

good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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. For the same reason, the FAA certifies that this amendment 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 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on August 4, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective October 5, 2000*

Walnut Ridge, AR, Walnut Ridge Regional, VOR-A, Amdt 16

Walnut Ridge, AR, Walnut Ridge Regional, VOR/DME RWY 22, Amdt 13

Walnut Ridge, AR, Walnut Ridge Regional, LOC RWY 18, Amdt 3

Walnut Ridge, AR, Walnut Ridge Regional, NDB RWY 18, Amdt 4

Jacksonville, FL, Cecil Field, VOR RWY 9R, Orig

Alton/St. Louis, IL, St. Louis Regional, NDB OR GPS RWY 29, Amdt 10B

Carbondale/Murphysboro, IL, Southern Illinois, NDB OR GPS RWY 18L, Amdt 12C

Champaign-Urbana, IL, University of Illinois-Willard, NDB OR GPS RWY 32L, Amdt 10B

Danville, IL, Vermilion County, VOR/DME OR GPS RWY 3, Amdt 11B

Effingham, IL, Effingham County Memorial, LOC RWY 29, Amdt 1B

Galesburg, IL, Galesburg Muni, VOR OR GPS RWY 21, Amdt 6B

Macomb, IL, Macomb Muni, NDB OR GPS RWY 27, Amdt 2D

Pekin, IL, Pekin Muni, VOR/DME RNAV OR GPS RWY 9, Amdt 5A

Peoria, IL, Greater Peoria Regional, NDB OR GPS RWY 31, Amdt 14A

South Bend, IN, South Bend Regional, VOR OR GPS RWY 18, Amdt 7B

South Bend, IN, South Bend Regional, NDB OR GPS RWY 27L, Amdt 28C

Hays, KS, Hays Regional, RNAV RWY 34, Orig

Frenchville, ME, Northern Aroostock Regional, NDB RWY 32, Amdt 6

Frenchville, ME, Northern Aroostock Regional, RNAV RWY 14, Orig

Frenchville, ME, Northern Aroostock Regional, RNAV RWY 32, Orig

College Park, MD, College Park, RNAV RWY 15, Orig

College Park, MD, College Park, VOR/DME RNAV RWY 15, Amdt 3

Gaithersburg, MD, Montgomery County Airpark, VOR RWY 14, Amdt 3

Gaithersburg, MD, Montgomery County Airpark, NDB RWY 14, Amdt 1

Gaithersburg, MD, Montgomery County Airpark, RNAV RWY 14, Orig

Gaithersburg, MD, Montgomery County Airpark, VOR/DME RNAV RWY 14, Amdt 4, CANCELLED

