NISTIR 6540

Report on NIST-NACLA MOU Workshop on June 20, 2000

Walter G. Leight

U.S. DEPARTMENT OF COMMERCE
Technology Administration
Office of Standards Services
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Gaithersburg, MD 20899

NIST
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Technology Administration
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July 2000

U.S. DEPARTMENT OF COMMERCE
William M. Daley, Secretary

TECHNOLOGY ADMINISTRATION
Dr. Cheryl L. Shavers, Under Secretary
of Commerce for Technology

NATIONAL INSTITUTE OF STANDARDS
AND TECHNOLOGY
Raymond G. Kammer, Director

Table of Contents

Report on NIST-NACLA MOU Workshop

Abstract and Summary

In accordance with a notice published in the Federal Register, a workshop was conducted on June 23, 2000, at the National Institute of Standards and Technology (NIST) to obtain public comment on a proposed Memorandum of Understanding (MOU) between NIST and the National Cooperation for Laboratory Accreditation (NACLA). Written comments were also solicited. The views expressed at the workshop and in the written comments strongly endorsed the NIST-NACLA MOU, indicating that the MOU should be signed.

Background and Introduction

In May 1994, at a meeting among representatives of the American National Standards Institute (ANSI), ACIL (formerly, the American Council of Independent Laboratories), and the National Institute of Standards and Technology (NIST), it was agreed that the duplication of U.S. laboratory accreditation activities was excessive, and therefore overly costly. Moreover, this was a problem shared by laboratories, laboratory accreditation organizations, and those agencies – both governmental and private sector – that require that the laboratories that they use be accredited. Accordingly, a series of meetings and workshops were conducted under the auspices of an *ad hoc* Laboratory Accreditation Working Group (LAWG). At an Open Forum sponsored by LAWG and hosted by NIST in January 1997, there was consensus to formalize a National Council (later changed to Cooperation) for Laboratory Accreditation, NACLA. An Interim Board of Directors subsequently devised an organizational and operational structure and, in May 1998, NACLA was incorporated as a private sector body in the District of Columbia.

Concomitant with, and directly related to, the foregoing events, NIST was implementing programs to fulfill new responsibilities. Responding to a 1995 study by the National Research Council, entitled "Standards, Conformity Assessment and Trade into the 21st Century," and passage of the National Technology Transfer and Advancement Act (NTTAA) in 1995, NIST developed plans to coordinate Federal, state, and local conformity assessment activities with those of the private-sector. One objective of the NTTAA is to eliminate "unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures." NIST had also issued a rule instituting the National Voluntary Conformity Assessment System Evaluation (NVCASE) program, a mechanism to enable the U.S. Government to provide to the European Union and other foreign governments assurances of the competence of U.S. conformity assessment bodies. NVCASE provides a technically-based U.S. approval process for U.S. industry to gain foreign market access; the acceptability of conformity assessment results to the relevant foreign government is a matter for agreement between the two governments, typically under a Mutual Recognition Agreement. Under NVCASE, NIST accepts requests for recognition of bodies that accredit testing laboratories, certification bodies, and quality system registrars when: (i) directed by U.S. law; (ii) requested by another U.S. Government agency; or (iii) requested to respond to a specific U.S. industrial or technical need relative to a mandatory foreign technical requirement if it has been determined after public consultation that: (a) there is no suitable alternative available, and (b) there is

evidence that significant public disadvantage would result from the absence of any alternative. (15 CFR Part 286.)

As noted above, NACLA evolved over a period of four years in response to the realization by all stakeholders – laboratories, accrediting bodies, the governmental and private sector organizations that require the use of accredited laboratories, and other representatives of the public interest – that action was required to reduce costly complexity and duplicative audits. Many meetings of the LAWG and its committees led to a series of open forums and the decision to establish the private sector NACLA with active participation by governmental representatives. Overt recognition was given to the commonality of objectives in the public and private sectors and to the desirability of further limiting duplication of programs.

The proposed NIST-NACLA MOU (see Appendix A) was drafted to address the overlap of recognition functions between NIST and NACLA and the direction from Congress under the NTTAA to avoid duplication of effort in conformity assessment activities. This report summarizes the events associated with a workshop at NIST on June 23, 2000, along with comments submitted in response to the notice of the workshop that appeared in the Federal Register (reproduced in Appendix B).

The following sections identify the workshop participants (see Appendix C for a detailed listing) and the presentations by the NIST and NACLA speakers, provide a distillation of the discussions from the floor, summarize the written comments received in response to the Federal Register notice, and present Conclusions and Recommendations. Transcripts of the floor discussions and copies of the written comments may be found in Appendices D and E, respectively.

Workshop Participants and Speaker Presentations

Thirty-five individuals attended the workshop. There were two NIST speakers and 10 NIST observers (including two from the National Voluntary Laboratory Accreditation Program); the President of NACLA also spoke. Other participants included five representatives of laboratory accreditors; three representatives of laboratories; seven representatives of Federal agencies (non-NIST); and seven individuals from the private sector (including ANSI, the National Electrical Manufacturers Association (NEMA), the American Industrial Hygiene Association (AIHA), and ACIL, each of which is an umbrella group with a very large number of members).

Dr. Richard F. Kayser, Director of NIST's Technology Services, chaired the workshop. His presentation, shown in figures 1 – 5, summarized the philosophy underlying the proposed NIST-NACLA Memorandum of Understanding and the anticipated governmental reliance on the NACLA process for recognizing the general competence of laboratory accreditation bodies, thereby eliminating unnecessary and costly duplication of effort. He also emphasized the NIST responsibilities for ensuring the fulfillment of any specific requirements associated with U.S. Government assurances of technical competence under government-to-government Mutual Recognition Agreements and Arrangements.

Ms. Mary Saunders, Chief of the Global Standards Program in the NIST Office of Standards Services, provided details of the relationship of the proposed MOU to generic and specific

technical requirements in Mutual Recognition Agreements and Mutual Recognition Arrangements. (See figures 6 – 10.) She described NIST's role as a Designating Authority, acting through the NVCASE program, to provide assurances to foreign governments regarding the competence of qualifying conformity assessment bodies, including not only laboratory accreditors, but also accreditors of product certifiers and quality system registrars.

Mr. Don Heirman, current President of NACLA, summarized NACLA's history, organizational structure, and composition; NACLA's goals and interactions with stakeholders and foreign colleagues; and reasons for NACLA's enthusiastic support for the proposed MOU. (See figures 11 – 17.)

Before moving to questions and comments from the audience, Dr. Kayser cited strong support for the MOU in the written comments that he had received in response to the Federal Register notice. He presented selected extracts from some of the comments. (See figures 18 – 19.) Dr. Kayser also read excerpts from the letters submitted by Bowser Morner, AIHA, Sandia National Laboratory for the Department of Energy, and the MMR Group, Inc.

Floor Discussions with Participants

This section abstracts and summarizes the questions and comments raised by workshop participants. More complete identification of discussants can be found in the Attendance List in Appendix C, and a complete transcript of this portion of the Workshop is reproduced in Appendix D.

Neumann asked about the manner of recognition of bodies that accredit not only testing or calibration laboratories, but perhaps certification bodies and quality system registrars in addition. Also, whether NIST has a recognition program independent of NACLA. [She later noted that she is on the NACLA Board of Directors.] **Saunders** replied that NIST applies NVCASE procedures to recognize accreditors, then designates the conformity assessment bodies (e.g., laboratories) that have been accredited by recognized bodies. **Kayser** noted that the MOU would not be exclusive, but that the identification of NACLA as a suitable alternative to full governmental recognition procedures would make it inconsistent with NVCASE rules to establish a NIST channel in competition with NACLA for recognition of laboratory accreditation bodies. With respect to the question of an organization operating multi-functional accreditation programs, **Saunders** referred to existing NVCASE programs for recognizing accreditors of product certifiers and accreditors of quality system registrars. She noted that the NIST-NACLA MOU only applies to recognition of laboratory accreditors in support of NIST MRA designation responsibilities. NACLA recognition does not address any other accreditation activities of multi-functional accreditors. Any U.S.-based multi-functional accreditor seeking recognition of programs in product certification or management system registration in support of a trade agreement activity can apply directly to NIST for evaluation of those programs. [Although not explicitly stated at the workshop, NIST has established the policy of minimizing duplication of effort to the maximum extent possible. Accordingly, requirements common to different recognition processes would not be duplicated.] Moreover, **Kayser** reiterated his earlier comments to the effect that the proposed MOU is strictly limited to laboratory accreditation and

does not and would not involve other forms of conformity assessment, such as product certification and quality system registration accreditation.

Mullinax asked about the number of written comments that had been received; whether any were negative; and, if so, whether they raised any points of interest. **Kayser** stated that all 15 written comments received prior to the workshop were supportive of the proposed MOU, and emphasized that comments from ACIL, the National Conference of Standards Laboratories (NCSL), and other organizations reflected the views of a large number of stakeholders. [A letter from the National Electrical Manufacturers Association was presented to Dr. Kayser at the conclusion of the workshop.]

Violette, who runs a small testing laboratory, stated his support for the proposed MOU to eliminate multiple accreditations, but wondered about any limitations, such as applicability to Nationally Recognized Testing Laboratories (NRTLs) under OSHA. **Saunders** responded that there were no limitations inherent to the MOU in terms of what laboratory accreditation programs could be covered, and noted that OSHA hadn't commented on the MOU. **Heirman** stressed the need for competent evaluators, and **Saunders** emphasized that the OSHA program accredits certifiers, hence was not germane to the discussion of an MOU regarding the recognition of accreditors of testing laboratories. **Violette** asked about NACLA recognition fees, and **Heirman** responded that the fee for the recognition process is modest; volunteers conduct the evaluations, and only their travel and per diem expenses are reimbursed. Part of their activity is observing the accreditors in action as they assess a laboratory.

Boyer, National Institute of Occupational Safety and Health (NIOSH), U.S. Department of Labor voiced support for the MOU, noting that his Institute is about to release a Federal Register notice to increase reliance on private sector testing programs in the NIOSH process for approving respirators.

Kitzantides (see also written comments in Appendix E) wanted clarification of two issues. First, could NVCASE function if there were no NACLA? **Saunders** replied that NVCASE had established a recognition program for laboratory accreditation bodies and later determined that the NACLA is a suitable private sector alternative for general recognition activities. NVCASE could therefore function in the absence of NACLA. A second question concerned NIST's financial support for NACLA and the latter's autonomy. **Kayser** stated that to maintain the "arm's length" relationship needed for NIST to exercise its oversight role properly, NIST staff members would not in the future serve on the NACLA Board as voting members, but would continue to participate in other NACLA activities, such as the Operations Council. Moreover, he indicated that NACLA must become financially independent, and that NIST and NACLA will work together to bring that about as quickly and smoothly as possible. **Heirman** noted that NACLA is already looking for a separate location for its secretariat and an adequate budget of its own, seeking growth from 100 to 500 members.

Webb reiterated ACIL's firm support for NACLA and for the MOU, based on responses from a survey of the ACIL membership.

Dr. Kayser concluded the session with appreciation to the participants for their attendance, questions, and comments. He promised that a Report would be produced and distributed to the attendees, and that it would be posted on the relevant Web sites.

Summary of Written Comments

Written comments were received from 16 organizations, including associations of laboratories (ACIL with about 350 company members and NCSL with 1550 members) and individual or small groups of laboratories (MMR Group, Bowser Morner, ICS Inc. Laboratories, Communication Certification Laboratory, Smithers Scientific Services Inc., and TUV Rheinland of North America Inc.). Other commenters included accreditors (AIHA with approximately 12,500 members, and A2LA); government representatives (Federal Highway Administration, U.S. Department of Transportation; Sandia National Laboratories; and the Naval Warfare Assessment Station, U.S. Department of Defense); and private sector specifiers of laboratory accreditation (Lucent Technologies, Honeywell, and NEMA). All of the letters (reproduced in Appendix E) expressed support, using terms such as "strong" or "wholehearted" or "enthusiastic," with the single exception of the letter from NEMA, which suggested review and clarification of selected points in the MOU (see below).

The reasons most frequently cited in support of the MOU were the following:
- eliminate redundancy and complexity
- positive step to coordinate a system and process that are now out of control
- reduction of time and effort now expended by eliminating redundant audits
- critical need for national approach to reduce burdens on small laboratories
- value of knowledgeable and formal federal involvement, especially from NIST
- significant step toward the goal of one test or calibration recognized worldwide
- system will be more coherent through use of international standards and guides
- sets the stage to eliminate trade barriers and enhance U.S. competitiveness
- verification process will give federal agencies and foreign governments confidence
- addresses Congressional concerns in National Technology Transfer and Advancement Act

A2LA also encouraged NIST representatives to continue working in NACLA committees regarding requirements and procedures in conjunction with Mutual Recognition Agreements and Arrangements.

NEMA suggested the need to review and/or clarify four points: (1) that the MOU applies only to testing and calibration laboratory accreditation, and not to other types of conformity assessment; (2) that the MOU does not give an exclusive monopoly to NACLA; (3) that NIST should not only promote, but also ensure participation and use of NACLA recognition by other federal agencies; and (4) that the MOU would add layers, not reduce redundancy, and that there is a need to demonstrate economic savings. (Dr. Kayser addressed the first part of point 4 in his response to a question from Ms. Neumann, wherein he indicated that NIST would not operate the NVCASE program at the recognition level in parallel to or in competition with NACLA, given that NIST has identified NACLA as a suitable private sector alternative to NVCASE; see Appendix D.)

Conclusions and Recommendations

Support for the MOU was strong in the discussions from the floor during the workshop and in the written comments submitted to NIST in response to the Federal Register Notice. Therefore, **NIST has determined that it will enter into the proposed MOU with NACLA.**

In response to those commenters who recommended changes to the MOU in clarification of its focus and purpose, NIST will make the following changes to the final version of the MOU, which will then be circulated for NACLA concurrence prior to signing:

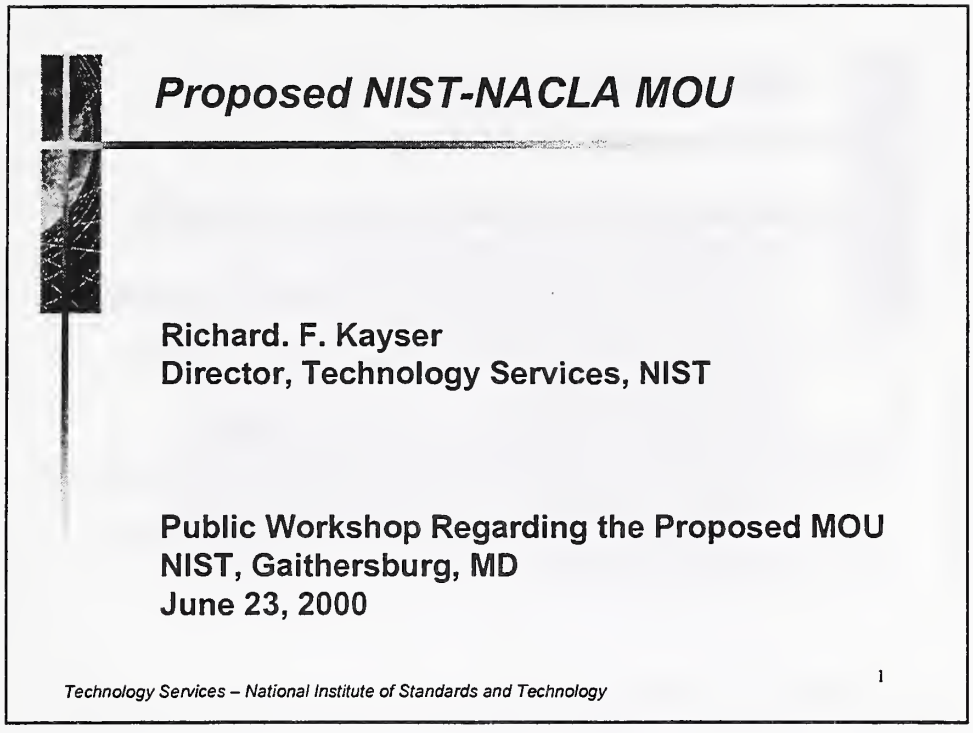
(1) Clarify that the MOU applies only to laboratory accreditation, and not to other types of conformity assessment, by replacing "conformity assessment" with "laboratory accreditation" in various places and by judicious use of the words "testing" and "calibration," as appropriate.

(2) Clarify that the MOU does not establish an exclusive role for NACLA by indicating that the MOU will not preclude either NIST or NACLA from entering into other arrangements related to laboratory accreditation.

(3) Clarify how NIST will interact with other federal agencies regarding reliance on NACLA recognition.

(4) Establish that NIST and NACLA will seek input from those who use NACLA-recognized accrediting bodies regarding cost savings, both in time and dollars, that occur as a result of NACLA recognition under the provisions of the MOU.

