

rational statements, if deemed necessary, under § 10.3(a), and would have eliminated a mechanism of validating consensus through a concept of "acceptance by volume of production" and "acceptance by volume of distribution." Finally, the proposal would have allowed representatives of Federal agencies to vote on committees. Several other minor changes to the procedures were proposed of an editorial nature, as well as some additions and deletions.

The October 28, 1985 Federal Register Notice provided a 45 day period for the submission of comments. The American Lumber Standards Committee, the Standing Committee for PS 20-70, "American Softwood Lumber Standard," requested a 90 day extension of the comment period to allow sufficient time to develop a committee response to the proposal. This request was granted in a Federal Register Notice published on December 9, 1985, (50 FR 50177), extending the comment period to March 12, 1986.

Comments on the proposed amendment were received from the American Lumber Standards Committee ("ALSC") and the Glass Packaging Institute ("GPI"), the proponent for Voluntary Product Standard PS 73-77, "Carbonated Soft Drink Bottles."

The GPI basically disagreed with the entire proposal to amend the procedures stating that the existing procedures had worked well and there was no reason to change them.

The ALSC suggested certain changes to the proposed amendment to avoid what the Committee believed were potential problems. After carefully reviewing the proposed amendment and considering the comments received, the National Bureau of Standards has decided to accept the changes suggested by the ALSC, with some modifications. These recommendations pertain to §§ 10.4, 10.8, 10.14, and 10.15.

In considering the ALSC position regarding § 10.8, NBS has provided for the appointment by the Department of Commerce of two Federal representatives as voting members on the Standing Committee for PS 20-70, if requested to do so by that committee. Similarly, NBS has provided for the appointment of one Federal agency representative as a voting member of the other Standing Committees and of Standard Review Committees, if requested to do so by those committees. The appointment of two Federal voting members on the ALSC is justified on the basis of the large size of the Committee (presently 22 voting members) and the 6 advisory (non-voting) Federal agency

members representing lumber producers and lumber specifiers.

The National Bureau of Standards has adopted a suggestion of the GPI with regard to the submission of rationale statements. The GPI suggested that such statements, if deemed necessary, should be included in the written report of the Chairman of the Standard Review Committee, in § 10.5(d). The final amendment, however, also includes a provision for the submission of a rationale statement by the proponent under § 10.3(a) as well as a provision for the submission of a rationale statement by the Chairman of the Standard Review Committee under § 10.5(d). In both cases, the submission of such rationale statements is only required if such are "deemed necessary by the Department."

The proposed deletion of the mechanism for validating consensus through a concept of "acceptance by volume of production" and "acceptance by volume of distribution" was based on the preception that this complicated mechanism was no longer necessary since it has been used only once during the last 20 years. Both the ALSC and the GPI urged the retention of this mechanism. Therefore, the Department has decided to retain this mechanism in § 10.6(f) of the procedures.

The proposed new § 10.14 on "appeals" has been modified to reflect the changes suggested by the ALSC. The most significant change pertains to the filing of an appeal of a procedural action with the body taking that action (i.e., the Standard Review Committee, the Standing Committee, or the NBS). NBS agrees that the appeal should properly be heard by the body taking the action, and should be limited to procedural actions.

The proposed new § 10.15 on the issuance of interpretations was opposed by both the ALSC and GPI. The ALSC pointed out that there was a mechanism established within PS 20-70 for providing interpretations of the American Softwood Lumber Standard. The ALSC suggested that it develop formal procedures for issuing interpretations and submit the proposed procedures to NBS for approval and that other Standing Committees do likewise, if they have a need for issuing interpretations. NBS has accepted the ALSC suggestions.

As there were no comments submitted regarding the proposed editorial or other changes in the following sections, the changes have been included in the final rule: 10.0(b)(3), 10.0(c)(9), 10.1(b), 10.3(a)(4), 10.3(a)(5), 10.3(a)(6), 10.9(a), 10.9(b), 10.13(a), 10.13(b), 10.13(c) and 10.13(d).

This amendment is not considered to be a "major rule" under Executive Order 12291 because it will not (1) have an annual effect of \$100 million or more on the economy, (2) provide a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or (3) have significant adverse economic effects on competition, employment, investments, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export matters. The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because it does not affect small companies and only affects trade associations that desire to develop voluntary standards through these procedures. This rule does not have a collection of information for the purposes of the Paperwork Reduction Act. Preparation of a Regulatory Impact Analysis is not required and no preliminary or final Regulatory Impact Analysis has been or will be prepared.

List of Subjects in 15 CFR Part 10

Administrative practice and procedure; Voluntary standards.

Dated: June 18, 1986.

Ernest Ambler,

Director, National Bureau of Standards.

Part 10 of Title 15 CFR is revised as set forth below:

PART 10—PROCEDURES FOR THE DEVELOPMENT OF VOLUNTARY PRODUCT STANDARDS

- | | |
|-------|--|
| Sec. | |
| 10.0 | General. |
| 10.1 | Initiating development of a new standard. |
| 10.2 | Funding. |
| 10.3 | Development of a proposed standard. |
| 10.4 | Establishment of the Standard Review Committee. |
| 10.5 | Development of a recommended standard. |
| 10.6 | Procedures for acceptance of a recommended standard. |
| 10.7 | Procedure when a recommended standard is not supported by a consensus. |
| 10.8 | Standing Committee. |
| 10.9 | Publication of a standard. |
| 10.10 | Review of published standards. |
| 10.11 | Revision or amendment of a standard. |
| 10.12 | Editorial changes. |
| 10.13 | Withdrawal of a published standard. |
| 10.14 | Appeals. |
| 10.15 | Interpretations. |
| 10.16 | Effect of procedures. |