Stevensville, MD, Bay Bridge, VOR/DME RWY 29, Amdt 1

Stevensville, MD, Bay Bridge, RNAV RWY 11, Orig

Stevensville, MD, Bay Bridge, GPS RWY 11, Orig, CANCELLED

Stevensville, MD, Bay Bridge, RNAV RWY 29, Orig

Westminster, MD, Carroll County Reg/Jack B. Poage Field, VOR-A, Amdt 1

Westminster, MD, Carroll County Reg/Jack B. Poage Field, VOR RWY 34, Amdt 4

Westminster, MD, Carroll County Reg/Jack B. Poage Field, RNAV RWY 16, Orig

Westminster, MD, Carroll County Reg/Jack B. Poage Field, RNAV RWY 34, Orig

Westminster, MD, Clearview Airpark, VOR-A, Amdt 4

Westminster, MD, Clearview Airpark, RNAV RWY 14, Orig

Chillicothe, OH, Ross County, VOR RWY 23, Amdt 3B

Columbus, OH, Bolton Field, NDB OR GPS RWY 4, Amdt 6B

Columbus, OH, Rickenbacker Intl, NDB OR GPS RWY 23L, Orig-A

Findlay, OH, Findlay, GPS RWY 18, Amdt 1A

Fremont, OH, Sandusky County Regional, GPS RWY 6, Orig-A

Fremont, OH, Sandusky County Regional, GPS RWY 24, Orig-A

Lancaster, OH, Fairfield County, LOC RWY 28, Amdt 1A

Lancaster, OH, Fairfield County, NDB OR GPS RWY 28, Amdt 8A

Lancaster, OH, Fairfield County, VOR/DME RNAV OR GPS RWY 10, Amdt 10A

Lima, OH, Lima Allen County, VOR OR GPS RWY 27, Amdt 14B

Marion, OH, Marion Muni, GPS RWY 24, Orig-A

Mount Vernon, OH, Knox County, VOR/DME RNAV OR GPS RWY 28, Amdt 2B

Springfield, OH, Springfield-Beckley Muni, NDB OR GPS RWY 24, Amdt 16A

Wapakoneta, OH, Neil Armstrong, LOC RWY 26, Amdt 3C

Wapakoneta, OH, Neil Armstrong, VOR/DME RNAV OR GPS RWY 26, Amdt 5C

Springfield, TN, Springfield-Robertson County, LOC RWY 4, Orig

Springfield, TN, Springfield-Robertson County, NDB RWY 4, Orig

Corsicana, TX, C. David Campbell Field-Corsicana Muni, VOR/DME-A, Amdt 1

Corsicana, TX, C. David Campbell Field-Corsicana Muni, VOR/DME-B, Amdt 1

Corsicana, TX, C. David Campbell Field-Corsicana Muni, NDB RWY 14, Amdt 4

Corsicana, TX, C. David Campbell Field-Corsicana Muni, NDB RWY 32, Amdt 3

Corsicana, TX, C. David Campbell Field-Corsicana Muni, RNAV RWY 14, Orig

Corsicana, TX, C. David Campbell Field-Corsicana Muni, RNAV RWY 32, Orig

Charlotte Amalie, VI, Cyril E King, GPS RWY 10, Orig, CANCELLED

Charlotte Amalie, VI, Cyril E King, RNAV RWY 10, Orig

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recognition does not mean that an organization is "competent" in testing or in certification to the extent that "competent" means adept, proficient or a similar term. To obtain recognition, an organization must demonstrate that it meets the requirements in 29 CFR 1910.7, but this regulation does not include requirements for proficiency or other criteria to judge "competence."

Response: NIST agrees that agencies do not use standardized terminology in their conformity assessment activities. In defining key terms, NIST intended to let the reader know what is meant by that term within the context of the guidance. NIST recognizes that the same term may be used by different agencies to mean very different types of activities. A footnote will be added to the definition for "accreditation" to accommodate OSHA's activities.

OSHA also commented that the definition of conformity assessment describes requirements as being applicable to "products, services, and systems," but not to "organizations" and requested that the word "organizations" be added.

Response: The word "organizations" has been added.

One international company, one laboratory accreditation body, and one trade association commented that the guidance should identify supplier's declaration as an appropriate option for agencies to consider in their conformity assessment policies, taking into account the appropriate balance of risks and benefits of first party (supplier), second party, and third party conformity assessment for specific products and services. The same trade association recommended that NIST amend the definition in the proposed Section 287.2 as follows: In the definition of conformity assessment, add "supplier's declaration of conformity" after "inspection" and add a definition for "supplier's declaration of conformity."

Response: The guidance now includes reference to first, second and third party conformity assessment activities and procedures. The definition of conformity assessment has been amended to include "supplier's declaration of conformity." A definition of "supplier's declaration of conformity" has also been included. However, the guidance does not intend to suggest that any one method or activity is preferable. It is the responsibility of each agency to select the conformity assessment activities and procedures, which will best meet its legislative mandates and programmatic objectives in the most cost-effective and efficient manner.

Comments on Section 287.3

One national standards coordinating and conformity assessment accreditation body commented that NIST should be charged in section 287.3 with ensuring that other agencies are aware of their obligation to adopt policies needed to accomplish the purpose of this guidance.

Response: While NIST is charged with coordinating conformity assessment activities, agencies remain responsible for their own conformity assessment activities, including the adoption of any policies that agencies feel are needed to

determine whether use of a private sector system can adequately address all of its programmatic objectives and any relevant legislative mandates in a cost-effective manner.

One trade association commented that while the reference to the National Cooperation for Laboratory Accreditation (NACLA) and the National Environmental Laboratory Accreditation Conference (NELAC) in section 287.4(g) begins to address the issue of duplication of accreditations for testing programs, the proposed guidance should also provide direction related to other forms of conformity assessment, such as certification and registration.

Response: The organizations listed in section 287.4(g) are intended to serve only as examples of activities in which agencies should consider participation. The activities of ANSI have been added to the list of examples to better illustrate the broad range of activities where Federal participation is encouraged.