Figure 1


Proposed NIST-NACLA MOU
Richard. F. Kayser
Director, Technology Services, NIST
Public Workshop Regarding the Proposed MOU
NIST, Gaithersburg, MD
June 23, 2000
Technology Services – National Institute of Standards and Technology
1

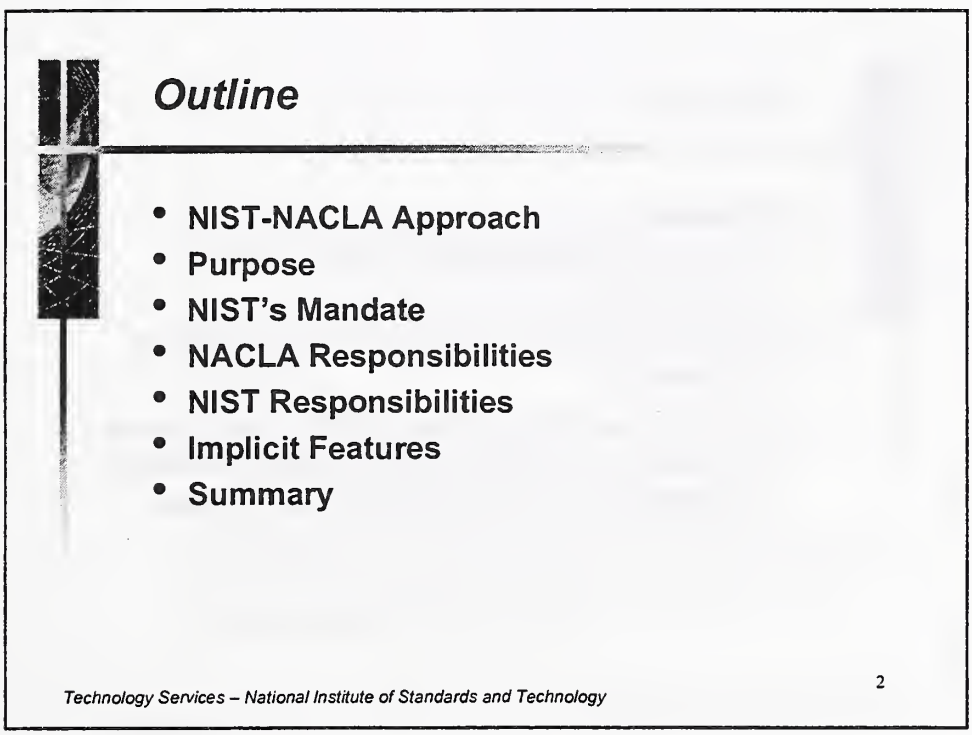
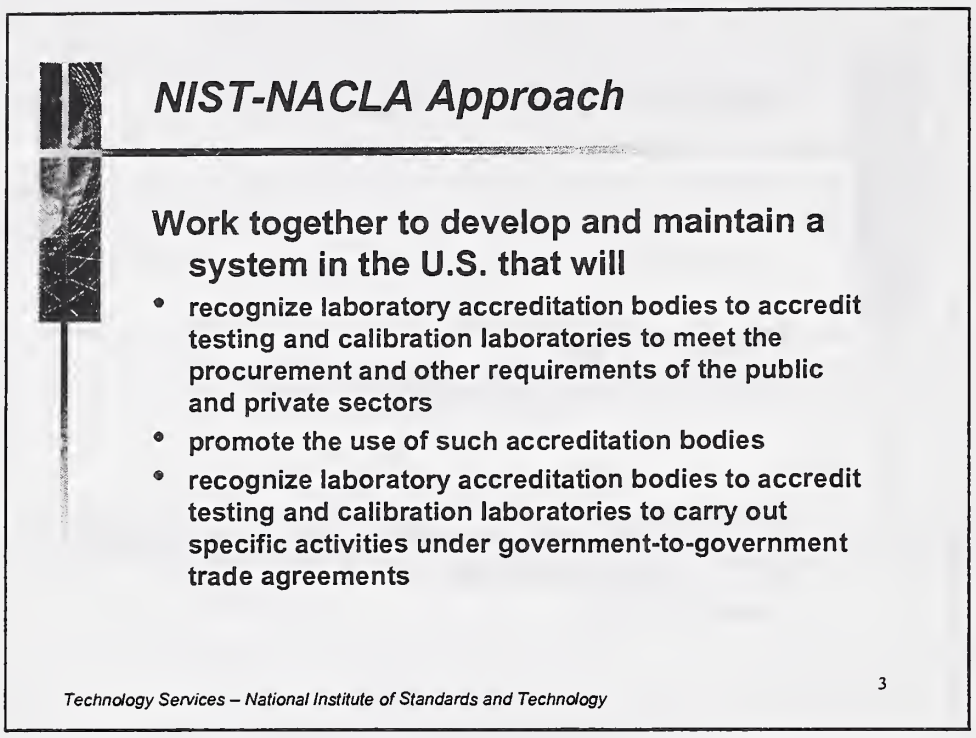

Outline
NIST-NACLA Approach
Purpose
NIST's Mandate
NACLA Responsibilities
NIST Responsibilities
Implicit Features
Summary
Technology Services – National Institute of Standards and Technology
2

Figure 2


NIST-NACLA Approach
Work together to develop and maintain a system in the U.S. that will
• recognize laboratory accreditation bodies to accredit testing and calibration laboratories to meet the procurement and other requirements of the public and private sectors
• promote the use of such accreditation bodies
• recognize laboratory accreditation bodies to accredit testing and calibration laboratories to carry out specific activities under government-to-government trade agreements
Technology Services – National Institute of Standards and Technology
3

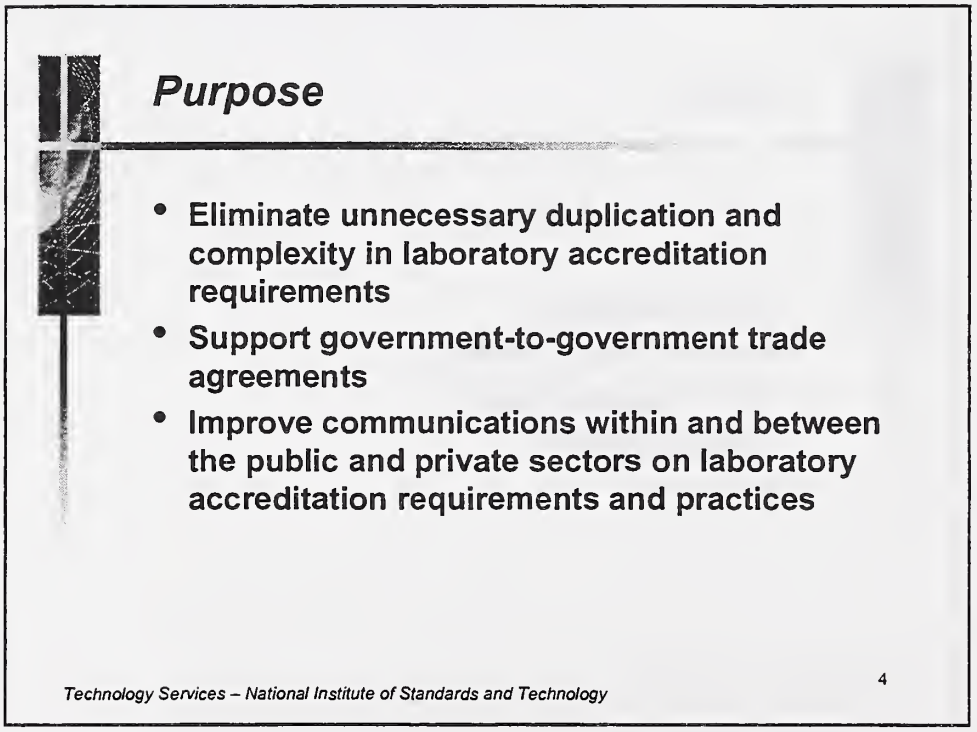
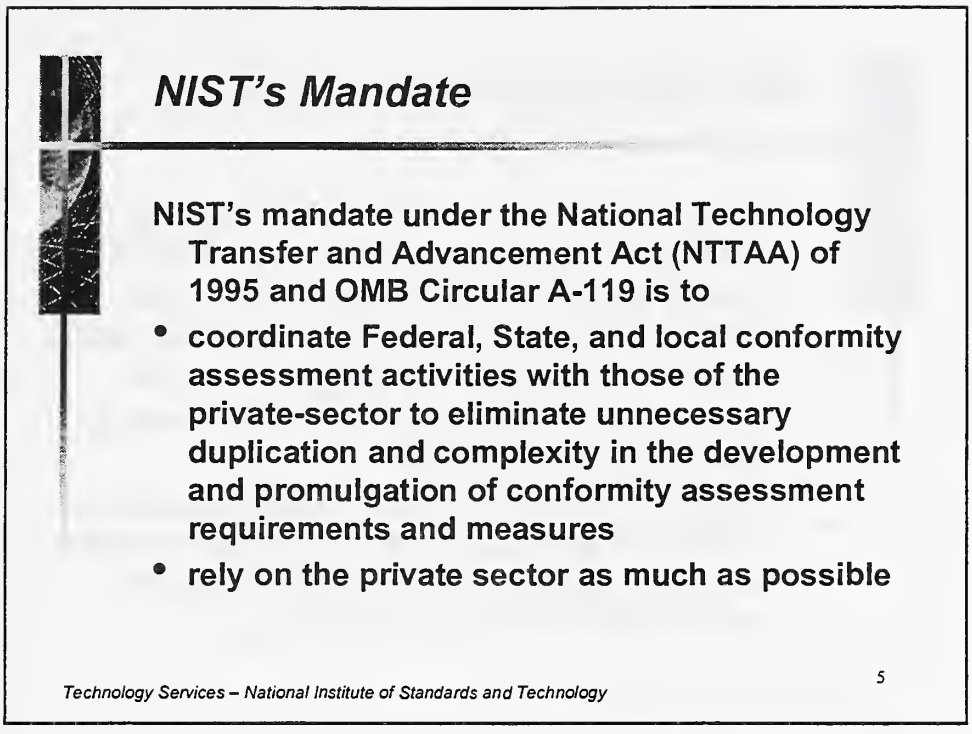

Purpose
• Eliminate unnecessary duplication and complexity in laboratory accreditation requirements
• Support government-to-government trade agreements
• Improve communications within and between the public and private sectors on laboratory accreditation requirements and practices
Technology Services – National Institute of Standards and Technology
4

Figure 3


NIST's Mandate
NIST's mandate under the National Technology Transfer and Advancement Act (NTTAA) of 1995 and OMB Circular A-119 is to
• coordinate Federal, State, and local conformity assessment activities with those of the private-sector to eliminate unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures
• rely on the private sector as much as possible
Technology Services – National Institute of Standards and Technology
5

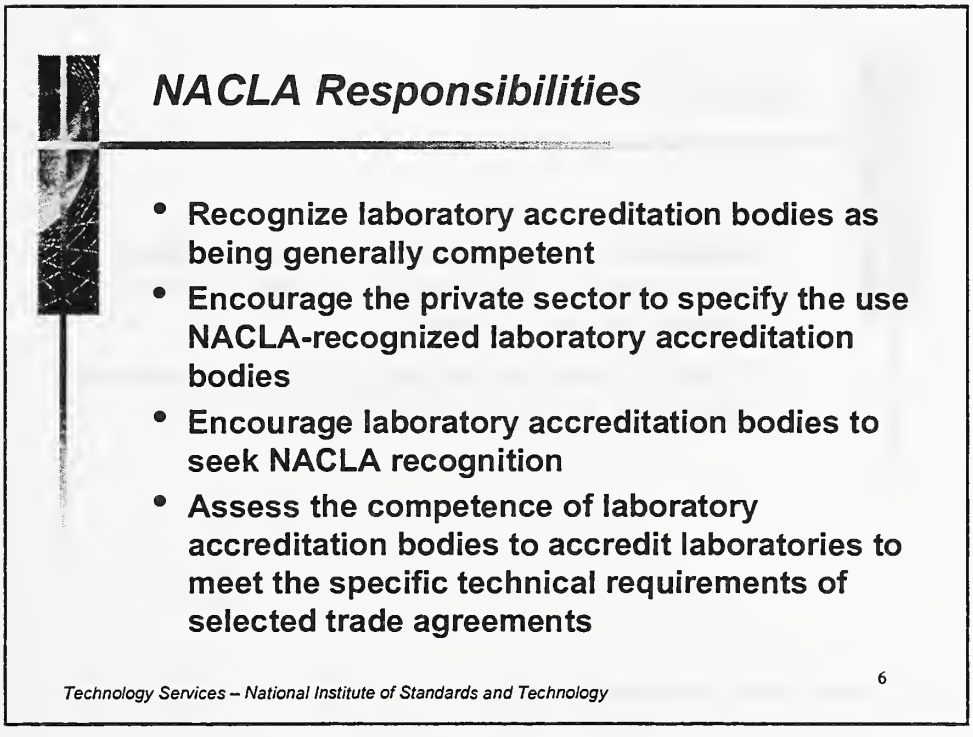
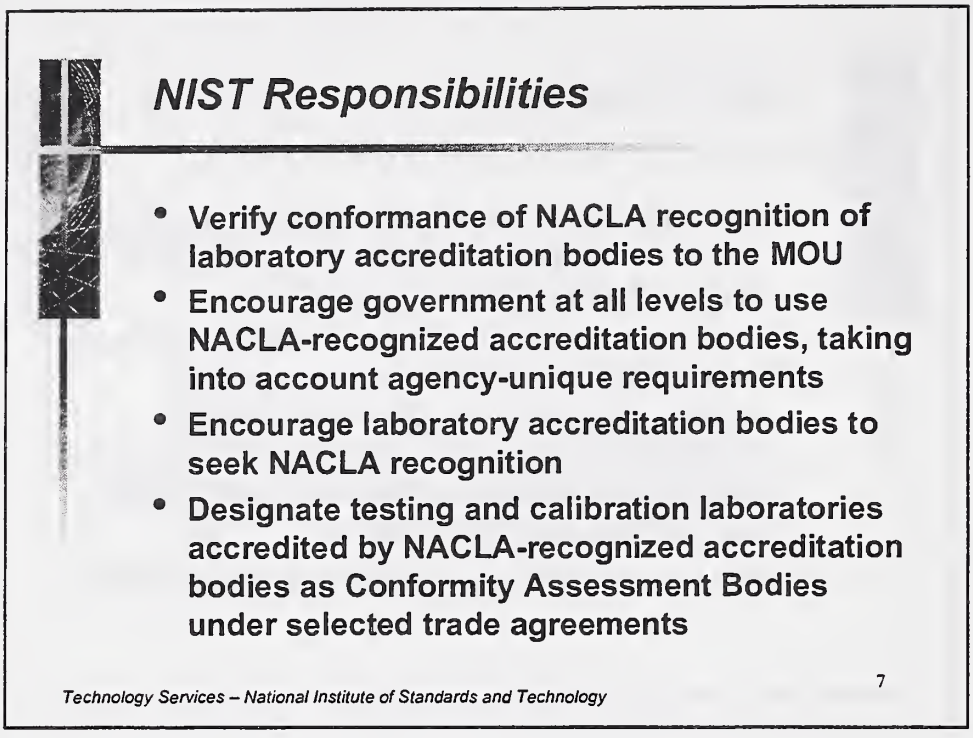

NACLA Responsibilities
• Recognize laboratory accreditation bodies as being generally competent
• Encourage the private sector to specify the use NACLA-recognized laboratory accreditation bodies
• Encourage laboratory accreditation bodies to seek NACLA recognition
• Assess the competence of laboratory accreditation bodies to accredit laboratories to meet the specific technical requirements of selected trade agreements
Technology Services – National Institute of Standards and Technology
6

Figure 4


NIST Responsibilities
• Verify conformance of NACLA recognition of laboratory accreditation bodies to the MOU
• Encourage government at all levels to use NACLA-recognized accreditation bodies, taking into account agency-unique requirements
• Encourage laboratory accreditation bodies to seek NACLA recognition
• Designate testing and calibration laboratories accredited by NACLA-recognized accreditation bodies as Conformity Assessment Bodies under selected trade agreements
7
Technology Services – National Institute of Standards and Technology

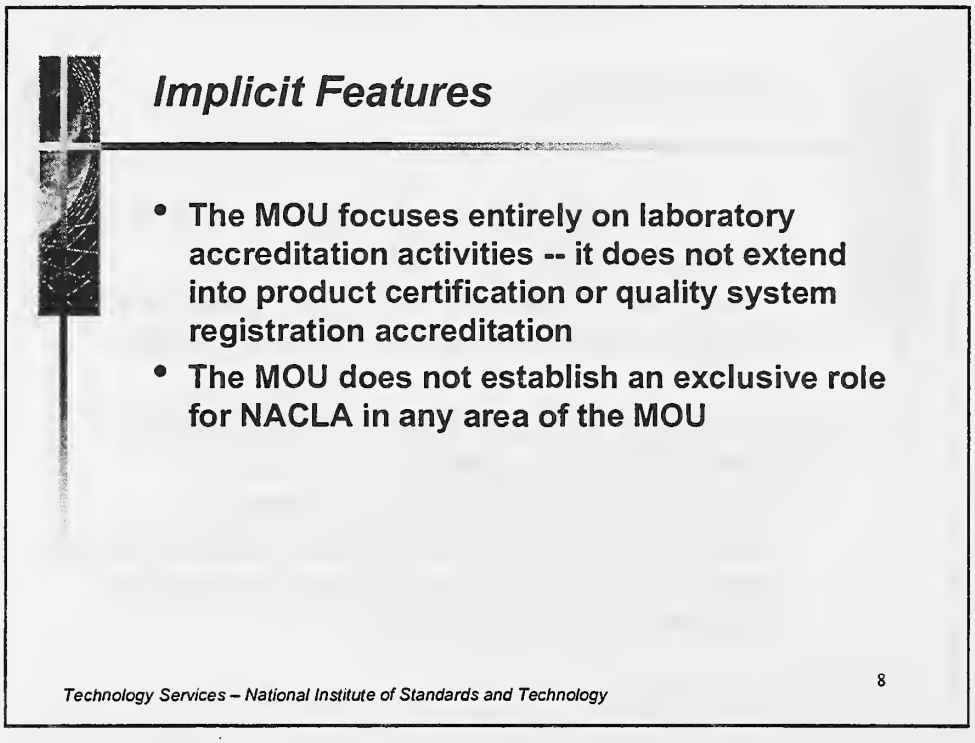
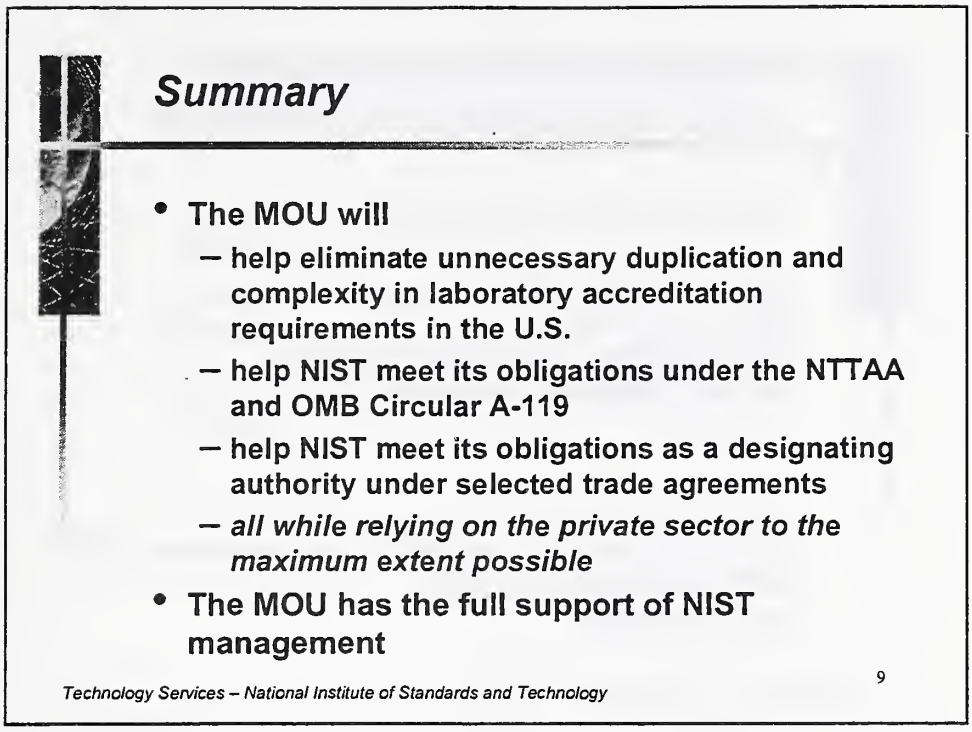

Implicit Features
• The MOU focuses entirely on laboratory accreditation activities -- it does not extend into product certification or quality system registration accreditation
• The MOU does not establish an exclusive role for NACLA in any area of the MOU
8
Technology Services – National Institute of Standards and Technology

