activities. NIST chairs the ICSP; assists the ICSP in developing and publishing policies and guidance on conformity assessment related issues; collects and disseminates information on Federal, state and private sector conformity assessment activities; and increases public awareness of the importance of conformity assessment and nature and extent of national and international conformity assessment activities.

(b) Encourage participation in the ICSP by all affected agencies and ensure that all agency views on conformity assessment are considered.

(c) Review within three years from [EFFECTIVE DATE OF THE FINAL GUIDANCE] the effectiveness of the final guidance and recommend modifications to the Secretary as needed.

§ 287.4 Responsibilities of Federal agencies.

Each agency should:

(a) Implement the policies contained in the guidance in this part.

(b) Use the results of other governmental agency and private sector organization conformity assessment activities to enhance the safety and efficacy of proposed new conformity assessment requirements and measures. An example of this would be to collect and review information on similar activities conducted by other Federal, state and international organizations and agencies and private sector organizations to determine if the results of these activities can be used to improve the effectiveness of a proposed Federal agency conformity assessment activity.

(c) Use relevant guides or standards for conformity assessment practices published by domestic and international standardizing bodies as appropriate in meeting regulatory and procurement objectives. Guides and standards for sampling, testing, inspection, certification, quality and environmental management systems, management system registration and accreditation are issued by organizations which include, but are not limited to, the American National Standards Institute, the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunications Union (ITU) and the Organization for Economic Cooperation and Development (OECD), the World Health Organization (WHO), and the Codex Alimentarius Commission. Each agency retains responsibility for determining

¹ Definitions of accreditation, certification, conformity assessment, inspection, registration and testing are based on the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), Guide 2 (1996). In certain industrial sectors, it is recognized that organizations other than ISO or IEC may issue definitions relevant to conformity assessment, such as the Codex Alimentarius Commission with respect to the food industry sector.

which, if any, of these documents are relevant to its needs.

(d) Identify appropriate private sector conformity assessment practices and programs and consider using the results of such practices and/or programs as appropriate in existing regulatory and procurement actions. Responsibility for the determination of appropriateness rests with each agency. Example: An agency could use the results of private sector or other governmental conformity assessment activities to schedule procurement type audits more effectively. This could allow agencies to reduce the number and extent of audits conducted at companies which are performing in accordance with contract specifications and which are under review by a third party or another agency and to concentrate agency audit efforts on companies which have shown problems in conforming to contract specifications.

(e) Consider mutual recognition of the results of other agencies' conformity assessment procedures. Example: An agency could use the results of another agency's inspection/audit of a supplier to eliminate or reduce the scope of its own inspection/audit of that supplier.

(f) Participate in efforts designed to improve coordination among governmental and private sector conformity assessment activities. These efforts include, but are not limited to, the National Cooperation for Laboratory Accreditation (NACLA) organization, the National Environmental Laboratory Accreditation Conference (NELAC), and ICSP working groups dealing with conformity assessment issues.

(g) Work with other agencies to avoid unnecessary duplication and complexity in federal conformity assessment activities. Examples: An agency can participate in another agency's conformity assessment activities by conducting joint procurement audits/inspections of suppliers that sell to both agencies. An agency can share conformity assessment information with other agencies. An agency can use conformity assessment information provided by other agencies to the extent appropriate to improve the effectiveness and efficiency in its own conformity assessment activities. Conformity assessment information may include: conformity assessment procedures and results, technical data on the operation of conformity assessment programs, processing methods and requirements for applications, fees, facility site data, complaint review procedures, and confidentiality procedures.

(h) Encourage domestic and international recognition of U.S.

conformity assessment results by supporting the work of the U.S. Government in international trade and related negotiations with foreign countries and U.S. industry in pursuing agreements with foreign national and international private sector organizations and any resulting activities/requirements resulting from those negotiations/agreements.

(i) Participate in the development of private sector conformity assessment standards to ensure that Federal viewpoints are represented.

(j) Work with other agencies to harmonize Federal requirements for quality and environmental management systems for use in procurement and regulation, including provisions which will allow the use of one quality or environmental management system per supplier facility in the Federal procurement process and the sharing and usage of audit results and related information as appropriate.

(k) Work with other ICSP members, NIST, and the private sector to develop national infrastructures for coordinating and harmonizing U.S. conformity assessment needs, practices and requirements in support of the efforts of the U.S. Government and U.S. industry to increase international market access for U.S. products.

(l) Work with other ICSP members, NIST, and the private sector as necessary and appropriate to establish criteria for the development and implementation of governmental recognition systems to meet government recognition requirements imposed by other nations and regional groups to support the efforts of the U.S. Government to facilitate international market access for U.S. products.

(m) Assign an Agency Standard Executive responsibility for coordinating the agency-wide implementation of the guidance in this part.

§ 287.5 Responsibilities of an Agency Standards Executive.

In addition to carrying out the duties described in OMB Circular A-119 related to standards activities, an Agency Standards Executive should:

- (a) Promote the following goals:
 - (1) Effective use of agency conformity assessment related resources and participation in conformity assessment related activities of agency interest.
 - (2) Development and dissemination of agency technical and policy positions.
 - (3) Development of agency positions on conformity assessment related issues that are in the public interest.

(b) Ensure that agency participation in conformity assessment related activities

is consistent with agency missions, authorities, priorities, and budget.

(c) Cooperate with NIST in carrying out agency responsibilities under the guidance in this part.

(d) Consult with NIST, as necessary, in the development and issuance of internal agency procedures and guidance implementing the policies in this part.

(e) Establish an ongoing process for reviewing his/her agency's existing conformity assessment activities and identifying areas where efficiencies can be achieved through coordination with other agency and private sector conformity assessment activities.

(f) Work with other parts of his/her agency to develop and implement improvements in agency conformity assessment related activities.

(g) Report to NIST, on a voluntary basis, on agency conformity assessment activities for inclusion in the annual report to the Office of Management and Budget (OMB) on the agency's implementation of OMB Circular A-119.

[FR Doc. 99-28496 Filed 11-2-99; 8:45 am]
BILLING CODE 3510-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Use of Electronic Signatures by Customers, Participants and Clients of Registrants

AGENCY: Commodity Futures Trading Commission.

ACTION: Reopening of comment period.

SUMMARY: On August 30, 1999, the Commodity Futures Trading Commission (the "Commission" or "CFTC") published in the **Federal Register** a request for public comment on proposed regulations to allow the use of electronic signatures in lieu of handwritten signatures for certain purposes under the commission's regulations. The original comment period expires October 29, 1999. 64 FR 47151 (August 30, 1999). By letter dated October 27, 1999, the Futures Industry Association Inc. requested an extension of the comment period. In order to insure that an adequate opportunity is provided for submission of meaningful comments, the Commission has determined to reopen the comment period for an additional two weeks for all interested parties.

DATES: Written comments must be received on or before November 12, 1999.