One trade association commented that the wording in section 287.4(c) should strongly encourage the use of private sector conformity assessment programs in lieu of the development of government programs. The same trade association commented that Section 287.4(e) include a requirement that NIST provide a centralized coordinating function in the determination of acceptable private sector conformity assessment practices. To allocate the responsibility to each agency only continues the duplication of accreditation and approval processes. NIST should advocate the use of private sector accreditation bodies that comply with national and international criteria as the tool to be used for determination of acceptance. The same trade association also commented that in section 287.4(f), mutual recognition of private sector procedures should be recommended for all agencies.

Response: The purpose of the NTTAA is to eliminate unnecessary duplication and complexity in conformity assessment activities. While this can be done by relying on private sector conformity assessment programs and activities, it can also be accomplished by relying on other governmental activities, by relying on a supplier's declaration of conformity, or by encouraging the private sector to rely on governmental activities. While agencies should consider alternative approaches in their rulemaking and procurement activities, the determination of which approach best meets agency objectives is the responsibility of the agency.

One trade association commented that in section 287.4(j), agencies should be encouraged to participate in the

development of private sector conformity assessment procedures and programs as well as the development of standards. *RESPONSE:* NIST partially agrees with this comment. The responsibility for participation in conformity assessment programs and activities, as distinct from standards development, is covered in section 287.4(g). The examples in this section will be expanded to include participation in ANSI's conformity assessment related activities to better illustrate the intention of this section.

GAO Recommendation: GAO recommended that the guidance include a section that "specifically addresses the transparency of agencies' certification decisionmaking." GAO recommended that the guidance "should encourage agencies to publicly explain why particular certification decisions were made or how certification decisions in the future will be made."

Response: A new item has been added to section 287.4 of the guidance to address this issue.

Comments on Section 287.5

One national standards coordinating and conformity assessment accreditation body commented that section 287.5 places responsibility for both standards and conformity assessment with one representative from each agency and noted that a significant majority of persons with major responsibilities for standards have no responsibility or knowledge of conformity assessment.

Response: NIST partially disagrees with this comment. The Office of Management and Budget (OMB) A-119 indicates that more than one Standards Executive was not contemplated by OMB. That is, the Circular speaks of "a" Standards Executive (14(c)) and "the" Standards Executive (14(d)), etc. NIST and OMB believe that having only one Standards Executive would facilitate better coordination and communication for both standards and their related conformity assessment activities. However, both also recognize that because responsibility for an agency's conformity assessment activities may cut across organizational boundaries, it may be necessary to assign additional agency personnel to carry out these new responsibilities. The agency must ensure that these responsibilities are coordinated and should carefully define each staff member's responsibilities to ensure that the duties defined under this guidance and under OMB Circular A-119 are effectively carried out.

One laboratory accreditation body commented that section 287.5 should contain reporting requirements for the

annual agency reports to NIST and OMB, including whether each agency gave consideration to the use of relevant private sector, conformity assessment activities and the reason for not using them—similar to agencies' reporting under OMB Circular A-119. NIST itself should be required to make similar reports justifying its own conformity assessment activities.

Response: Mandatory agency reporting requirements regarding conformity assessment activities were not specified in the NTTAA. Conformity assessment reporting requirements for all agencies, including NIST, remain voluntary.

One government agency commented that the guidance states that each agency "should coordinate its * * * activities" to make "more productive use of * * * limited Federal resources * * *." However, the "responsibilities" under the proposed Section 2987.5 and the actual coordination could demand resources that may more than offset any gains expected from the coordination.

Response: The guidance does not recommend that agencies undertake activities where the costs involved are likely to exceed the benefits realized. While coordination is often beneficial and should always be considered, the agencies themselves are responsible for the final decision as to the appropriate level of coordination and commitment of resources to the agency's conformity assessment activities.

One trade association commented that a new responsibility should be added to this section— "To use private sector conformity assessment program results in all agency assessment programs."

Response: The goal of the guidance, which is spelled out in the NTTAA, can be accomplished in a number of ways. It is the responsibility of each agency to determine which option or set of procedures is most appropriate for its application.

Purpose of This Guidance

This guidance outlines Federal agencies' responsibility for evaluation 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 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 O T7f theorkeF2 1 Tf1uformadministratic1 Tf0 -1.7556 TD(Rulemaking ranch)TjOr. 5512866Tf1 -1.9111 TD(This policylu

¹ Definitions of accreditation, certification, conformity assessment, inspection, supplier's declaration of conformity, 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.

² For some agencies, accreditation may mean that a body or person meets requirements defined in a specific section(s) of the CFR. The referenced section(s) may include only limited requirements for demonstration of technical competency.

(g) 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