Figure 5


Summary
• The MOU will
– help eliminate unnecessary duplication and complexity in laboratory accreditation requirements in the U.S.
– help NIST meet its obligations under the NTTAA and OMB Circular A-119
– help NIST meet its obligations as a designating authority under selected trade agreements
– all while relying on the private sector to the maximum extent possible
• The MOU has the full support of NIST management
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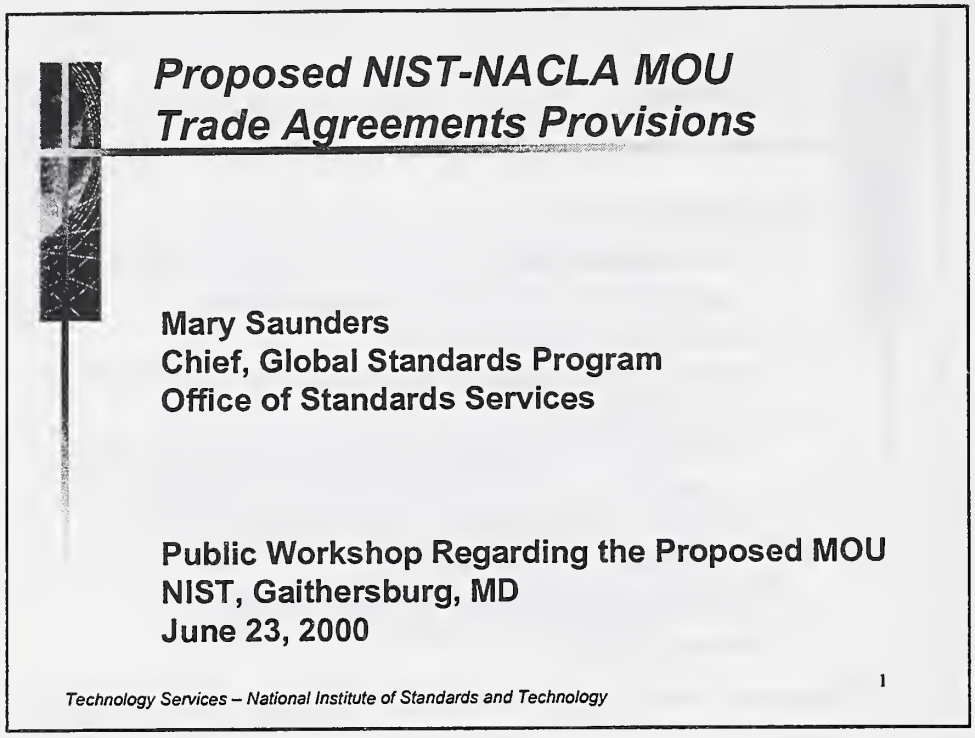
9

Figure 6


Proposed NIST-NACLA MOU
Trade Agreements Provisions
Mary Saunders
Chief, Global Standards Program
Office of Standards Services
Public Workshop Regarding the Proposed MOU
NIST, Gaithersburg, MD
June 23, 2000
Technology Services – National Institute of Standards and Technology
1

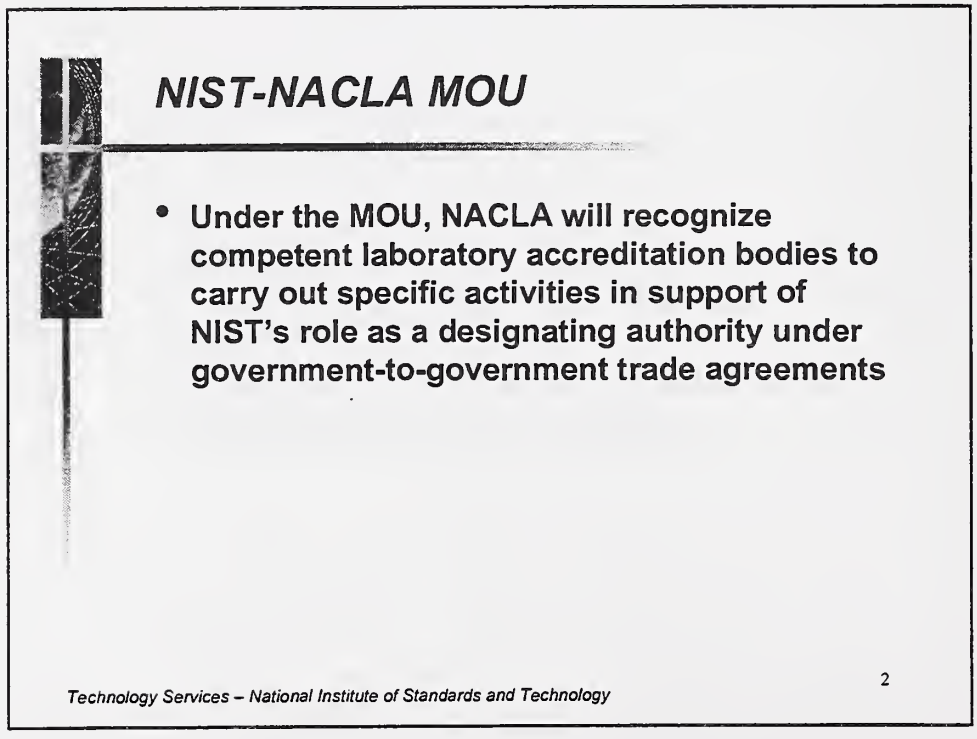
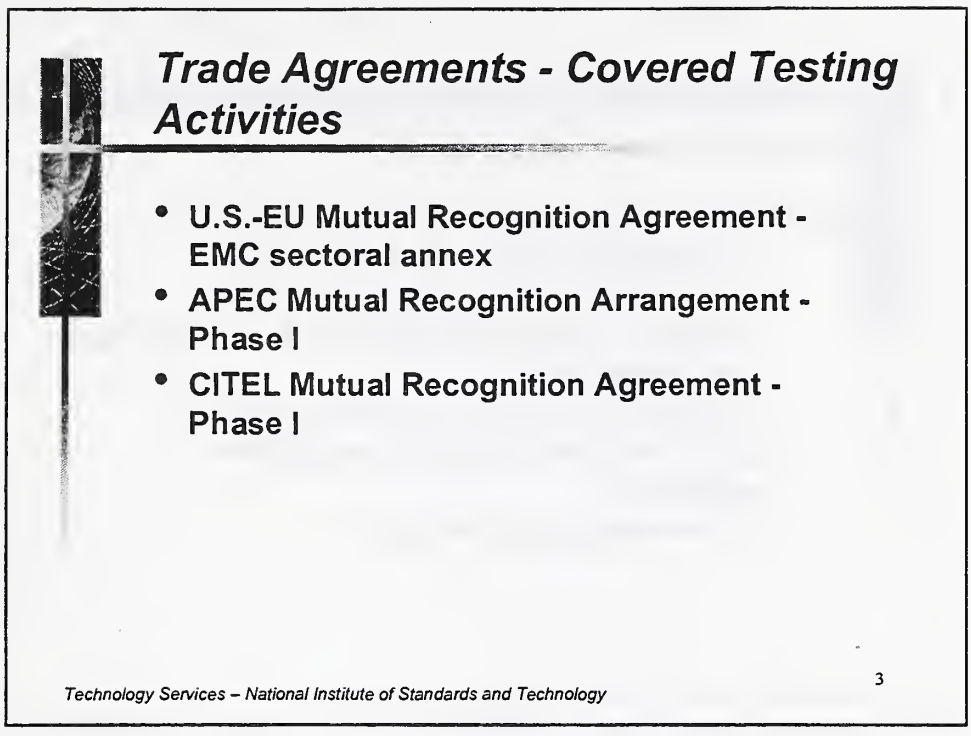

NIST-NACLA MOU
• Under the MOU, NACLA will recognize competent laboratory accreditation bodies to carry out specific activities in support of NIST's role as a designating authority under government-to-government trade agreements
Technology Services – National Institute of Standards and Technology
2

Figure 7


Trade Agreements - Covered Testing Activities
• U.S.-EU Mutual Recognition Agreement - EMC sectoral annex
• APEC Mutual Recognition Arrangement - Phase I
• CITEL Mutual Recognition Agreement - Phase I
Technology Services – National Institute of Standards and Technology
3

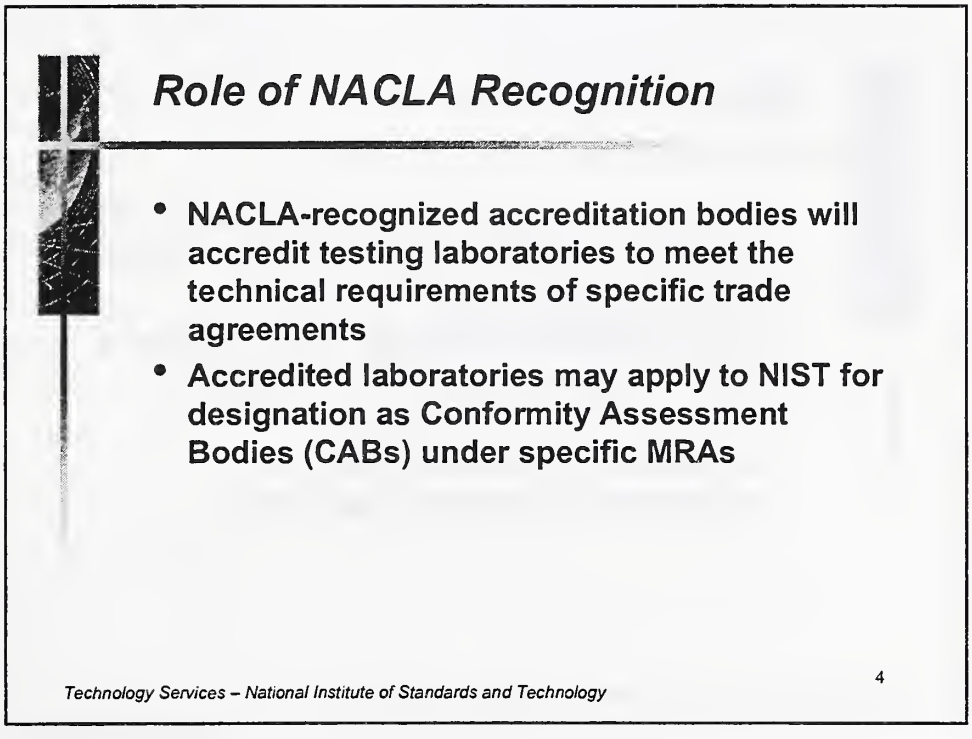

Role of NACLA Recognition
• NACLA-recognized accreditation bodies will accredit testing laboratories to meet the technical requirements of specific trade agreements
• Accredited laboratories may apply to NIST for designation as Conformity Assessment Bodies (CABs) under specific MRAs
Technology Services – National Institute of Standards and Technology
4

Figure 8

Designating Authority Responsibilities

- NIST retains ALL of the following:
  - Nominate qualified CABs to MRA Parties
  - Maintain lists of designated CABs
  - Suspend or withdraw CABs from MRA participation as necessary
  - Participate in MRA consultations on CABs
- NIST shares with NACLA-recognized accreditors
  - Monitoring CAB performance

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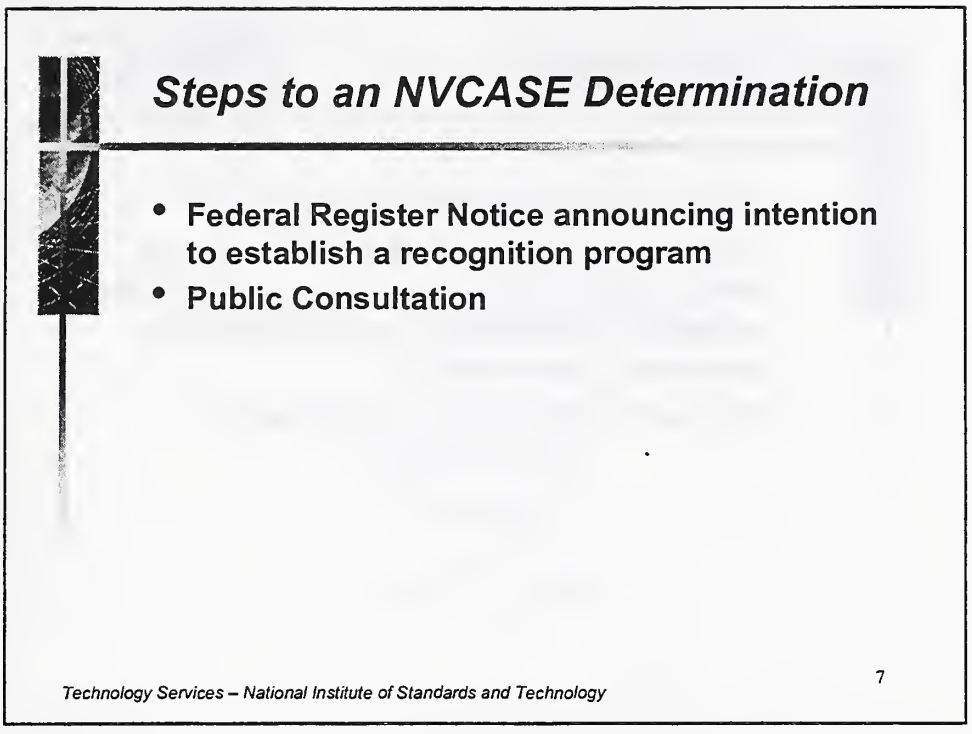
Why NACLA?

- NIST acts through NVCASE to evaluate U.S.-based conformity assessment bodies to meet foreign requirements
- At the recognition level, NVCASE requires a determination that there is no suitable alternative to NIST available
- NACLA is a suitable alternative for recognition of laboratory accreditors

Technology Services – National Institute of Standards and Technology 6

Figure 9


Steps to an NVCASE Determination
• Federal Register Notice announcing intention to establish a recognition program
• Public Consultation
Technology Services – National Institute of Standards and Technology
7

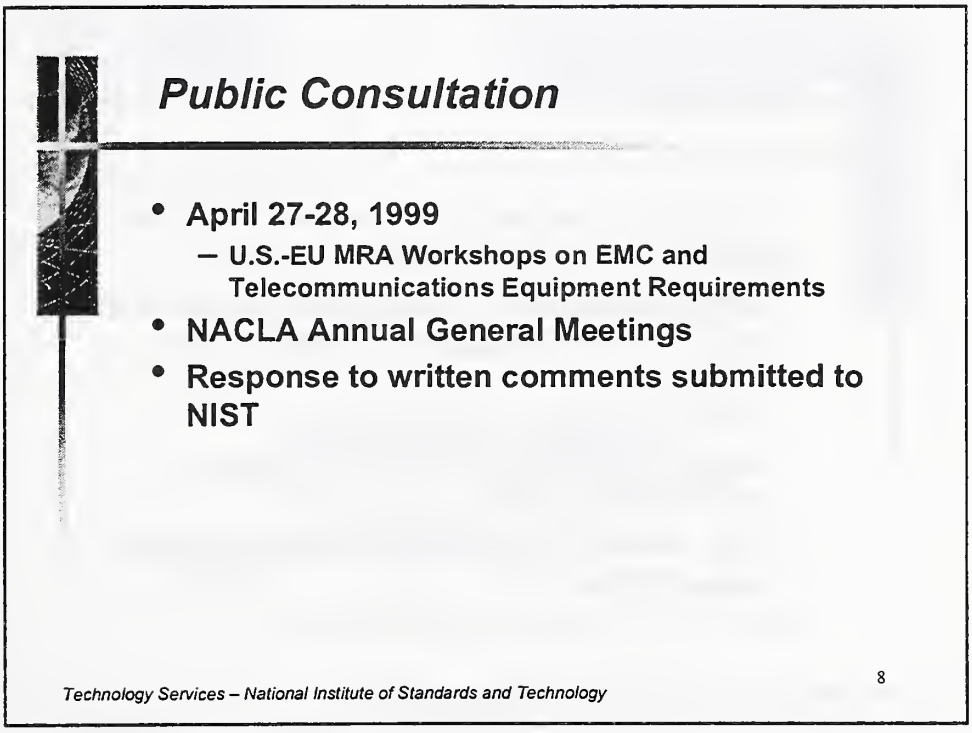

Public Consultation
• April 27-28, 1999
– U.S.-EU MRA Workshops on EMC and Telecommunications Equipment Requirements
• NACLA Annual General Meetings
• Response to written comments submitted to NIST
Technology Services – National Institute of Standards and Technology
8

Figure 10

How?

- NACLA must meet the requirements stipulated in Appendix B of the MOU, and ensure that accredited laboratories fulfill the technical requirements in Appendix A, as provided under the MOU
- NIST will verify NACLA conformance

Conclusions

- NACLA is a suitable alternative to NIST for recognition of laboratory accreditors
- The MOU gives NACLA a role in supporting MRA implementation for covered testing activities
- NIST is delegating recognition responsibilities only in the laboratory accreditation area
- NIST retains all designation responsibilities under MRAs

Figure 11


NACLA
National Cooperation for Laboratory Accreditation
NACLA Organization
National Cooperation for Laboratory Accreditation (NACLA)
NIST-NACLA MOU Public Meeting
by
Don Heirman
President
June 23, 2000
NIST NACLA MOU

