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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology  
[Docket No. 990927265-9265-01]

National Voluntary Conformity Assessment System Evaluation  
(NVCASE) Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

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**SUMMARY:** The National Institute of Standards and Technology (NIST) hereby announces the establishment of a sub-program under the National Voluntary Conformity Assessment System Evaluation (NVCASE) program to recognize bodies that accredit certification bodies to certify products related to telecommunications equipment. The sub-program is being established in accordance with NVCASE regulations in response to a request from a Federal Agency, the Federal Communications Commission. Accreditation bodies recognized by NIST may then accredit certification bodies to certify that specified telecommunications equipment satisfies designated foreign or domestic government regulatory (i.e., mandated) requirements.

The action taken under this notice addresses both generic and specific NVCASE requirements pursuant to U.S. Federal Communications Commission (FCC) requirements under FCC Docket 98-68, requirements relating to the telecommunications sector specified in the U.S.- European Union (EU) Mutual Recognition Agreement (MRA), and requirements specified in the Asia Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for the Conformity Assessment of Telecommunications Equipment. If MRSs covering telecommunications equipment are negotiated between the United States and another country or region, additional specific requirements may also be included under this NVCASE activity.

Sub-program requirements have been developed in accordance with NVCASE Regulations and with public consultation. Public input was obtained at two open meetings on April 27 and April 28, 1999 and from comments received through May 30, 1999.

**DATES:** Applications will be accepted beginning September 30, 1999.

ADDRESSES: Applications for recognition may be obtained from, and returned to, Robert L. Gladhill, NVCASE Program Manager, NIST, 100 Bureau Drive, Mailstop 2100, Gaithersburg, MD 20899-2100, by fax (301) 975-5414, or email at robert.gladhill@nist.gov.

FOR FURTHER INFORMATION CONTACT:

Robert L. Gladhill, NVCASE Program Manager, at NIST, 100 Bureau Drive, Mailstop 2100, Gaithersburg, MD 20899-2100, telephone: (301) 975-4273, telefax: (301) 975-5414, email: robert.gladhill@nist.gov.

SUPPLEMENTARY INFORMATION: The NVCASE sub-program to recognize bodies that accredit certification bodies to certify telecommunications equipment is being established in accordance with the NVCASE Regulations (15 CFR 286.2(b)(3)(ii)) and in response to requirements as described in FCC GEN Docket 98-68 (FCC 98-338), adopted on December 17, 1998, and FCC Public Notice DA 99-1640, released August 17, 1999. This supports NIST's responsibilities as a designating authority for the United States in both the Telecommunication Equipment Sectoral Annex of the U.S./EU MRA (which may be located at <http://www.iep.doc.gov/mra/mra.htm>) and the APEC MRA for Conformity Assessment of Telecommunications Equipment (which may be located at <http://www.apii.or.kr/telwg/mraTG/mraTG-frame.html>).

As referenced in this notice, telecommunications equipment covers network terminal attachment and other equipment subject to telecommunications regulations, including wire and wireless equipment, transmitters, and terrestrial and satellite equipment, whether or not connected to a Public Telecommunications Network.

Generic and specific requirements for this NVCASE sub-program have been established in accordance with NVCASE regulations (15 CFR 286.5). Public input on the establishment of sub-program requirements was received during two workshops held at the Department of Commerce on April 27 and 28, 1999. These workshops were announced in the Federal Register on March 19, 1999 (64 FR 13543). Follow-up comments from the public were accepted through May 30, 1999.

NIST will apply the generic requirements contained in the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 61--"General Requirements for Assessment and Accreditation of Certification/Registration Bodies," to all applicant accreditation bodies. Certification bodies applying to recognized accreditation bodies are to be assessed against the requirements of ISO/IEC Guide 65--"General Requirements for Bodies Operating Product Certification Systems." These generic requirements will be supplemented by specific requirements contained in individual NVCASE program handbooks, available on request from NIST.

For the FCC Telecommunications Certification Body (TCB) program, established in FCC Docket 98-68, NIST will apply requirements contained in the Docket and information published subsequently by the FCC. The FCC TCB programs requires that TCBs be accredited to both ISO/IEC Guide 65--"General Requirements for the Competence of Testing and Calibration

Laboratories." The FCC has determined that a prospective TCB which is already accredited to ISO/IEC Guide 25 by NIST's National Voluntary Laboratory Accreditation Program (NVLAP), the American Association for Laboratory Accreditation (A2LA), or another recognized body will not have to obtain another Guide 25 accreditation, provided that the equipment it certifies is covered by the scope of its accreditation.

Organizations seeking to operate as Conformity Assessment Bodies (CABs) for the purposes of certifying products relating to telecommunications equipment covered under the provisions of the U.S.-EU MRA and APEC MRA must be accredited to ISO/IEC Guide 65; however, they are not presently required to be accredited to ISO/IEC Guide 25.

Both the U.S.-EU MRA and APEC MRA (Phase I) also provide for a separate role for testing laboratories accredited to ISO/IEC Guide 25 for specific test methods. A separate NVCASE sub-program to recognize accreditors of testing laboratories is also being established to meet this requirement. As stated in the NVCASE regulations (15 CFR 286.4), the NVCASE program is operated on a cost reimbursable basis. It is open for voluntary participation by any U.S.-based body that conducts activities relating to conformity assessment falling within the program's scope. Pursuant to this notice, NIST will accept applications from accreditation bodies that are interested in being recognized to accredit certification bodies under the FCC TCB program, the telecommunications equipment sectoral annex of the U.S./EU MRA or the APEC MRA if they meet the above criteria. Prospective accreditation bodies must submit a complete application and required fees by October 30, 1999 in order to be included in the initial group to be evaluated.

Accreditation bodies seeking recognition for the purposes of the FCC TCB program may begin accepting applications from candidate TCBs immediately. To ensure fairness in the process, initial applications to become a TCB will be handled as a group. All such applications **filed** and accepted by November 15, 1999 by an accreditation body which has applied to NIST for recognition will be handled in the first group of TCBs. Applications received subsequently will be considered on an as-received basis for evaluation after the initial group of applicants has been considered.

The evaluation of the first group of accreditation bodies applying for NVCASE recognition will begin on or about November 15, 1999. All accreditation bodies that have submitted a complete application and required fees to NIST by October 30, 1999, will be included in this initial group. Applications received subsequently will be considered on an as-received basis for evaluation after the initial group of applicants has been considered.

NIST expects to announce recognition of qualified accreditation bodies on or about March 1, 2000. At about the same time, NIST also expects to identify and list an initial group of qualified certifiers for each of the areas noted. Certifiers listed under the provisions of the telecommunications equipment sectoral annex of the U.S./EU MRA or under the APEC MRA will be designated by NIST as conformity assessment bodies. Certifiers listed under the provisions of FCC Docket 98-68 will be nominated to the FCC for designation as TCBs.

Notwithstanding any other provision of law, no person is required to respond nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the

requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This notice involves a collection of information approved under OMB Control No. 0693-0019. Dated: September 29, 1999. Karen H. Brown, Deputy Director. [FR Doc. **99-25748 Filed** 10-4-99; 8:45 am] BILLING CODE 3510-13-M