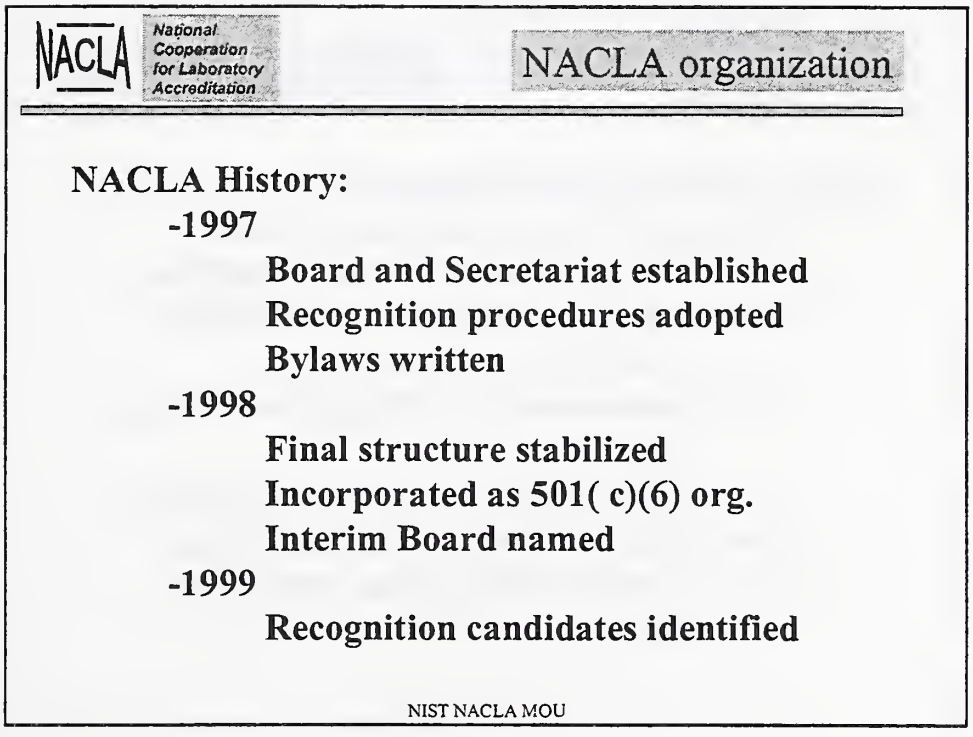
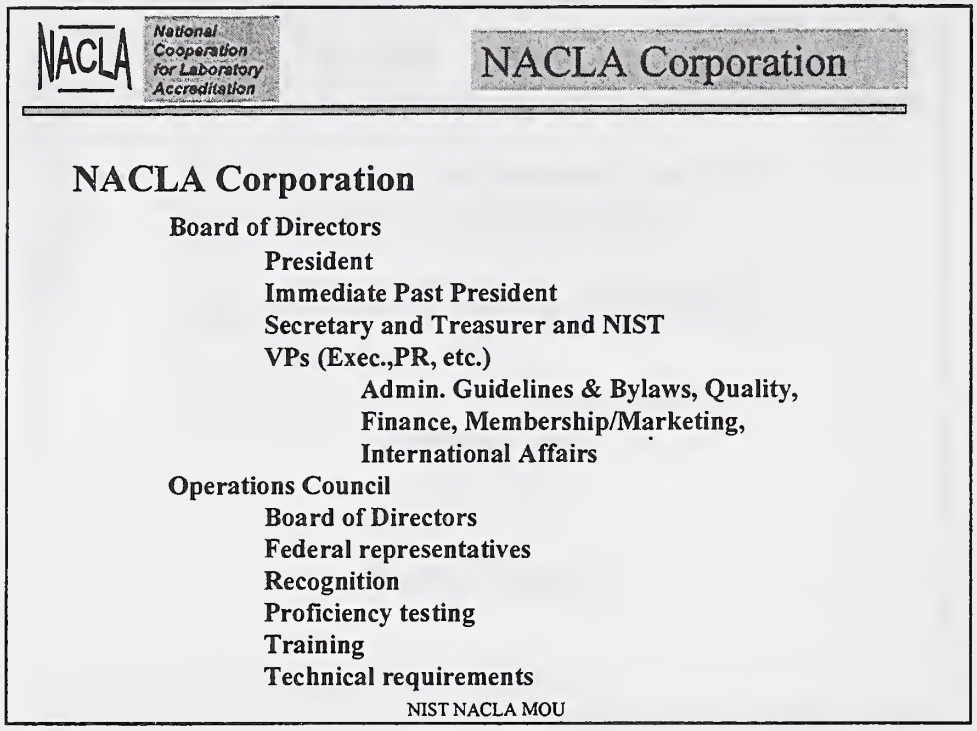

NACLA
National Cooperation for Laboratory Accreditation
NACLA organization
NACLA History:
-1997
Board and Secretariat established
Recognition procedures adopted
Bylaws written
-1998
Final structure stabilized
Incorporated as 501(c)(6) org.
Interim Board named
-1999
Recognition candidates identified
NIST NACLA MOU

Figure 12


NACLA
National Cooperation for Laboratory Accreditation
NACLA Corporation
NACLA Corporation
Board of Directors
President
Immediate Past President
Secretary and Treasurer and NIST
VPs (Exec.,PR, etc.)
Admin. Guidelines & Bylaws, Quality, Finance, Membership/Marketing, International Affairs
Operations Council
Board of Directors
Federal representatives
Recognition
Proficiency testing
Training
Technical requirements
NIST NACLA MOU

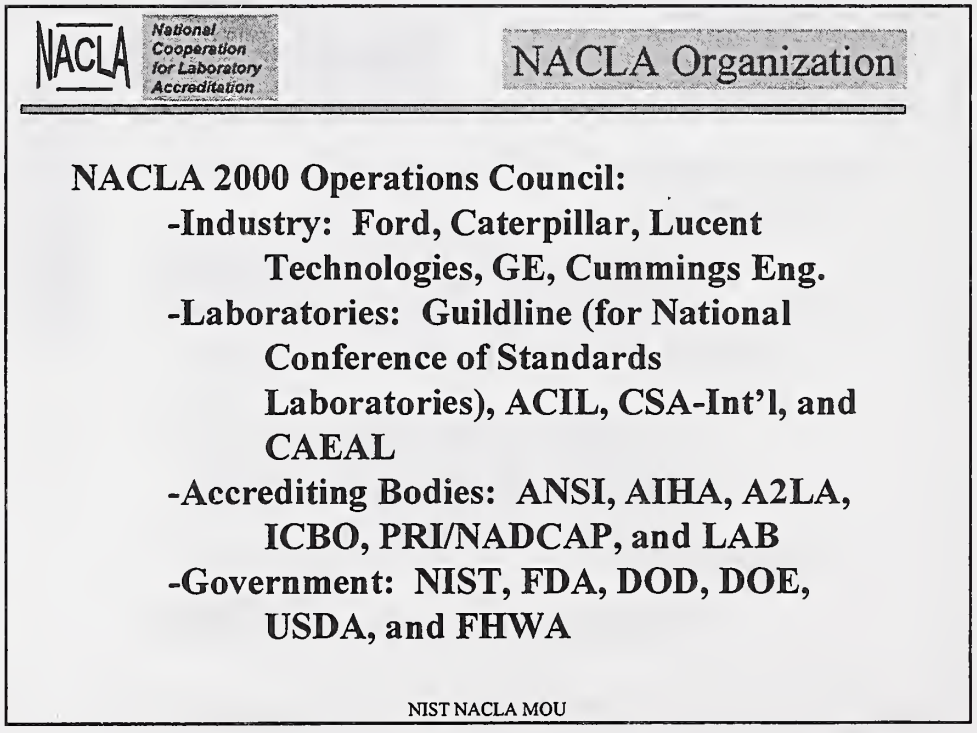
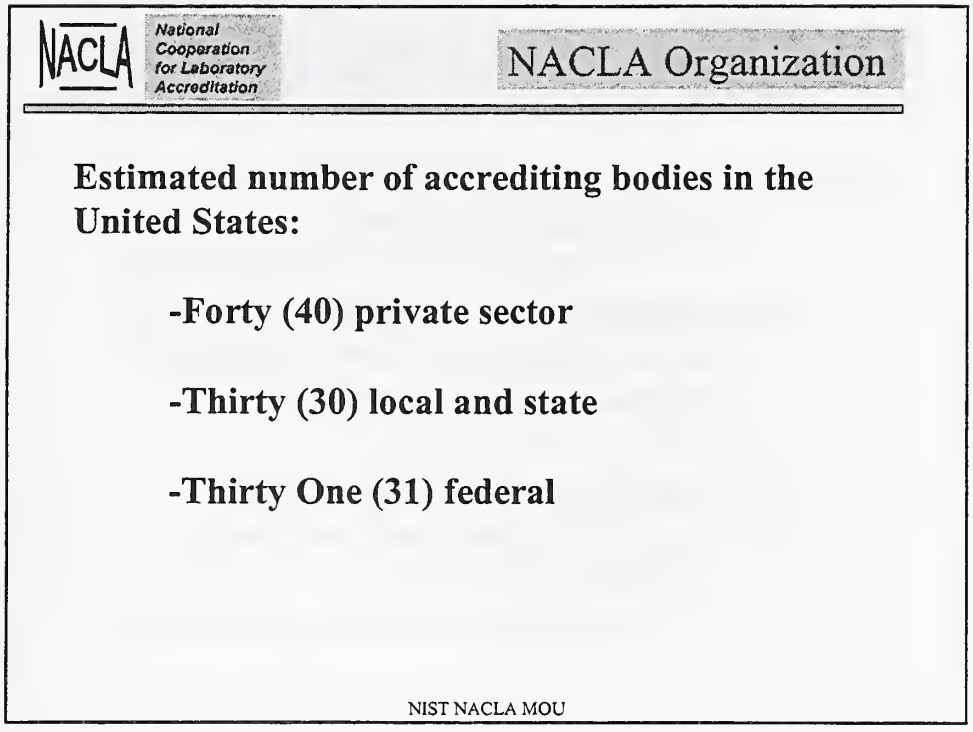
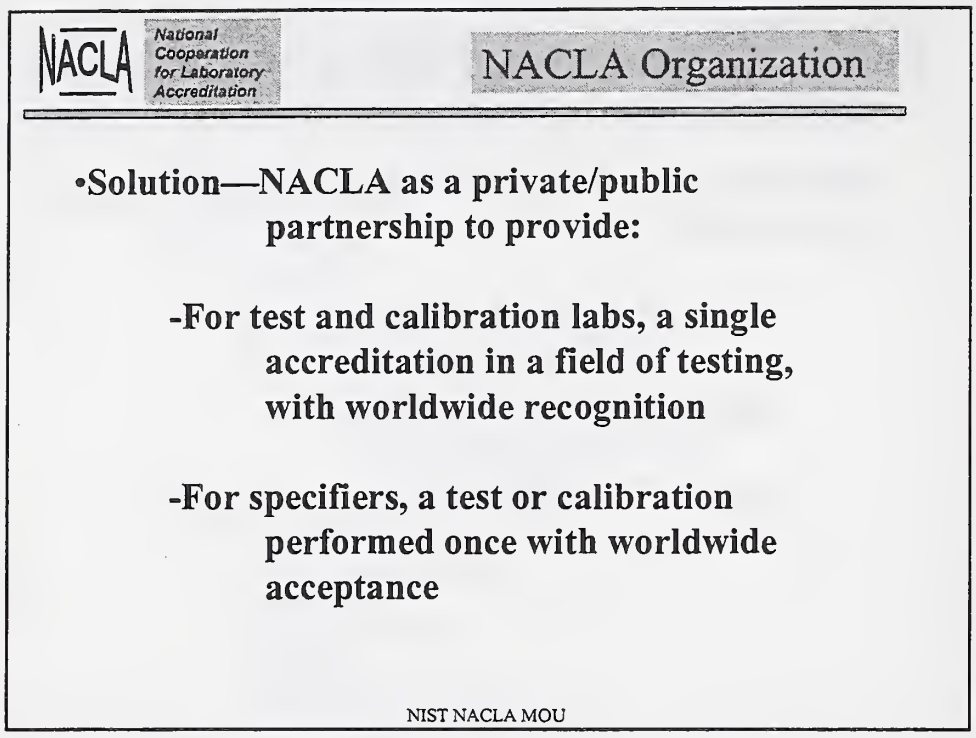

NACLA
National Cooperation for Laboratory Accreditation
NACLA Organization
NACLA 2000 Operations Council:
-Industry: Ford, Caterpillar, Lucent Technologies, GE, Cummings Eng.
-Laboratories: Guildline (for National Conference of Standards Laboratories), ACIL, CSA-Int'l, and CAEAL
-Accrediting Bodies: ANSI, AIHA, A2LA, ICBO, PRI/NADCAP, and LAB
-Government: NIST, FDA, DOD, DOE, USDA, and FHWA
NIST NACLA MOU

Figure 13


NACLA
National Cooperation for Laboratory Accreditation
NACLA Organization
Estimated number of accrediting bodies in the United States:
-Forty (40) private sector
-Thirty (30) local and state
-Thirty One (31) federal
NIST NACLA MOU


NACLA
National Cooperation for Laboratory Accreditation
NACLA Organization
•Issues Needing Attention:
Little acceptance of accreditation by other parties in domestic and foreign markets
Failure to agree on common procedures
Cost of multiple programs affect:
-testing and calibration laboratories
-users of testing/ accreditation services
-product specifiers
NIST NACLA MOU

Figure 14


NACLA
National Cooperation for Laboratory Accreditation
NACLA Organization
•Solution—NACLA as a private/public partnership to provide:
-For test and calibration labs, a single accreditation in a field of testing, with worldwide recognition
-For specifiers, a test or calibration performed once with worldwide acceptance
NIST NACLA MOU


NACLA
National Cooperation for Laboratory Accreditation
NACLA Organization
•NACLA recognizes competent accreditors by the following:
-Recognition based on international quality standards (Guides 58 and 25 (17025))
- Mutual recognition arrangement among NACLA-recognized accrediting bodies
which leads to:
- Enhanced specifier choice
- Government recognition where needed
NIST NACLA MOU

Figure 15

NACLA National Cooperation for Laboratory Accreditation

NACLA Organization

•NACLA:

-Coordinates and recognizes laboratory accreditation activities in the US

-Develops and represents US positions for regional and international accreditation,

e.g. European Cooperation for Laboratory Accreditation (EA), International Cooperation for Laboratory Accreditation (ILAC), etc.

-Is NOT another accrediting body

NIST NACLA MOU

NACLA National Cooperation for Laboratory Accreditation

NACLA Organization

•NACLA interfaces with regulators and government agencies as does NIST:

-Government agencies requested to agree on harmonizing common accrediting requirements and practices

-May require special procedures, but the goal is to apply them consistently

NIST NACLA MOU

Figure 16


NACLA
National Cooperation for Laboratory Accreditation
NACLA-NIST MOU
NACLA enthusiastically supports the MOU
*NACLA needs NIST's commitment to encourage US accrediting bodies to seek NACLA recognition
*NACLA needs NIST's commitment to accept accreditations by NACLA-recognized accrediting bodies for the purpose of US government MRAs
NIST NACLA MOU

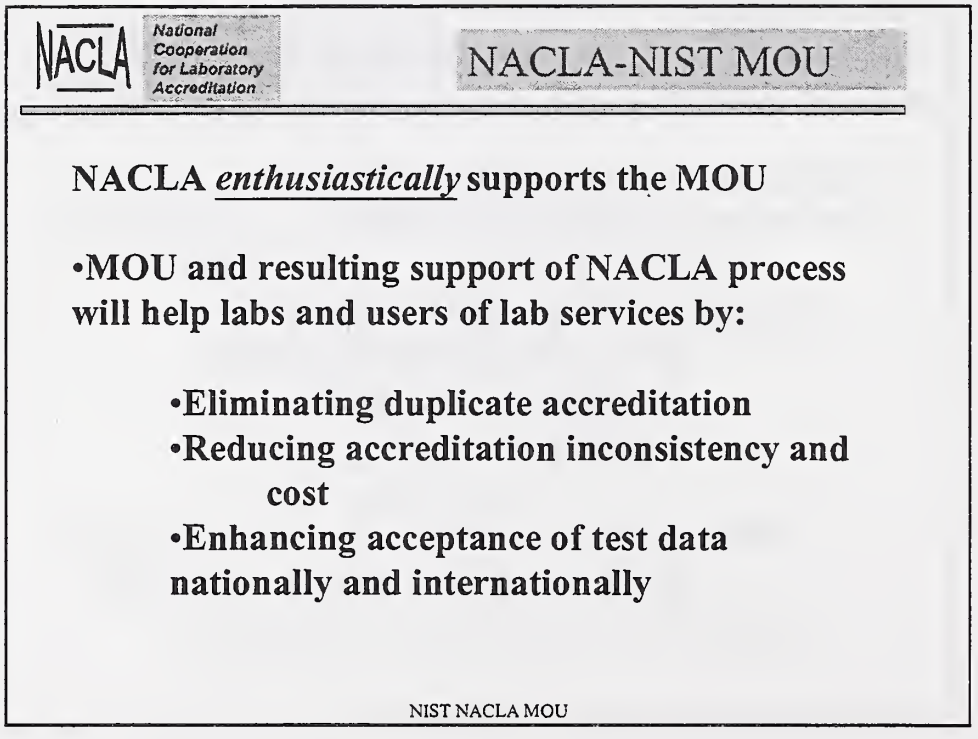

NACLA
National Cooperation for Laboratory Accreditation
NACLA-NIST MOU
NACLA enthusiastically supports the MOU
•MOU and resulting support of NACLA process will help labs and users of lab services by:
•Eliminating duplicate accreditation
•Reducing accreditation inconsistency and cost
•Enhancing acceptance of test data nationally and internationally
NIST NACLA MOU

Figure 17


NACLA
National Cooperation for Laboratory Accreditation
NACLA-NIST MOU
NACLA enthusiastically supports the MOU
With the MOU in place, NACLA will:
•Meet the commitments in the MOU
•Widely announce and promote the MOU
•Use the MOU especially in encouraging government agencies to use NACLA recognition
•Use the MOU as a strong support in promoting the acceptance of US test/calibration results internationally
NIST NACLA MOU


NACLA
National Cooperation for Laboratory Accreditation
NACLA-NIST MOU
NACLA enthusiastically supports the MOU
In summary, NIST acceptance will help achieve NACLA goals:
*worldwide recognition of accreditations
*one test/calibration done once accepted worldwide
NACLA ready to sign MOU!
NIST NACLA MOU

Figure 18

Written Comments on MOU

A range of interests represented, all strongly supportive!

- Laboratory accreditation bodies -- A2LA, AIHA
- Associations of testing and calibration laboratories -- ACIL, NCSL
- Accredited testing and calibration laboratories -- Bowser-Morner, CCL, ICS, MMR, Smithers Scientific Services
- Certifiers with accredited testing facilities -- TUV Rheinland
- Manufacturers -- Honeywell, Lucent
- Federal agencies -- DOT/FHWA, DOE/Sandia, Navy

Key Points

"The overall thrust of the MOU has A2LA's full support. A2LA believes that this MOU is a good example of where NIST can show leadership with the rest of the government on the use of private sector conformity assessment activities as suitable alternatives to government-administered programs." A2LA

"On behalf of the membership of ACIL, I am pleased to express our strong support for the proposed MOU between NIST and NACLA. This effort is key to enhancing America's competitiveness in the global marketplace and is an excellent first step in achieving the goals of the NTTAA." ACIL

Figure 19

Key Points (continued)

"NCSL strongly supports the proposed MOU between NIST and NACLA. This proposed MOU will enhance acceptance of accredited laboratories and promote trade within the United States and to other countries." **NCSL**

"The MOU will further one of Lucent's goals of a stronger partnership between our telecom industry and the Federal government ... in handling and minimizing the intricacies and burdens of international as well as national conformity assessment requirements and practices." **Lucent**

Key Points (continued)

"The proposed MOU recognizes NACLA's efforts in reducing redundancy in laboratory accreditation, and will provide for a verification process that will allow other Federal agencies and foreign governments to gain confidence in the NACLA recognition process." **FHWA**

"The proposed partnership is a significant step towards a common goal of test or calibrate once, with the results being accepted worldwide. Such a partnership offers many opportunities for reducing the redundancy and costs associated with multiple accreditation programs, which have been experienced by the private sector and by the government at the federal, state, and local levels." NWAS

APPENDIX A: Draft NIST-NACLA MOU

DRAFT MEMORANDUM OF UNDERSTANDING
between
The National Institute of Standards and Technology
and
The National Cooperation for Laboratory Accreditation
June 1, 2000

Preamble

The National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce and the National Cooperation for Laboratory Accreditation (NACLA) hereby state their commitment to develop and maintain a system in the U.S. that will (a) recognize competent laboratory accreditation bodies to accredit testing and calibration laboratories when the services of such laboratories are required to demonstrate compliance with procurement, regulatory, or other requirements of government at all levels – Federal, state, and local - and to meet the needs of the private sector, (b) promote the use by government and the private sector of such accreditation bodies, and (c) recognize competent laboratory accreditation bodies to carry out specific activities in support of NIST in its role as a designating authority under government-to-government mutual recognition agreements in the area of conformity assessment activities.

1. Purpose

1.1 NIST and NACLA agree on the need for a coordinated national approach to the accreditation of calibration and testing laboratories to eliminate redundancy and complexity in the development and promulgation of conformity assessment requirements and measures by government at all levels and by the private sector.

1.2 NIST and NACLA agree on the need for a coordinated national approach to the accreditation of calibration and testing laboratories to support government-to-government trade agreements.

1.3 NIST and NACLA recognize the need for improved communication between and within the private and public sectors on conformity assessment requirements and practices and the need for affected U.S. government agencies at all levels to contribute to the development, implementation, and use of a system that reduces redundancy and complexity (to the maximum extent possible) while still meeting procurement, regulatory, and other requirements.

2. NIST Responsibilities

2.1 In accordance with its responsibilities under the National Technology Transfer and Advancement Act of 1995, NIST will continue to coordinate conformity assessment activities of Federal, state, and local entities with those of the private sector and will

strive to eliminate unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures. NIST will encourage government agencies at all levels to accept the use of laboratory accreditation bodies recognized by NACLA when testing and calibration services are required to demonstrate compliance with procurement, regulatory, or other requirements of the U.S. Federal Government and of state and local governments. NIST will work with other U.S. Federal agencies to ensure that agency-unique accreditation requirements are understood by NACLA and incorporated to the extent possible in targeted evaluations by NACLA to minimize duplication and inefficiency in laboratory accreditation activities. NIST intends to use the provisions of this Memorandum of Understanding (MOU) to ensure that NACLA recognition fulfills the needs of agencies in this area, through the verification process referred to in Article 3.1 of this MOU.

2.2 Under the provisions of Section 286.2(b)(3) of Title 15 of the U.S. Code of Federal Regulations, NIST has determined after public consultation that recognition of laboratory accreditation bodies by NACLA provides a suitable alternative to direct NIST recognition under National Conformity Assessment Systems Evaluation (NVCASE) procedures, and thus NIST intends to use the provisions of this MOU to ensure that NACLA recognition fulfills requirements of the international agreements and arrangements set forth in Articles 2.3 and 2.4 below. Appendix A[1] of this MOU lists specific technical requirements for each of these agreements and arrangements.

2.3 In furtherance of NIST's role in carrying out its responsibilities as a designating authority, NIST will accept NACLA recognition of the competence of laboratory accreditation bodies located in the United States to accredit testing laboratories to meet the technical requirements for their acceptance by European Community Member State governments under the Electromagnetic Compatibility (EMC) Annex of the Agreement on Mutual Recognition between the United States of America and the European Community. Individual laboratories located in the United States and accredited by a NACLA-recognized laboratory accreditation body accepted by NIST may apply to NIST for designation as Conformity Assessment Bodies (CABs) under the Agreement, subject to the terms and conditions of the Agreement.

2.4 Section 5.3 of the Inter-American (CITEL) Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment and Section 5.3 of the Asia-Pacific Economic Cooperation Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment empower NIST, as a Designating Authority, to appoint accreditation bodies located in the United States to accredit laboratories that may then be designated by NIST as Conformity Assessment Bodies (CABs) for specified scopes of activity. Whenever a laboratory accreditation body

[1] Appendices A, B and C are integral parts of this Memorandum of Understanding.

located in the United States obtains recognition by NACLA in a technical area that permits the laboratory accreditation body to accredit laboratories to conduct tests to assess conformance to specific legal, regulatory, and administrative requirements covered under either the CITEL Agreement or the APEC Arrangement, and upon application to NIST documenting NACLA recognition, NIST will appoint that body to be an accreditation body under the relevant framework. NIST shall promptly withdraw the appointment should the laboratory accreditation body cease to be recognized by NACLA in the relevant technical area. Individual laboratories located in the United States and accredited by a laboratory accreditation body that has been appointed by NIST under this section may apply to NIST for designation as CABs under the CITEL Agreement and/or the APEC Arrangement, subject to the terms and conditions of each.

2.5 NIST will encourage laboratory accreditation bodies, including those bodies whose services are used by Federal, state, and local government for procurement, regulatory, trade, or other support purposes, to seek NACLA recognition.

2.6 NIST representatives will participate as appropriate in the activities of NACLA.

2.7 NIST representatives will inform NACLA of developments and changes in Federal, state, and local government policy with regard to laboratory accreditation, in a reasonable time frame whenever NIST becomes aware of such new developments and changes.

3. NACLA Responsibilities

3.1 NACLA has developed and implemented a program for recognizing competent laboratory accreditation bodies through the use of accepted international standards and guides and operates in compliance with relevant national and international standards and guides. NACLA will continue to conduct this program and will submit to periodic third party assessments as deemed necessary by the Director of NIST Technology Services to verify that NACLA recognition of laboratory accreditation bodies is carried out in conformance with the criteria in Appendix B of this MOU. The NIST verification process is outlined in Appendix C. NACLA will maintain integrity and impartiality in the way it applies relevant standards and guides and judges conformity to them, and will not show undue preference for one competent laboratory accreditation body versus another. In addition, NACLA will, in consultation with and with the approval of the Director of NIST Technology Services, establish impartial and objective procedures and policies for the resolution of appeals made against NACLA recognition decisions. These procedures may include the use of Alternative Dispute Resolution as appropriate.

3.2 NACLA will encourage the private sector to specify the use of laboratory accreditation bodies recognized by NACLA when testing and calibration services are required to demonstrate compliance with procurement, regulatory, trade, or other requirements.

3.3 NACLA will encourage laboratory accreditation bodies, including those whose services

are used by the private sector to demonstrate compliance with procurement, regulatory, trade, or other requirements, to seek NACLA recognition.

3.4 Building on the existing NACLA program for recognizing competent laboratory accreditation bodies through the use of accepted international standards and guides, NACLA will evaluate the competence of laboratory accreditation bodies to accredit testing and calibration laboratories to meet the legal, regulatory, and administrative requirements necessary for their acceptance by foreign governments under the provisions of those agreements and arrangements specified in Articles 2.3 and 2.4 of this MOU.

4. Officials of NIST and NACLA will meet at least annually to review this MOU, cooperative efforts of the previous year, and plans for the coming year.

5. This MOU will remain in effect for a period of 5 (five) years from the date of the last signature below. It may be extended for additional periods by mutual agreement of the two parties. It may be amended by agreement of the two parties or terminated with 30 (thirty) days written notice by either party.

Original signed by:

Donald Heirman
President, NACLA

Date:

Original signed by:

Richard F. Kayser
Director, Technology Services

Date:

APPENDIX A

SPECIFIC TECHNICAL REQUIREMENTS
FOR INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

1. *Agreement on Mutual Recognition between the United States of America and the European Community (U.S.-EU MRA) - EMC (Electromagnetic Compatibility) Sectoral Annex*

Introduction: In order to ensure conformance of a product with Council Directive 89/336/EEC (the EMC Directive), Article 10.2, when a manufacturer has not applied any, or has applied only part, of the standard(s) referred to in Article 7(1), the manufacturer must utilize the services of a Competent Body. In such a situation the Competent Body will be required to develop a Technical Construction File (TCF) that describes the apparatus, sets out the procedures used to ensure conformity of the apparatus with the protection requirements referred to in Article 4 and include a technical report or certificate obtained from the Competent Body. Under the U.S.-EU MRA, EMC Annex, a U.S. body may be designated as a Conformity Assessment Body (CAB) and will thus operate as the equivalent of a Competent Body. (EMC CAB Type 1)

U.S. CAB Requirements

EMC CAB Type 1: This type of CAB shall be accredited by an accreditor that has been recognized by NIST to be in conformance with ISO/IEC Guide 58. The CAB must operate in accordance with ISO/IEC International Standard 17025: *General Requirements for the Competence of Testing and Calibration Laboratories*, or in the short term prior to complete implementation of ISO/IEC International Standard 17025, with ISO/IEC Guide 25: *General Requirements for the Competence of Calibration and Testing Laboratories*. The scope of accreditation must include test methods relevant to the claimed scope of competence of the CAB. The CAB must also demonstrate its capability to evaluate data relevant to assess the conformity of products covered by the EMC directive, regardless of whether the manufacturer has applied relevant harmonized standards. The body must be able to demonstrate knowledge of the EMC Directive and in particular how to develop a TCF. The body may use any appropriate technical standard that it, or the manufacturer, chooses to examine the product.

CAB Restrictions

The United States can only designate a CAB located in the United States. During the transition phase of the MRA, which extends through December 3, 2000 and provides for mutual acceptance of test data and reports by the MRA Parties, a U.S. CAB must send all TCF evaluation reports and dossiers for type examination certificates to an EU notified body for approval. This restriction will not apply after the MRA enters its operational phase, at which time listed U.S. CABs can carry out all of the activities of an EU Competent Body.

Subcontracting

A CAB may subcontract some evaluation activities to another body. However, the CAB will be fully responsible for all subcontracted work, e.g., test data, review of dossier results, etc.

2. *Asia-Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment, Phase 1*

Introduction: Under Phase 1 procedures of the APEC MRA, partner economy regulatory bodies agree to mutually accept test data supplied with an application for equipment approval that supports the claim that equipment complies with the regulations. At the current time participating APEC partner economies are Australia, Canada, Japan, Korea, Singapore, Taiwan, the United States and Hong Kong.

The specific technical requirements for each economy are different and varied. In some cases a partner economy will accept test data produced using accepted international standards/methods, other countries' standards/methods, or other standards/methods that are appropriate for the specific application. In some cases the partner requires that only its own standards/methods be used.

U.S. CAB Requirements

A U.S. CAB must be accredited to ISO/IEC International Standard 17025: *General Requirements for the Competence of Testing and Calibration Laboratories*, or in the short term prior to complete implementation of ISO/IEC International Standard 17025, to ISO/IEC Guide 25: *General Requirements for the Competence of Calibration and Testing Laboratories* to perform the required testing, by a NIST-recognized accreditor that complies to ISO/IEC Guide 58. The specific technical requirements can be found at the individual websites as indicated below. In addition to being capable of carrying out specific test methods, a CAB must understand each individual partner's regulations and the approval process for the equipment that they desire to be designated to test.

WEBSITE LIST
NIST Conformity Assessment: http://ts.nist.gov/mra
APEC MRA: http://apii.or.kr/telwg click: MRA Task Group, Task Group input documents
Australia: http://www.dcita.gov.au
Canada: http://strategis.ic.gc.ca
Hong Kong: http://www.ofta.gov.hk
Japan: http://mpt.go.jp
Korea: http://www.mic.gov.kr (Korean only)
Singapore: http://www.tas.gov.sg
Taiwan: EMC: http://www.bsmi.gov.tw
Telecom: http://www.dgt.gov.tw

CAB Restrictions
The United States can only designate a CAB located in the United States.

Subcontracting

A CAB may subcontract some evaluation activities to another body. However, the CAB will be fully responsible for all subcontracted work, e.g., test data, review of dossier results, etc.

3. *Asia-Pacific Economic Cooperation (APEC) Mutual Recognition Arrangement for Conformity Assessment of Telecommunications Equipment, Phase 1 – Bilateral Implementing Agreement between the United States of America and Chinese Taipei*

Telecommunication Equipment Requirements

Under the Taiwan Telecommunications Act, telecommunications equipment approval is the responsibility of the Directorate General for Telecommunications (DGT). Under the terms of Phase I procedures of the APEC MRA, DGT has agreed to accept test reports issued by CABs designated by NIST to be used in the equipment approval process.

Article 42 of the Telecommunications Act stipulates that three basic principles must be satisfied concerning technical standards and requirements for telecommunications terminal equipment:

1. The connection shall cause neither damage to the telecommunications machinery and line facilities of a Type I telecommunications enterprise nor faults in the performance of such facilities.
2. Other users of the telecommunications machinery and line facilities of a Type I telecommunications enterprise shall not be injured.
3. A clear division of duties in regards to the telecommunications machinery and line facilities of a Type I telecommunications enterprise and the terminal equipment connected by users shall be ensured.

Laboratory Criteria for Designation by NIST

In order for a U.S. laboratory to be designated as a CAB to test covered telecommunications equipment and issue test reports acceptable to the DGT, the laboratory shall satisfy the following criteria:

1. The laboratory shall be accredited to conduct applicable test methods of its choice according to its particular interest and demonstrated competence.
2. An accredited laboratory must be familiar with the DGT requirements applicable to their scope of activity. The DGT requirements for all covered products can be found at their website *http://www.dgt.gov.tw.*

Some of the DGT technical regulations have specified test methods that must be used, others do not have such specification. The laboratory may select which test method(s) that it will use according to the following:

A. When specified – the specified Chinese National Standard (CNS)
B. When not specified – any test method that it is accredited to perform which will satisfy the specific DGT requirement:
    1. Chinese National Standard (CNS)

2. International Telecommunications Union (ITU) standard
3. Other international standard, e.g. ISO/IEC
4. Local standard

Note: Additional requirements for EMC are contained in a separate supplement available on request from NIST

4. *Inter-American (CITEL) Mutual Recognition Agreement for Conformity Assessment of Telecommunications Equipment, Phase I*

The CITEL MRA has not progressed far enough to begin the Conformity Assessment Body (CAB) designation process, but it will require accredited test laboratories under Phase I procedures. Participating CITEL economies will most likely be at least Argentina, Brazil, Chile, Mexico, and the United States.

U.S. CAB Requirements

A U.S. CAB must be accredited to ISO/IEC International Standard 17025: *General Requirements for the Competence of Testing and Calibration Laboratories*, or in the short term prior to complete implementation of ISO/IEC International Standard 17025, to ISO/IEC Guide 25: *General Requirements for the Competence of Calibration and Testing Laboratories* to perform the required testing, by a NIST-recognized accreditor that complies to ISO/IEC Guide 58. In addition to being capable of performing specific test methods, a CAB must understand each individual partner's regulations and the approval process for the equipment that they desire to be designated to test.

APPENDIX B

GENERIC REQUIREMENTS, PROCEDURES, AND CONDITIONS FOR ACCREDITATION BODY RECOGNITION

1.0 INTRODUCTION

This document specifies the generic requirements, procedures, and conditions for accreditation body recognition. This document was developed with reference to existing international guides and standards and is not intended to supercede or contradict the principles represented in those documents.

2.0 ACCREDITOR REQUIREMENTS

The basic generic criteria that an accreditor must satisfy are contained in ISO/IEC Guide 58: *Calibration and Testing Laboratory Accreditation Systems - General requirements for Operation and Recognition.* An accreditor shall accredit laboratories against ISO/IEC International Standard 17025: *General Requirements for the Competence of Testing and Calibration Laboratories*, or in the short term prior to complete implementation of ISO/IEC International Standard 17025, against ISO/IEC Guide 25: *General Requirements for the Competence of Calibration and Testing Laboratories*. Other additional requirements or specifications mandated by law or contract shall also be taken into account where applicable.

3.0 ACCREDITATION BODY EVALUATION PROCESS

The process of evaluating an accreditation body for recognition consists of a number of activities, which must take place prior to and after granting recognition. The process consists in general of a review of the accreditation body's quality system, on-site evaluation/re-evaluation of the premises, witness audits of assessments performed by the accreditation body's assessors, writing an evaluation report, review of accreditation body response to the evaluation report, and final evaluation and decision. Surveillance activities and on-site reevaluation visits of recognized accreditors are conducted periodically.

3.1 Quality System Review and Evaluation

An accreditation body seeking recognition must submit copies of its quality documentation for review and evaluation. The documentation must show that the quality system promotes an adequate level of performance and quality management. If the accreditation body cannot submit documentation in advance, the quality system review and evaluation can be performed during the on-site evaluation.

3.2 On-site Evaluation

An on-site evaluation of an accreditation body's facilities is conducted prior to initial recognition and at regular intervals thereafter, as specified by relevant national or international practice, unless

the recognition is terminated. The evaluation encompasses an on-site review of selected procedures and operations for all sites involved in the accreditation activities that the recognition would cover. An accreditation body may appeal the inclusion of any member of the evaluation team proposed for the on-site evaluation. Such appeal must be received in writing no later than 20 working days after notification of the accreditation body of the membership of the evaluation team and must provide a substantive reason for a change to be made.

3.3 Witness Audits/Assessments

As part of the evaluation process, an accreditation body must allow members of the evaluation team to witness the accreditation body's auditors/assessors performing an assessment/audit of a client's facilities. The number and identity of the witness audits to be performed will be determined in consultation with the accreditation body. As a general practice, at least two witness audits will be performed.

3.4 Final Report

The evaluation team prepares a final report after the evaluation and forwards it to the accreditation body. The final report usually will be essentially the same as the draft report unless additional information has been uncovered or issues that require clarification have arisen.

The final report normally presents the definitive findings of the evaluation. However, if additional information surfaces with significant bearing on the evaluation, a supplementary report may be necessary. Any supplementary report that requires action will be promptly forwarded to the accreditation body.

3.5 Accreditation Body Response to Evaluation Report/Deficiency Notification

The accreditation body must respond in writing to all identified deficiencies. All specific corrective actions taken, and proposed plans to resolve each deficiency, must be described in writing. Plans must include specific actions, time frames, dates, etc. In some cases, an additional on-site visit may be necessary to observe stated resolutions.

Accreditation bodies holding a current valid recognition must respond to any deficiencies identified within 30 days of receipt of a notification and have an approved plan to implement the corrective actions within 90 days of receipt or recognition may be suspended until full conformance is demonstrated.

3.6 Final Evaluation Decision

Upon completion of all evaluation activities, an evaluation panel will be convened to review all information collected regarding an accreditation body and make a final decision on the appropriate recognition action to take. The decision is based on the review and evaluation of all materials

submitted by the accreditation body, reports covering the quality system review, on-site evaluation(s) report, witness audit reports, and deficiency resolution information.

3.7 Surveillance

A full or partial on-site visit or other forms of surveillance of a recognized accreditor or any accredited body may be conducted to observe or verify conformance with program requirements. Any deficiencies noted as a result of surveillance must be responded to in accordance with Paragraph 3.5 above.

4.0 PROGRAM ACTIONS

A program for recognition of accreditation bodies shall have in place procedures for granting, denying, suspending or terminating recognition of an accreditor. Accreditors subject to an adverse action shall be provided with at least the following options: appeal of the decision, submission of additional information for further evaluation, or acceptance of the decision. The appeals process shall be clearly defined and may include the use of Alternative Dispute Resolution as appropriate.

5.0 OBLIGATIONS OF A RECOGNIZED ACCREDITOR

5.1 Continuous Conformance

It shall be incumbent upon a recognized accreditor to conform to all requirements throughout the period of participation. Failure to maintain conformance is cause for suspension or termination of recognition.

5.2 Proper Use of Recognized Status and Claims

A recognized accreditor shall not make any claim which:

a) constitutes or implies certification, approval, or endorsement of any product manufactured or entered into commerce in the United States based on its recognition;

b) constitutes or implies that the accreditor or an accredited body is recognized for any activities other than those specifically stated in the recognition documents.

A recognized accreditor must follow documented guidance when advertising its recognition status on letterheads and in brochures, reports, and professional, technical, trade, and other publications.

APPENDIX C

NIST VERIFICATION PROCESS

NIST process to verify:

1. That NACLA recognition of laboratory accreditation bodies is carried out in conformance to technical criteria found in Appendix B of the NIST-NACLA Memorandum of Understanding (MOU).
2. That NACLA recognition fulfills requirements of the international agreements and arrangements set forth in Articles 2.3 and 2.4 and Appendix C of the MOU.

Verification Process

1. NIST will compare NACLA Recognition Procedures with Appendix B of the MOU to determine that Appendix B criteria are adequately addressed.
   1a. Ensure that accreditation bodies and laboratories have copies and understand the technical requirements set forth in intergovernmental agreements (Appendix A) or U.S. government agency specifications. NIST will work with other Federal agencies to define these specifications when requested by NACLA.
2. For accreditation bodies that have already received NACLA recognition prior to the MOU being put in place, NIST staff will review the NACLA evaluation team reports on accreditation body evaluations to verify that written criteria have been addressed by evaluation teams and to confirm that identified nonconformances have been addressed by the accreditation body being evaluated.
3. NIST will review NACLA's plan to build on the existing general NACLA evaluation/recognition program to take into account the supplemental technical criteria listed in Appendix A of the MOU.
4. A NIST representative will participate as an observer or as an evaluation-team member for all initial evaluations of accreditation bodies that accredit laboratories seeking acceptance either by foreign governments under the agreements and arrangements listed in Articles 2.3 and 2.4 of the MOU, or by U.S. government agencies.
5. A NIST representative will participate on the NACLA acceptance panel either when a U.S. government agency makes a written request or when the accreditation body in question is involved in issuing accreditations of laboratories seeking foreign government acceptance under Articles 2.3 and 2.4 of the MOU.

DEPARTMENT OF COMMERCE

International Trade Administration

(A–588–837)

Notice of Court Decision: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: In a suit challenging the Department of Commerce's antidumping duty investigation of large newspaper printing presses and components thereof, whether assembled or unassembled, from Japan, the Court of International Trade has affirmed the Department of Commerce's remand determination and entered final judgment. *See Mitsubishi Heavy Industries, Ltd., et al.*, v. *United States*, Consol. Court No. 96–10–02292, Slip Op. 00–45 (CIT April 26, 2000). This decision was not in harmony with the Department of Commerce's original final determination. As a result, the revised antidumping duty margin for Mitsubishi Heavy Industries, Ltd. is 59.67 percent. The revised antidumping duty margin for Tokyo Kikai Seisakusho, Ltd., is 51.97 percent. The revised "All Others" rate is 55.05 percent.

Consistent with the decision of the Court of Appeals for the Federal Circuit in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department of Commerce will direct the Customs Service to change the cash deposit rate being used in connection with the suspension of liquidation of the subject merchandise once there is a "final and conclusive" decision in this case.

EFFECTIVE DATE: May 19, 2000.

FOR FURTHER INFORMATION CONTACT: Irene Darzenta Tzafolias at (202) 482–0922, or David J. Goldberger at (202) 482–4136, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 1996, the Department of Commerce (the Department) published notice of its final determination of the less-than-fair-value (LTFV) investigation of large newspaper printing presses and components thereof, whether assembled or unassembled (LNPP), from Japan. *See Notice of Final Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Japan*, 61 FR 38139 (July 23, 1996). In the final determination of the LTFV investigation, the Department established a final dumping margin of 62.96 percent ad valorem for Mitsubishi Heavy Industries, Ltd. (MHI), 56.28 percent ad valorem for Tokyo Kikai Seisakusho, Ltd., (TKS) and 58.97 percent ad valorem for "All Others." On September 4, 1996, the Department published an antidumping duty order correcting ministerial errors made in the final determination and instructing the Customs Service to collect cash deposits at the rate of 62.26 percent ad valorem for MHI, 56.28 percent ad valorem for TKS, and 58.69 percent ad valorem for "All Others." *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, from Japan*, 61 FR 46621 (September 4, 1996).

Following publication of the Department's antidumping duty order, respondents MHI and TKS and the petitioner, Goss Graphic System, Inc., filed a lawsuit with the Court of International Trade (CIT) challenging various aspects of the Department's final determination of the LTFV investigation. In its first decision in this case on June 23, 1998, *Mitsubishi Heavy Industries, Ltd.* v. *United States*, 15 F. Supp. 2d 807 (CIT 1998), the CIT issued an order remanding several issues to the Department. As part of its remand determination filed on December 21, 1998, the Department revised its calculation of certain indirect selling expenses, resulting in revised margins for the respondents. *See September 17, 1998, Final Results of Redetermination Pursuant to Court Remand* at 1–4. In *Mitsubishi Heavy Industries*, v. *United States*, 54 F. Supp. 2d 1183 (CIT 1999), the CIT ordered a second remand determination in order for the Department to further explain its foreign like product determination. No additional recalculations were required in the Department's second redetermination, and the CIT has now affirmed the redetermination and issued final judgment.

As a result, the revised antidumping duty margin for MHI is 59.67 percent. The revised antidumping duty margin for TKS is 51.97 percent. The revised "All Others" rate is 55.05 percent.

Suspension of Liquidation

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Court of Appeals for the Federal Circuit (CAFC) held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. Publication of this notice fulfills this obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a "final and conclusive" decision on the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation of the subject merchandise pending the expiration of the period to appeal the CIT's April 26, 2000 ruling, or if that ruling is appealed, pending a final decision by the CAFC. However, because entries of the subject merchandise continue to be suspended pursuant to the antidumping duty order in effect (the Department is conducting an administrative review for the 1998–1999 period), the Department need not send additional instructions to the Customs Service to suspend liquidation. Further, consistent with *Timken*, the Department will order the Customs Service to change the relevant cash deposit rates in the event that the CIT's ruling is not appealed or the CAFC issues a final decision affirming the CIT's ruling.

Dated: May 12, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–12677 Filed 5–18–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of a Public Workshop Regarding a Proposed Memorandum of Understanding Between the National Institute of Standards and Technology and the National Cooperation for Laboratory Accreditation

AGENCY: National Institute of Standards and Technology.

ACTION: Notice of public meeting.

SUMMARY: The National Institute of Standards and Technology (NISTO invites interested parties to attend a public workshop regarding a proposed Memorandum of Understanding (MOU) between NIST and the National Cooperation for Laboratory Accreditation (NACLA). The workshop will include a brief presentation on the

components of the MOU, and an opportunity for discussion.

The purpose of the proposed MOU is to develop and maintain a system in the United States that will (a) recognize competent laboratory accreditation bodies to accredit testing and calibration laboratories when the services of such laboratories are required to demonstrate compliance with procurement and regulatory requirements of government at Federal, state or local levels, and to meet the needs of the private sector; (b) promote the use by government and the private sector of such accreditation bodies; and, (c) recognize competent laboratory accreditation bodies to carry out designated activities under government-to-government agreements on the mutual recognition of conformity assessment activities in support of NIST's role as a designating authority under those agreements.

The proposed MOU with NACLA will support a key goal of the National Technology Transfer and Advancement Act of 1995 (NTTAA) by reducing redundancy and complexity in the development and promulgation of conformity assessment requirements and measures by government at all levels. The draft MOU will be posted on the NIST website at *http://www.ts.nist.gov* by June 1st. Copies of the draft MOU may also be requested from NIST. Interested parties are invited to submit comments to NIST a any time before the workshop. There is no charge to attend the workshop.

DATES: The workshop will be held on June 23, 2000, from 10 a.m. to 12 p.m.

ADDRESSES: The workshop will be held at The National Institute Standards and Technology, Administration Building, Lecture Room A, 100 Bureau Drive, Gaithersburg, MD 20899. Comments on the proposed MOU should be sent to the attention of "NACLA Comments" at the Office of the Director, Technology Services, National Institute of Standards and Technology, Mail Stop 2000, Gaithersburg, MD 20899–2000.

FOR FURTHER INFORMATION CONTACT: For further information, you may telephone 301–975–2396 or e-mail: mary.saunders@nist.gov.

SUPPLEMENTARY INFORMATION: The National Technology Transfer and Advancement Act of 1995 (PL 104–113, 1996) directs NIST to coordinate Federal, state and local conformity assessment activities with the private sector with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures. NIST focused on coordination of laboratory accreditation as a key element of conformity assessment in the Implementation Plan it provided to Congress. NIST believes that a proposed MOU with NACLA supports an important goal of the NTTAA, to reduce redundancy and complexity in the development and promulgation of conformity assessment requirements and measures by government at all levels. The MOU will also improve coordination and communication between and within the private and public sectors on conformity assessment requirements and practices.

The purpose of the MOU will be to develop and maintain a system in the United States that will (a) recognize competent laboratory accreditation bodies to accredit testing calibration laboratories when the services of such laboratories are required to demonstrate compliance with procurement and regulatory requirements of government at Federal, state or local levels; (b) promote the use by government and the private sector of such accreditation bodies; and, (c) recognize competent laboratory accreditation bodies to carry out designated activities under government-to-government agreements on the mutual recognition of conformity assessment activities in support of NIST's role as a designating authority under those agreements.

A brief presentation on the MOU will be made at the workshop. After the presentation there will be an opportunity for public discussion. Written comments may be submitted to NIST at any time prior to the workshop. There is no attendance fee.

Raymond G. Kammer,

Director.

[FR Doc. 00–12636 Filed 5–18–00; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. 000404094–0094–01]

RIN 0648–ZA84

Improved Methods for Ballast Water Treatment and Management and Prevention of Small Boat Transport of Invasive Species: Request for Proposals for FY 2000

AGENCIES: National Sea Grant College Program, National Oceanic and Atmospheric Administration, Department of Commerce and Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of request for proposals.

SUMMARY: The purpose of this notice is to advise the public that the National Sea Grant College Program (Sea Grant) and the U.S. Fish and Wildlife Service (Service) are entertaining proposals to participate in innovative research, outreach, and demonstration projects that address the problems of aquatic invasive species in U.S. waters. In FY 2000 only, Sea Grant expects to make available about $700,000, and the Service $300,000, to support projects to improve ballast water treatment and management in the Chesapeake Bay and the Great Lakes in particular (Sea Grant), and in U.S. coastal and Great Lakes waters in general (Service). Also in FY 2000 only, Sea Grant expects to make available about $40,000 to support projects to reduce the transport of invasive species by small boats in the Lake Champlain Basin.

DATES: Proposals must be submitted before 5 p.m. EST on June 19, 2000.

ADDRESSES: Proposals must be submitted to the National Sea Grant Office at: National Sea Grant College Program, R/SG, Attn: Invasive Species Competition, Room 11841, NOAA, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Leon M. Cammen, Invasive Species Coordinator, National Seat Grant College Program, R/SG, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, or Mary Robinson, Secretary, National Sea Grant Office, 301–713–2435; facsimile 301–713–0799; or Sharon Gross, U.S. Fish and Wildlife Service, 703–358–1718; facsimile 703–358–2044.

SUPPLEMENTARY INFORMATION:

1. Program Authority

Authority: 16 U.S.C. 4701 *et seq.*; 33 U.S.C. 1121–1131.

Catalog of Federal Assistance Number: 11.417, Sea Grant Support; 15.FFA, Fish and Wildlife Management Assistance.

II. Program Description

Background

Nonindigenous species introductions are increasing in frequency and causing substantial damage to the Nation's environment and economy. Although the most prominent of these introductions in the aquatic environment has been the zebra mussel, many other nonindigenous species have been introduced and have truly become

APPENDIX C: Attendance List

SPEAKERS:

Donald N. Heirman
President, NACLA Board of Directors
Lucent Technologies
c/o Don Heirman Consultants
143 Jumping Brook Road
Lincroft, NJ 07738-1442
PH: 732-741-7723
FX: 732-530-5695
E-mail: d.heirman@worldnet.att.net

Richard F. Kayser
Director, Technology Services
National Institute of Standards and Technology
100 Bureau Drive, Stop 2000
Gaithersburg, MD 20899-2000
PH: 301-975-4500
FX: 301-975-2183
E-mail: richard.kayser@nist.gov

Mary H. Saunders
Global Standards Program
National Institute of Standards and Technology
100 Bureau Drive, Stop 2100
Gaithersburg, MD 20899-2100
PH: 301-975-2396
FX: 301-963-2871
E-mail: mary.saunders@nist.gov

ATTENDEES:

David Alderman
Chief, Laboratory Accreditation Program (NVLAP)
National Institute of Standards and Technology
100 Bureau Drive, Stop 2140
Gaithersburg, MD 20899-2140
PH: 301-975-4019
FX: 301-926-2884
E-mail: david.alderman@nist.gov

Norm Belecki
7413 Mill Run Drive
Derwood, MD 20855
PH: 301-975-4223/301-865-4520
FX:
E-mail: n.belecki@ieee.org

Reg Blake
BSI America, Inc.
12110 Sunset Hills Road, Suite 140
Reston, VA 20190-3231
PH: 703-464-1908
FX: 703-437-9001
E-mail: reg.blake@bsiamericas.com

Matt Boyer
Division of Respiratory Disease Study
National Institute of Occupational Safety and Health (NIOSH)
1095 Willowdale Road
Morgantown, WV 26505
PH: 304-285-5991
FX: 304-285-6030
E-mail: mgb2@cdc.gov

Maureen Breitenberg
Global Standards Program
National Institute of Standards and Technology
100 Bureau Drive, Stop 2100
Gaithersburg, MD 20899-2100
PH: 301-975-4031
FX: 301-963-2871
E-mail: maureen.breitenberg@nist.gov

Sally Bruce
Optical Technology Division
National Institute of Standards and Technology
100 Bureau Drive, Stop 8441
Gaithersburg, MD 20899-8441
PH: 301-975-2323
FX:
E-mail: sbruce@nist.gov

Milton M. Bush
3942 N. Upland Street
Arlington, VA 22207
PH: 703-533-9539
FX: 703-533-1612
E-mail: bushrunner@aol.com

Jogindar Dhillon
Global Standards Program
National Institute of Standards and Technology
100 Bureau Drive, Stop 2150
Gaithersburg, MD 20899-2150
PH: 301-975-5521
FX: 301-975-5414
E-mail: jdhillon@nist.gov

Mary Jo DiBernardo
Global Standards Program
National Institute of Standards and Technology
100 Bureau Drive, Stop 2100
Gaithersburg, MD 20899-2100
PH: 301-975-2766
FX: 301-963-2871
E-mail:

Charles Ehrlich
Chief, Technical Standards Activities Program
National Institute of Standards and Technology
100 Bureau Drive, Stop 2150
Gaithersburg, MD 20899-2150
PH: 301-975-4834
FX: 301-963-2871
E-mail: charles.ehrlich@nist.gov

Douglas Faison
Laboratory Accreditation Program (NVLAP)
National Institute of Standards and Technology
100 Bureau Drive, Stop 2140
Gaithersburg, MD 20899-2140
PH: 301-975-5304
FX: 301-926-2884
E-mail: faisond@nist.gov

Reinaldo Figueiredo
American National Standards Institute
1819 L Street, N.W., 6th Floor
Washington, D.C. 20036
PH: 202-331-3611
FX: 202-293-9287
E-mail: rfigueir@email1.ansi.org

John Giler
GIPSA
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250-3632
PH: 202-720-0252
FX: 202-720-1015
E-mail: jgiler@gipsadc.usda.gov

Gordon Gillerman
Underwriters Laboratories Inc.
818 18th Street, N.W., Suite 230
Washington, DC 20006
PH: 202-296-7840
FX: 202-872-1576
E-mail gillermang@aol.com

Robert Gladhill
Global Standards Program
National Institute of Standards and Technology
100 Bureau Drive, Stop 2150
Gaithersburg, MD 20899-2150
PH: 301-975-4273
FX: 301-975-5414
E-mail: robert.gladhill@nist.gov

James Hostetler
Kirkland and Ellis
655 15th Street, N.W.
Washington, D.C. 20008
PH: 202-879-5152
FX: 202-879-5200
E-mail: james_hostetler@kirkland.com

Bradley James
U.S. Army Corps of Engineers
20 Massachusetts Ave., N.W.
Washington, D.C. 20314
PH: 202-761-1419
FX: 202-761-0476
E-mail: bradley.m.james@usace.army.mil

Frank Kitzantides
National Electrical Manufacturers Association
1300 North 17th Street, Suite 1847
Rosslyn, VA 22209
PH: 703-841-3258
FX: 703-841-3358
E-mail: fra_kitzantides@nema.org

M. K. Lee
U.S. Army Corps of Engineers
20 Massachusetts Ave., N.W.
Washington, D.C. 20314
PH: 202-761-0412
FX:
E-mail: meng.lee@usace.army.mil

Walter G. Leight
Deputy Director, Office of Standards Services
National Institute of Standards and Technology
100 Bureau Drive, Stop 2100
Gaithersburg, MD 20899-2100
PH: 301-975-4010
FX: 301-963-2871
E-mail: walter.leight@nist.gov

Warren Merkel
American Association for Laboratory Accreditation (A2LA)
5301 Buckeystown Pike, Suite 350
Frederick, MD 21704-8307
PH: 301-644-3204
FX: 301-662-2974
E-mail: wmerkel@a2la.org

Trace McInturff
American Association for Laboratory Accreditation (A2LA)
5301 Buckeystown Pike, Suite 350
Frederick, MD 21704-8307
PH: 301-644-3223
FX: 301-662-2974
E-mail: tmcinturff@a2la.org

Roy P. Mullinax, CCP
U.S. Department of Housing and Urban Development
451 7th Street, S.W., Suite 3182
Washington, D.C. 20410-3600
PH: 202-708-0614, ext. 6075
FX: 202-708-1559
E-mail: roy_p._mullinax@hud.gov

Lynne Neumann
Laboratory Accreditation Bureau (LAB)
7001 Orchard Lake Road
West Bloomfield, MI 48322
PH: 248-538-7929
FX: 248-538-7934
E-mail: lneumann@L-A-B.com

Ramona Saar
American Association for Laboratory Accreditation (A2LA)
5301 Buckeystown Pike, Suite 350
Frederick, MD 21704-8307
PH: 301-644-3201
FX: 301-662-2974
E-mail: rsaar@a2la.org

Joan Sterling
Intertek Testing Services (ITS)
1223 S Street, N.W., Suite A
Washington, D.C. 20009
PH: 202-265-3378
FX: 202-265-0687
E-mail: js@itsqs.com

Sylvia Subt
U.S. Government Printing Office
North Capital and H Streets, Stop QC
Washington, D.C. 20401
PH: 202-512-0782
FX: 202-512-0015
E-mail: ssubt@gpo.gov

Aaron Trippler
American Industrial Hygiene Association
2700 Prosperity Avenue, Suite 250
Fairfax, VA 22031-4320
PH: 703-849-8888
FX: 703-207-3561
E-Mail: atrippler@aiha.org

Len Valenti
Division of Field Sciences
Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane, Room 12-41
Rockville, MD 20857
PH: 301-827-1027
FX: 301-443-6388
E-mail: lvalenti@ora.fda.gov

Mike Violette
Washington Lab
7560 Lindbergh Drive
Gaithersburg, MD 20879
PH: 301-417-0220
FX: 3-1-417-9069
E-mail: mikev@wll.com

John W. Webb
Staff Director, Environmental Sciences Section
ACIL
1629 K Street, N.W., Siuite 400
Washington, D.C. 20006
PH: 202-887-5872
FX: 202-887-0021
E-mail: jwebb@acil.org

Eldar Zulfugarzade
Global Stardard Program
National Institute of Standards and
Technology
100 Bureau Drive, Stop 2100
Gaithersburg, MD 20899-2100
PH: 301-975-4412
FX: 301-963-2871
E-mail: eldar.zulfugarzade@nist.gov

APPENDIX D: Transcript of Floor Discussion

(A full transcript of the Public Workshop is available on request.)

MS. NEWMAN: Hello. I'm Lynn Newman with Laboratory Accreditation Bureau in West Bloomfield, Michigan. I was wondering if NIST has or will develop a program for recognizing accreditation bodies, those that have multiple disciplines, for instance -- certification bodies, laboratory accreditation, and system registrars or have the -- and specifically, I would like to know what -- if NIST itself, outside of NACLA, has developed a recognition program for laboratory accreditation bodies, period. Two questions.

MS. SAUNDERS: Yeah, I got it. For -- well, I can answer from the support of trade agreements aspect. I don't know if you have a broader question.

You know, under NVCASE we have -- we are supporting trade agreements. And it's -- essentially, as a designating authority, we're designating the conformity of assessment bodies themselves. So the testing laboratories, the product certifiers were relevant, quality system registrars were relevant. And those are three major activities. There may be other activities referenced under specific trade agreements.

So, given the structure of NVCASE and NIST's authority under NVCASE, we recognize relevant accreditors than then accredit specific types of conformity assessment bodies to support specific aspects of trade agreements.

MS. NEWMAN: I guess my question really, for the laboratory interest, was, is there a way for a laboratory accreditation body to gain NIST recognition without going through the NACLA process?

MS. SAUNDERS: Mm-hmm. Do you want to --

MR. KAYSER: I think that the answer to that question is going to be no because, if we've identified NACLA as a suitable private sector alternative to the NVCASE program, for example, then it would be inconsistent with the NVCASE rules, you know, for us to provide a channel that was in competition with the NACLA channel.

MS. SAUNDERS: If --

MR. KAYSER: The answer to your question is no.

MS. NEWMAN: And --

MS. SAUNDERS: In reference to the --

MS. NEWMAN: And specifically, the next question is, if there is a multiple disciplinary body that does product certification, accreditation, and -- laboratory accreditation and system registration and accreditation, do you have a program for something like that?

MS. SAUNDERS: Right. Right. Mm-hmm. We could address that certainly. I mean, I can only address it under -- NVCASE addresses not the accreditors specifically, but it addresses the bodies which they accredit, which are the bodies that support trade agreements.

So if you are already qualified as a recognized laboratory accreditation body, and you want to support a function under a trade agreement for product certification, we can address that. We have a program in place for recognizing accreditors and product certifiers and also recognizing accreditors of quality system registrars.

MS. NEWMAN: I did forget to say that I'm also on the NACLA board of directors.

MS. SAUNDERS: Right.

MS. NEWMAN: And that's why my questions --

MR. HEIRMAN: She's recognized by us too.

MS. NEWMAN: Well, I said who I was.

MS. SAUNDERS: Right.

MS. NEWMAN: You know, who my company was, but not that I was on NACLA board of directors.

MR. KAYSER: I would just like to add -- I mean, I think your question actually lies outside the scope of this particular MOU.

MS. SAUNDERS: It does.

MR. KAYSER: And -- but I can also add that we have no plans to develop, you know, any programs other than the ones that already exist and, in particular, other than the NVCASE program.

MR. MULLINAX: I'm Roy Mullinax from the Department of Housing and Urban Development. How many responses did you get, and were any of them negative. And, if so, did they raise any points of interest?

MR. KAYSER: The number of responses that we received can be obtained by counting up the number of names on that overhead. That was a complete summary of all the responses. So it was on the order of somewhere between 10 and 15.

MS. SAUNDERS: It's 15.

MR. KAYSER: But no. There were -- none of them were negative. There were no negative comments in any of the letters. And, as I said, we'll make all those letters available to anyone who wants.

I think it's significant that two of the people -- two of the organizations that supplied letters, in particular, ACIL and NCSL represent a large number of -- of testing and calibration laboratories out there with a stake in this particular MOU. So I think that a lot of organizations probably were counting on their trade association to represent them. Does that answer your question?

MR. MULLINAX: Yes.

MR. VIOLETTE: My name is Michael Violette. I'm president of Washington Laboratories. We're a local testing laboratory, and we're about 15 people, so we're a small sized testing laboratory. I'd like to echo some of the support for this type of agreement because what we've had to do to date is to make private arrangements with other international laboratories in order to get data acceptance. So it's been a burden for us when we have to go through multiple accreditations, so that resonates with me.

I do have a question on -- are there any specific sectors or limitations on sectors that this NACLA agreement or arrangement is going to be the scope? And also, I noticed that OSHA and the Department of Labor was left out of some of the overheads, and I'm wondering about the NRTL program and how it's going to be addressed.

MS. SAUNDERS: There's no limit on the sectors of coverage and testing activities in any relevant sector, either in support of a federal agency program or certainly under trade agreements that whatever sectors or requirements are covered. And OSHA wasn't left out. OSHA hasn't commented on the value or -- value of the MOU.

MR. HEIRMAN: Yeah. And also you got to realize that we need some commonality because we need evaluators, we need lead assessors that have competency in the area in which the accrediting body will then give to them to accredit the laboratories. So, clearly, it comes -- who's first at this point. And right now --

MS. SAUNDERS: Because, actually, another more salient point about OSHA is that that program is actually a program for product certifiers, not for testing laboratories, even though it's called the Nationally Recognized Testing Laboratory Program.

MR. VIOLETTE: But in a sense they accredit laboratories to do product certification right?

MS. SAUNDERS: Correct, which is outside of the scope of the MOU. It's more than a testing activity.

MR. VIOLETTE: Yeah. Okay. Is this going to be a fee basis? Is NACLA going to charge fees for the accreditation, for recognition of accreditation by NACLA?

MR. HEIRMAN: The answer is yes. There will be an application fee, that we just started to come to grips of what that fee might be. It's very nominal at this point. If you want to be a member of NACLA, of course, there's fees based on, you know, your gross annual revenue, if you will. But the rest of it is volunteers of the assessors and the evaluators to go to the laboratories as part of their operation. Of course, their expenses would be paid, but it would not be, you now, a fee base, if you will in that perspective.

So really, once you get the application in, then it goes into, more or less, the voluntary part, and you just pay expenses for the auditors to come on board.

MS. NEWMAN: And this is just the accreditation bodies that are paying this. This is not the laboratories themselves.

MS. SAUNDERS: No.

MR. KAYSER: Right.

MR. HEIRMAN: Right. By the way, part of that accreditation -- excuse me -- the evaluation of the accrediting body is that we would also go and witness their activity when they, in fact, accredit a laboratory to 17025. So that's part of the activity. So it's -- it's not just look at their books, if you will. We actually see them in action.

MR. BOYER: I'm Matt Boyer from the National Institute for Occupational Safety and Health.

MS. SAUNDERS: Oh.

MR. BOYER: Division of Respiratory Disease Study. We certify respiratory equipment.

MS. SAUNDERS: Mm-hmm.

MR. BOYER: I just wanted to voice my voice my support of the MOU. I believe it's coming at a good time for our institute. We're in the process ourselves of gathering public comments on how we can incorporate or utilize the private sector as far as laboratories and auditors into our

process. And we'll be releasing a public register -- Federal Register notice ourselves of some public meetings in August.

MS. SAUNDERS: Oh.

MR. HEIRMAN: I would encourage you to put me on the e-mail distribution.

MR. BOYER: Okay.

MS. SAUNDERS: Frank.

MR. KITZANTIDES: My name is Frank Kitzantides. I'm with the National Electrical Manufacturers Association. And we've written some comments which we will leave here for the record.

Our comments primarily deal with some -- a need for some clarification. I think you've clarified a lot of the points this morning, so I'm not going to go over those. And, in particular, if you're going to make any changes in the written material, to make those points a little more -- you know, easier to pinpoint like the monopoly question, whether it will be limited only to laboratory accreditation and the like.

MS. SAUNDERS: Mm-hmm.

MR. HEIRMAN: Yeah.

MR. KITZANTIDES: But I guess my -- I have two questions. One deals with the -- we're talking about the NVCASE and the relationship with the NVCASE to this particular program when it comes to the MRAs and so forth. I was in -- I was curious of the comment that, I guess, you made, Mary, regarding the fact that there was no comparable arrangement with NIST before NACLA dealing with the NVCASE program.

In other words, if there was going to -- if there was no NACLA, the NVCASE program could not go forward as a result of --

MS. SAUNDERS: Mm-hmm. I didn't -- I don't -- if I said that, I didn't mean to say that.

MR. KAYSER: Just --

MR. KITZANTIDES: But, to me, I did not think that this was --

MS. SAUNDERS: No.

MR. KITZANTIDES: -- that this was in relation. So there must be -- I guess there must be a way in which the NVCASE could proceed with or without NACLA.

MS. SAUNDERS: Oh, yes.

MR. KITZANTIDES: And I'm not talking about the -- I guess, I'm not talking about the accreditation of certification bodies. I'm talking about the accreditation of test laboratories. Can you clarify that at all?

MS. SAUNDERS: Well, since NACLA does exist, and we've determined that it's a suitable alternative -- no. That gets back to Lynn's question. We would not -- NIST would not recognize laboratory accreditation bodies directly in support of trade agreements because we've determined that NACLA is a suitable alternative.

MR. KITZANTIDES: But my question is, if there was no NACLA --

MS. SAUNDERS: If there was no NACLA, we'd have NVCASE.

MR. KITZANTIDES: Was the NVCASE established first for capability?

MS. SAUNDERS: Right. Step one is, we have -- we announced the establishment of a recognition program for laboratory accreditation bodies.

MR. KITZANTIDES: Right.

MS. SAUNDERS: Step two is, we determined that NACLA was a suitable alternative, and our program would be carried out through NACLA. But if there were no NACLA, we would have a recognition program for laboratory accreditation bodies.

MR. KITZANTIDES: Okay. My next -- other question has to do with the relationship of NIST to NACLA and -- as far as -- let's call it the financial relationship.

MS. SAUNDERS: Mm-hmm.

MR. KITZANTIDES: And can you comment on that? Essentially, what seems to be -- what is the current situation, and when do we expect to have a complete, separate, and autonomous arrangement?

MR. KAYSER: What we need -- we've thought a lot about the relationship between NIST and NACLA, and our goal is to have an arms-length relationship between NIST and NACLA. And we've -- we plan to take a number of steps to actually ensure that the appropriate distance exists between our two organizations.

And one of those steps is that we believe that it would be inappropriate for any NIST staff member to serve on the board of directors of NACLA and to be a voting member of the board. And, because of that, Belinda Collins, who currently serves on the board of directors of NACLA will resign from that position before we enter into the MOU.

Now, of course, we will continue to -- you know, to participate in other aspects of NACLA and, in particular, on the operations council. But NACLA needs to -- you know, NACLA's an independent organization, and it will make its own decisions. NIST will have input just as any other organization would have input.

The second part is, you know, currently, I think, you know, in order to get this up and running, there is a financial relationship right now that exists between NIST and NACLA. We all recognize that in order, again, for the appropriate distance to exist between us and for us to be able to exercise our oversight role properly under the MOU, NACLA's going to have to become financially independent.

And we've thought about how to make that happen, and I'm just not prepared at this time to say exactly how we'll make that happen. But our goal is to bring that outcome about as quickly and as smoothly as we possibly can. And Don may -- may want to add some additional comments.

MR. HEIRMAN: Yeah. Thanks, Rich. Clearly, our goal is to be, you know, totally independent. What we are looking at is a start-up company, if you will. And the start-up company needed the support of NIST, and, therefore, the availability of the secretariat office, if you will, over in the North Building, as it was appropriate at the start.

We've already started looking into an alternate location for NACLA as a separate -- in a separate building in a separate part of the country, as a matter of fact. And, clearly, those kinds of things are going to be coming forward.

But to be quite honest with you, we need a budget with which to do that. It's sort of like the chicken and the egg, you know. Until we get our recognitions out there, and you feel comfortable in the community for using NACLA recognition, the membership is growing but growing slowly.

We have about a hundred members that have signed up for NACLA. We would like to, you know, make that five times the amount. And with this MOU going into place, we feel now we have the impetus to move in that direction fairly quickly. And quickly may be, you know, within two, two and a half, three years, to move towards a separate location, separate website, independence. We will hire our own secretary etcetera. And that's been a discussion at the board already, and it's in -- it's moving forward.

MR. KAYSER: Does that answer your question?

MR. KITZANTIDES: (Nodding)

MR. KAYSER: Any other questions or comments?

JOHN WEBB: John Webb with ACIL. And I just want to reiterate our strong support for NACLA. We recently did a survey of our members, and support for NACLA was very, very high on the list of things that they wanted us to promote. And so we just want to give our strong support to the MOU as well.

MR. HEIRMAN: Thank you.

MR. KAYSER: I'd like to thank all of you for coming this morning. We really appreciate your comments and questions. As I mentioned, what we'll do now is, we'll, essentially consider all the information we received, and we'll adjust the memorandum of understanding accordingly. We'll put together a report, and we'll mail that report to each of you, and we'll also post it on our respective websites. So thanks again for coming.

The Worldwide Leader Advancing the Interests of the Testing Industry

ACIL

15 June 2000

Office of the Director
Technology Services
National Institute of Standards and Technology
Mail Stop 2000
Gaithersburg, MD 20899-2000

RE: NACLA Comments

Dear Director:

On behalf of the membership of ACIL, the association of independent scientific, engineering and testing firms, I am pleased to express our strong support for the proposed Memorandum of Understanding between NIST and the National Cooperation for Laboratory Accreditation (NACLA).

This effort is key to enhancing America's competitiveness in the global marketplace and is an excellent first step in achieving the goals of the National Technology Transfer and Advancement Act of 1995.

Representatives of ACIL will attend the June 23, 2000, workshop and will be pleased to respond to questions, if you wish.

Thank you for this opportunity to comment and for the initiative for the proposed Memorandum of Understanding.

Sincerely,

Joan Walsh Cassedy
Executive Director

1629 K STREET, NW · SUITE 400 · WASHINGTON, DC 20006 · TEL 202.887.5872 · FAX 202.887.0021 · www.acil.org · E-MAIL info@acil.org

American Association for Laboratory Accreditation

June 19, 2000

Richard Kayser, Director
NIST Office of Technology Services
100 Bureau Drive, Stop 2000
NIST North (Bldg 820), Room 304
Gaithersburg, MD 20899-2000

Dear Mr. Kayser:

The American Association for Laboratory Accreditation (A2LA) supports the proposed Memorandum of Understanding (MOU) between NIST and the National Cooperation for Laboratory Accreditation (NACLA).

Although the details of implementation will be an ongoing task, the overall thrust of the MOU has A2LA's full support. We encourage NIST representatives to work with the relevant NACLA committees to establish suitable requirements and procedures that meet the needs of NIST's role as a designating authority under government-to-government trade mutual recognition agreements (MRAs).

A2LA believes that this MOU is a good example where NIST can show leadership with the rest of the government on the use of private sector conformity assessment activities as suitable alternatives to government administered programs in accordance with section 12 of the National Technology Transfer and Advancement Act (NTTAA).

A2LA looks forward to being a participant in the NACLA Mutual Recognition Arrangement (MRA). We also look forward to playing a part in the designation process for the government MRAs.

Sincerely,

Peter S. Unger
President

5301 Buckeystown Pike, Suite 350 • Frederick, MD 21704-8373 • Phone: 301-644 3248 • Fax: 301-662 2974

AIHA
The Essential Source

June 12, 2000

Office of the Director
Technology Services
National Institute of Standards and Technology
Mail Stop 2000
Gaithersburg, MD 20899-2000

RE: NACLA Comments

Attention: Rich Kayser

Dear Mr. Kayser:

The American Industrial Hygiene Association (AIHA) expresses its appreciation to the National Institute of Standards and Technology (NIST) for the opportunity to comment on NIST's proposed Memorandum of Understanding (MOU) with the National Cooperation for Laboratory Accreditation (NACLA). Announcement of the proposal was published in the *Federal Register* (Vol. 65, No. 98, May 19, 2000, page 31880).

As the world's largest association of occupational and environmental health professionals, AIHA has as one of our major goals "to bring good science to the policy making process". AIHA members (approximately 12,500) depend on good data to make important and costly decisions regarding the health and safety of workers in today's complex workplaces.

To ensure the highest quality data, AIHA operates laboratory quality assurance programs for laboratories. Since 1974, AIHA has offered laboratory accreditation service and now has approximately 600 accredited laboratories in industrial hygiene, environmental microbiology and environmental lead. The environmental lead accreditation program also involves an MOU with the U.S. Environmental Protection Agency.

AIHA has also maintained an active role in the development of NACLA and strongly supports the NACLA process. Mr. Fred Grunder, Manager of Laboratory Quality Assurance Programs at AIHA, served as President of NACLA in 1998-1999. NACLA appears to be the long-needed U.S. solution to the multiplicity of accreditation programs that have developed over the last 20 years.

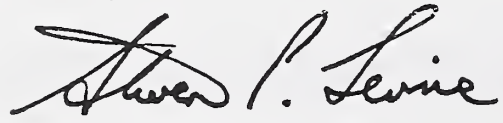
American Industrial Hygiene Association
2700 Prosperity Ave., Suite 250, Fairfax, VA 22031
(703) 849-8888 (703) 207-3561 fax
InfoFax Service Line (703) 641-INFO or Internet: infonet@aiha.or

The proposed MOU also demonstrates a commitment from NIST to the NACLA process and should address those issues of concern to Congress as expressed in the National Technology Transfer And Advancement Act of 1995.

AIHA supports the MOU and looks forward to the formal signing between NIST and NACLA as well as the continuation of the cooperation that has developed between the private sector, as represented by the accreditors, laboratories, specifiers and government.

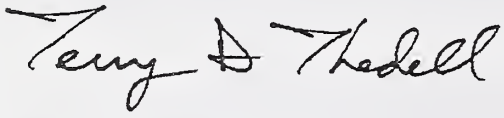
Thank you for the opportunity to submit these comments. If AIHA can be of any further assistance, please contact me.

Sincerely,



Steven P. Levine, PhD, CIH
President
stevenlevine@mediaone.net

Sincerely,



Terry D. Thedell, Ph.D., CIH
Secretary-elect, AIHA
Board Coordinator for Laboratory Programs

cc: AIHA Board of Directors
O. Gordon Banks, AIHA Executive Director
Mr. Fred Grunder, AIHA Mgr., Lab. Programs

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June 15, 2000

Office of the Director, Technology Services
NIST
Mail Stop 2000
Gaithersburg, MD 20899-2000

Re: NIST Proposed MOU With NACLA, May 19, 2000 *Federal Register*

Dear NIST Officials:

As an independent laboratory that has been involved with numerous accreditation, certification, inspection, and approval programs over the years, we enthusiastically support your proposal. We have all lived with the duplication, confusion, and inconsistencies of the status quo for too long. NACLA presents the greatest opportunity in many years for the U.S. to move toward a more coherent and consistent laboratory accreditation system, using internationally recognized guides and standards.

NIST is to be commended, first for its role in helping bring NACLA into existence, and now for your willingness to move toward federal recognition of NACLA as the appropriate organization to recognize competent laboratory accreditation bodies in the U.S. You have set the stage to eliminate numerous barriers to international trade caused by the lack of U.S. government recognition of U.S. accreditors. Now, our international trading partners will have a mechanism to accept data from U.S. laboratories, easing the export of many U.S. products.

Thank you for moving ahead with your proposal and helping the country's manufacturers, the laboratories that support them, and the entire nation.

Sincerely,

BOWSER-MORNER, INC.

Steven M. Bowser
President

SMB/mwt
1-Addressee
1-File

Communication Certification Laboratory

June 9, 2000

NACLA Comments
Office of the Director, Technology Services, National Institute of Standards and Technology
Mail Stop 2000
Gaithersburg, MD 20899-2000

Subject: Comments on Memorandum of Understanding Between The National Institute of Standards and Technology and The National Cooperation for Laboratory Accreditation

Communication Certification Laboratory (CCL) respectfully submits the following comments in support of the efforts of the National Institute of Standards and Technology (NIST) and the National Cooperation for Laboratory Accreditation (NACLA). CCL agrees with and supports the adoption of a MOU between NIST and NACLA. It is important that there be a clear understanding and indication of support for the activities and objectives of NACLA by the U.S. Government. Only through the strong support of NIST will it be possible to make progress in the area of mutual recognition of laboratory accreditation programs.

There is a critical need for a coordinated national approach to the accreditation of testing and calibration laboratories. The redundant and complex system of accreditation in the United States needs to be addressed. CCL is a small testing and certification laboratory and the need for numerous and redundant accreditations is a serious burden.

CCL believes that the activities of NACLA will result in an improved accreditation system in the United States. For such improvements to be made it is critical that there be strong support from NIST. The adoption of this MOU should give a clear signal to the industry that NIST is behind and supports these activities.

Sincerely yours,

William S. Hurst, P.E.
Vice President

Corporate Office and Laboratory
1940 West Alexander Street Salt Lake City, Utah 84119-2039
Tel (801) 972-6146 Fax (801) 972-8432

www.cclab.com

EMC Open Area Test Site
500 West Wanship Road Wanship, Utah 84017-9760
Tel (435) 336-5868 Fax (435) 336-2785

U.S. Department
of Transportation

**Federal Highway
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

Refer to: HIPT

JUN - 7 2000

National Institute of Standards and Technology
Director, Technology Services
Mail Stop 2000
Gaithersburg, MD 20899-2000
Attn: NACLA Comments

Dear Sir/Madam:

We are writing in support of the Memorandum of Understanding (MOU) between the National Institute of Standards and Technology (NIST) and the National Cooperation for Laboratory Accreditation (NACLA).

The proposed MOU recognizes NACLA's efforts in reducing redundancy in laboratory accreditation, and will provide for a verification process that will allow other Federal agencies and Foreign Governments to gain confidence in the NACLA recognition process. The proposed MOU will advance the efforts of NIST and NACLA to eliminate duplication in laboratory accreditation.

The Federal Highway Administration has been a supporter of NACLA and its goals from the beginning. We have been a charter member of the NACLA and our representative has served as a Federal Liaison member of the Board of Directors from the beginning of NACLA. The proposed MOU will go along way towards fulfilment of these mutually desirable goals.

Sincerely Yours,

Tommy Beatty

for Vincent F. Schimmoller
Program Manager,
Infrastructure Core Business Unit

X-Lotus-Fromdomain: ASFMT
From: "Roger Burton" <rburton@kcp.com>
To: richard.kayser@nist.gov
Date: Fri, 9 Jun 2000 13:33:09 -0500

Richard Kayser
Director, Technology Services

Richard,

I would like to express my support of the proposed MOU between NIST and NACLA.

Honeywell Federal Manufacturing and Technologies in Kansas City has been involved with laboratory accreditation issues for a number of years, and recognize the value of developing a national approach for laboratory accreditation to eliminate redundancy and complexity.

Our Metrology lab is currently NVLAP accredited and we are also a member of NACLA.

I commend you in your efforts and look forward to realizing a cohesive laboratory accreditation system in this country.

Thank You,

Roger Burton P.E.
Manager, Engineering Projects
Metrology and Gage Engineering
Honeywell Federal Manufacturing and Technologies

ICS®
INC. LABORATORIES

June 9, 2000

Office of the Director
Technology Services
NIST
Mail Stop 2000
Gaithersburg, MD 20899-2000

To Whom It May Concern:

I am writing to you today to tell you that I think the MOU is an excellent proposal and that I support it wholeheartedly. It is my belief that U.S. laboratory accreditation is currently uncoordinated and out of control and that something must be done.

Thank you for your time and I hope you take my thoughts and concerns into consideration on this matter.

Best Regards,

Dale B. Pfriem
President

1072 Industrial Pkwy., North
Brunswick, OH 44212 USA
E-mail: info@icslabs.com

Phone: +1-330-220-0515
Fax: +1-330-220-0516

Bell Labs
Innovations for Lucent Technologies

Lucent Technologies

George W. Arnold
Standards & Intellectual Property
Vice President

Bell Laboratories
101 Crawfords Corner Road
Room 1D436
Holmdel, NJ 07733 USA

Telephone 732 949 1029
Facsimile 732 949 9146
Pager 1 888 886 5605
garnold@lucent.com

June 5, 2000

Office of the Director, Technology Services
National Institute of Standards and Technology
Mail Stop 2000
Gaithersburg, MD 20899-2000

Ref: NACLA Comments

Dear Sir:

As noted in the May 19, 2000 Federal Register, Vol. 65, No. 98, pp. 31879-31880, I am writing this letter of support for the proposed Memorandum of Understanding between NIST and the National Cooperation for Laboratory Accreditation (NACLA).

Lucent Technologies has long been a supporter of laboratory standardization to eliminate unnecessary duplication and complexity in conformity assessment requirements and associated testing that encumbers our getting products to market. As a member of the highly regulated telecommunications industry, we are especially interested in making more efficient the laboratory accreditation and testing processes and increasing the wider recognition of such conformity assessment tests worldwide where our products are sold.

We have been following closely the MOU process with our representative—Don Heirman—who is the president of NACLA this year and by our supporting his presidency have shown overtly our acceptance of the NACLA principles and goals. This MOU we feel will further one of Lucent's goals of a stronger partnership between our telecom industry and the Federal government and especially your organization in handling and minimizing the intricacies and burden of international as well as national conformity assessment requirements and practices.

In summary, Lucent Technologies strongly supports the implementation of an MOU between NIST and NACLA. We will continue to have a presence in NACLA which we hope will help carry forward the MOU principles.

Cordially,

George W. Arnold

THE MMR GROUP, INC.
an ESOP Company

308 West Basin Road
P.O. Box 903
New Castle, DE 19720
Phone: (302) 328-0500
Fax: (302) 328-0417

June 16, 2000

Office of the Director, Technology Services
NIST
Mail Stop 2000
Gaithersburg, MD 20899-2000

As the Chief Executive Officer of The MMR Group, Inc. which operates three independent materials testing and failure analysis laboratories on the East Coast, I strongly support the proposed NIST/NACLA MOU as a positive step in reducing redundancy and complexity in U.S. laboratory accreditation.

We view this proposal as a very important move towards putting order into a process that is currently out of control in our country.

Very truly yours,

THE MMR GROUP, INC.

J. Barry McCrudden
President & CEO

Connecticut Metallurgical, Inc.
100 Prestige Park
East Hartford, CT 06108
Phone: (860) 289-7481
Fax: (860) 528-1516

Lehigh Testing Laboratories, Inc.
308 West Basin Road
P.O. Box 903
New Castle, DE 19720
Phone: (302) 328-0500
Fax: (302) 328-0417

Massachusetts Materials Research, Inc.
241 West Boylston Street
P.O. Box 810
West Boylston, MA 01583
Phone: (508) 835-6262
Fax: (508) 835-9025

National Conference of Standards Laboratories

1800 30th Street, Suite 305B • Boulder, Colorado 80301-1026
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FAX (707) 825-0444
dave_abell@agilent.com

21 June, 2000

Dr. Richard Kayser
Director, Technology Services
National Institute of Standards and Technology
Gaithersburg, MD.

Subj.: NCSL support for NIST - NACLA MOU

Dear Dr. Kayser:

The National Conference of Standards Labs, NCSL, strongly supports the proposed MOU between NIST and NACLA.

NCSL represents over 1500 member organizations, many of which are accredited for calibration. Our members are also challenged by the growing complexity of international trade. This proposed MOU will enhance acceptance of accredited laboratories and promote trade within the United States and to other countries.

We have been involved with NACLA since it's inception, and provide a member of its Board of Directors. We appreciate the hard work NIST, and in particular your group, has contributed to realizing this MOU and anticipate a successful agreement.

NCSL will soon announce its name change to NCSL International to reflect the changing demographics and needs of our members. A NIST - NACLA MOU would accelerate our member's ability to participate fully in international areas affected by laboratory accreditation.

Sincerely,

Dave Abell
NCSL President 2000

NEMA
Setting Standards for Excellence

FRANK K. KITZANTIDES
Vice President, Engineering

June 23, 2000

NACLA Comments
Office of the Director, Technology Services, NIST
100 Bureau Drive, Stop 2000
Gaithersburg, Md. 20899-2000

Subject: NEMA Comments on the NIST- NACLA MOU

Dear Sir/Madam:

The National Electrical Manufacturers Association compliments NIST's efforts to simplify the laboratory accreditation system and reduce redundancy and complexity in the development of conformity assessment requirements by government as well as private sector programs. A simplification will benefit the certifiers, laboratories and accreditors, along with their ultimate customers, the manufacturers.
However, in reviewing the proposal that was circulated with the Federal Register Notice of May 19, 2000 (Vol. 65. No. 98), we believe that the following points need review and clarification prior to implementation:

1. Limit the MOU to laboratory accreditation:
   Although it is stated that the Agreement covers laboratory accreditation, there are several references in the text to conformity assessment, in particular as it relates to the NVCASE procedures and acceptance of competent bodies by the EU as part to the US-EU MRA.
The Agreement needs to clarify that it is limited to testing and calibration only and does not include other conformity assessment requirements.

2. MOU should not create a monopoly:
   There is no specific language that would permit the establishment of similar agreements between NIST and other accrediting bodies in addition to NACLA. The Agreement should carefully state that this is not exclusive and other bodies could also provide similar services and be formally recognized by NIST.

National Electrical
Manufacturers Association

1300 North 17th Street, Suite 1847
Rosslyn, Virginia 22209
(703) 841-3258
FAX (703) 841-3358
fra_kitzantides@nema.org

3. Ensure support by other government bodies:

The Agreement states that NIST will promote the use of laboratories accredited by NACLA and will encourage government agencies to accept their use. However, there is no assurance given that other federal or state government agencies are supporting the program and intend to use it. NIST must ensure that this proposed partnership is fully embraced by other procurement or regulatory bodies prior to the execution of the Agreement.

4. Reduce layers of accreditation:

One of the stated purposes of the MOU is to "...recognize laboratory accreditation bodies to carry out ...activities under government to government agreements on MRAs..." With regard to the US-EU MRA, the NVCASE program was established specifically for the purpose of mutually recognizing Conformity Assessment Bodies (CABs). This is but one example which illustrates our belief that the introduction of the NACLA arrangement will not "reduce redundancy" but will only add another layer to the already complex conformity assessment system without the benefits desired. Therefore we are rather doubtful whether there is any value to be gained by the proposal. NIST needs to first demonstrate the economic savings to all parties affected by this program.

Sincerely,

DEPARTMENT OF THE NAVY
NAVAL WARFARE ASSESSMENT STATION
PO BOX 5000
CORONA, CA 91718-5000

IN REPLY REFER TO
4734
Ser MS 00/08
19 Jun 00

From: Commanding Officer, Naval Warfare Assessment Station
To: Director, Technology Services, National Institute of Standards and Technology, Gaithersburg, MD (Mr. Rich Kayser, NACLA Comments)

Subj: NACLA COMMENTS

Ref: (a) Federal Register/Vol. 65, No. 98/Friday, May 19, 2000/Notices
(b) Draft Memorandum of Understanding between The National Institute of Standards and Technology, and The National Cooperation for Laboratory Accreditation

1. Reference (a) announced a comment period on reference (b). Naval Warfare Assessment Station (NWAS) comments were provided by separate correspondence. NWAS fully supports the proposed partnership between the National Institute of Standards and Technology (NIST) and the National Cooperation for Laboratory Accreditation (NACLA) as documented in the referenced Memorandum of Understanding. The proposed partnership is a significant step towards a common goal of test or calibrate once, with the results being recognized worldwide. At NWAS, we agree that such a partnership offers many opportunities for reducing the redundancy and costs associated with multiple accreditation programs, which have been experienced by the private sector and by the government at federal, state, and local levels.

2. NWAS has had a long-standing beneficial relationship with NIST and has provided continued support to NACLA since it was conceived in an effort to represent DoD interests. This MOU will advance and support the goals that were the cornerstones for the formation of NACLA. At NWAS we look forward to a successful future as NACLA continues to pursue our common goals and interests.

A. G. LANG

Sandia National Laboratories
Operated for the U.S. Department of Energy by
Sandia Corporation

P.O. Box 5800
Albuquerque, NM 87185-0665

June 19, 2000

Dr. Richard Kayser, Director
Technology Services
National Institute of Standards and Technology
100 Bureau Drive, MS 2000
Gaithersburg, MD 20899-2000

Dear Rich:

The purpose of this letter is to communicate our support for the proposed Memorandum of Understanding (MOU) between the National Institute of Standards and Technology (NIST) and the National Cooperation for Laboratory Accreditation (NACLA) as announced in the Federal Register, Volume 65, No. 98, on May 19, 2000. The announcement discussed the proposed NIST-NACLA MOU and invited interested parties to attend a workshop on June 23, 2000. Unfortunately our schedules do not permit us to attend the workshop and actively show our support when the MOU is discussed.

As you know, the Primary Standards Laboratory (PSL) at Sandia National Laboratories has supported the development of NACLA and was one of the first member organizations of NACLA. The PSL operates within the Department of Energy's Nuclear Weapons Program and is responsible for coordinating a system-wide standards and calibration program for DOE. In carrying out this program, many DOE laboratories use private-sector calibration laboratories located throughout the U.S. to support various nuclear weapon component and development activities. One requirement of the DOE standards and calibration program is that these calibration laboratories must be formally approved as a Commercial Calibration Laboratory (CCL) by one of the DOE metrology organizations. Because of the similarity between the DOE approval process and some calibration laboratory accreditation processes, the DOE Nuclear Weapons Program should be able to use properly accredited calibration laboratories as CCL's without additional oversight. This will reduce the time and effort expended in our current CCL approval process and also reduce redundant audits of the private-sector calibration laboratories by their different customers.

One vital aspect in using accredited calibration laboratories is lead role carried out by the accreditation body. The accreditation body must use technically competent assessors and must follow recognized national and/or international standards. The key element to using accredited calibration laboratories is to develop a process to recognize competent accreditation bodies that meet these guidelines. This is the role NACLA is assuming for calibration and testing laboratory accreditation in the U.S. While some DOE and PSL staff have participated in the NACLA recognition process in order to build confidence in the process, in order for the PSL to maintain confidence in the NACLA accreditation body recognition

process into the future, it will be very beneficial to have significant NIST involvement in the NACLA process as spelled out in the draft NIST-NACLA MOU. This is especially true in the case of calibration laboratory accreditation, because NIST's staff is both very knowledgeable in the area of metrology and, in addition, has expertise in laboratory accreditation practices and procedures through its National Voluntary Laboratory Accreditation Program (NVLAP). Finally, NIST has been playing a key role in coordinating federal agency involvement in the area of conformity assessment; the NIST-NACLA MOU will ensure that federal agency involvement, either as an observer or full team NACLA member, occurs for each accreditation body evaluation and re-evaluation. This active involvement by NIST with NACLA will reduce the burden on each federal agency to maintain a similar level of involvement with NACLA in order to maintain confidence in the recognition process.

Thus the NIST-NACLA MOU ensures that a knowledgeable and formal federal involvement, with technically competent representatives, is an integral part of the NACLA accreditation body recognition process. Therefore, we strongly support the proposed MOU between NIST and NACLA and believe that it will be a vital step in the process to develop a balanced and well supported U.S. laboratory accreditation system that can be used to support DOE calibration laboratory requirements.

Sincerely,

Richard B. Pettit, Manager
Primary Electrical Standards Dept.

Larry J. Azevedo, Manager
Primary Physical Standards Dept.

James M. Simons, Manager
Primary Calibration Laboratory Dept.

Copy to:
MS0665 R. B. Pettit
MS0665 L. J. Azevedo
MS0665 J. M. Simons
MS0665 Day File

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PH: 330/762-7441 FAX: 330/762-7447

J. MICHAEL HOCHSCHWENDER
PRESIDENT, CHIEF EXECUTIVE OFFICER

June 6, 2000

Office of the Director
Technology Services
NIST
Mail Stop 2000
Gaithersburg, MD 20899-2000

Federal Register, May 19
NIST to enter into MOU with NACLA

Dear Sir:

This letter is written to advise that the MOU is an excellent proposal and I support it wholeheartedly. The U.S. laboratory accreditation is currently uncoordinated and out of control.

Sincerely,

J. Michael Hochschwender

JMH/kaf
C:\My Documents\00\jmh\nist.doc

TUV Rheinland of North America, Inc.
Northbrook Office
1945 Techny Road, Unit 4
Northbrook, IL 60062-5357
TEL (847) 562-9888 FAX (847) 562-0688
Web: http://www.tuv.com E-mail: info-chi@tuv.com

TÜV

June 7, 2000

NIST
Office of the Director, Technology Services
Mail Stop 2000
Gaithersburg, MD 20899-0001

Subject: NIST-NACLA MOU

I am writing today to express TUV Rheinland of North America's support for the MOU between NIST and NACLA. We believe this will help reduce the amount of bureaucracy centered around laboratory accreditation's in the US and will help streamline our industry in the long run

If you have any questions or comments, please feel free to contact me.

Sincerely,

Jonathan T Kotrba

Mr. Jonathan T. Kotrba
International Certification Manager

cc: Matthias Heinze/VP Engineering

TUV Rheinland of North America, Inc.
North American Headquarters
12 Commerce Road
Newtown, CT 06470
Telephone: 203-426-0888
Fax: 203-270-8883
E-mail: info@tuv.com
Customer Service:
1-TUV-411-0042
www.tuv.com