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DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

Docket # 90913-0259
RIN. 0692-AA07

Metric Conversion Policy for Federal Agencies

AGENCY: Office of the Secretary, Under Secretary for Technology, U.S.
Department of Commerce

ACTION: Final rule

SUMMARY: 15 CFR Part 19 Subpart B sets out Federal Government policy on the voluntary use of the metric system of measurement by agencies, industry and the public. In conformance with the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, Sec 5164), we are revising that Subpart to remove the voluntary aspect of metric transition for Federal agencies. The amended Subpart B provides policy direction to assist Federal agencies in their transition to use of the metric system of measurement.

EFFECTIVE DATE: [insert date 30 day subsequent to date of publication.]

FOR FURTHER INFORMATION CONTACT: A. S. Whelihan, Office of Metric Programs, Rm 4845, U.S. Department of Commerce, Washington, D.C. 20230; Phone (202) 377-0944.

SUPPLEMENTARY INFORMATION:

Background:

The Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, §5164) declares the metric system to be the "preferred measurement system

for U.S. trade and commerce." Federal agencies are also now required to use the metric system in procurement, grants and other business-related activities, by a date certain and to the extent economically feasible by the end of fiscal year 1992, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

These declarations and the accompanying report of the Congressional conferees require this updating of the existing Federal policy document. The policy set out below was issued as a proposed rule: "Metric Conversion Policy for Federal Agencies," 54 F.R. 41848, October 12, 1989, which updated the policy stated in a prior notice: "Metric Conversion Policy for Federal Agencies," 50 F.R. 27577, July 5, 1985. The updated policy has been taken directly from the 1985 notice. However, this rule amends the earlier policy to bring the references and text up-to-date. The policy clarifies and strengthens Federal program requirements. Implementing agency initiatives are expected.

The current text reflects comments received from the public (1 comment) as well as from the Federal Metrication Operating Committee (MOC.) The text of the policy has been approved by the Federal Interagency Council on Metric Policy (ICMP.) Recommended changes from the representatives of the ICMP/MOC included updating the Federal Register notice defining the "metric system," clarifying the term "other business-related activities," and adding agency reporting requirements. These changes were made and are incorporated in the rule.

The only private sector response was from the American Petroleum Institute (API.) The API commented on: (1) Section 19.23 (a), encouraging DoC to continue to coordinate federal agency metrication activities. That section

was modified in the final, although it never mentioned DoC. However 19.22(a) refers to the Department's coordination role; (2) Section 19.23(b), asking for a clarification of "areas where metrication is dependent on agency initiatives." That language was clarified and became Section 19.23(c); and (3) Section 19.23(d) pointing out that the American National Metric Council and the U.S. Metric Association are good sources for agencies seeking information on private sector metrication efforts. Section 19.24(d) recommends that agencies "maintain liaison with private sector groups (such as the American National Metric Council and the U.S. Metric Association) that are involved in planning for or coordinating National transition to the metric system."

Rulemaking Requirements:

Under Executive Order 12291 the Department must judge whether a regulation is major within the meaning of Section 1 of the Order and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. This policy statement is not a major rule because it is not likely to result in (1) an annual effect on the economy of \$100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or in the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, a Regulatory Impact Analysis will not be prepared.

This policy statement contains no policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

This action is exempt from the analysis requirements of the Regulatory

Flexibility Act because notice and opportunity for comment are not required for this policy statement by section 553 of the Administrative Procedure Act or any other law. Therefore, no initial or final regulatory flexibility analysis was prepared.

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

List of Subjects: Science and Technology; Metric System

For the reasons set out in the preamble, Part 19 of Title 15 of the Code of Federal Regulations is amended as follows:

1. The authority for 15 CFR 19 is revised to read as follows:

AUTHORITY: 15 U.S.C. 1512 and 3710, 15 U.S.C. 205a *et seq* and DOO 10-17

2. Subpart B is revised to read as follows:

SUBPART B - METRIC CONVERSION POLICY FOR FEDERAL AGENCIES

- Sec. 19.20 Purpose.
- 19.21 Definition.
- 19.22 General Policy.
- 19.23 Guidelines.
- 19.24 Recommendations for Agency Organizations.
- 19.25 Reporting Requirement
- 19.26 thru 19.199 reserved

Sec. 19.20 Purpose.

To provide policy direction for Federal agencies in their transition to use

of the metric system of measurement.

Sec. 19.21 Definition.

The term "metric system", as used in this document, means the International System of Units (SI) established by the General Conference of Weights and Measures in 1960, as interpreted or modified from time to time for the United States by the Secretary of Commerce under the authority of the Metric Conversion Act of 1975 and the Metric Education Act of 1978.

The term "other business-related activities", as used in this document, means measurement sensitive commercial or business directed transactions or programs, i.e. standard or specification development, publications, or agency statements of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency. "Measurement sensitive" means the choice of measurement unit is a critical component of the activity, i.e. an agency rule/regulation to collect samples or measure something at specific distances or to specific depths, specifications requiring intake or discharge of a product to certain volumes or flow rates, guidelines for clearances between objects for safety, security or environmental purposes, etc.

Sec. 19.22 General Policy.

The Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, §5164) amended the Metric Conversion Act of 1975 to, among other things, require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely

to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(a) The Secretary of Commerce will appoint a Commerce Department Under Secretary to assist in coordinating the efforts of Federal agencies in meeting their obligations under the Metric Conversion Act, as amended.

(b) Federal agencies shall coordinate and plan for the use of the metric system in their procurements, grants and other business-related activities consistent with the requirements of the Metric Conversion Act, as amended. Federal agencies shall encourage and support an environment which will facilitate the transition process. When taking initiatives, they shall give due consideration to known effects of their actions on State and local governments and the private sector, paying particular attention to effects on small business.

(c) Each Federal agency shall be responsible for developing plans, establishing necessary organizational structure, and allocating appropriate resources to carry out this policy.

Sec. 19.23 Guidelines.

Each agency shall:

(a) Establish plans and dates for use of the metric system in procurements, grants and other business-related activities;

(b) Coordinate metric transition plans with other Federal agencies, State and local governments and the private sector;

(c) Require maximum practical use of metric in areas where Federal procurement and activity represents a predominant influence on industry standards (eg: weapon systems or space exploration). Strongly encourage metrication in industry standards where Federal procurement and activity is not the predominant influence, consistent with the legal status of the metric system as the preferred system of weights and measures for United States trade and commerce;

(d) Assist in resolving metric-related problems brought to the attention of the agency that are associated with agency actions, activities or programs undertaken in compliance with these guidelines or other laws or regulations;

(e) Identify measurement-sensitive agency policies and procedures and ensure that regulations, standards, specifications, procurement policies and appropriate legislative proposals are updated to remove barriers to transition to the metric system;

(f) Consider cost effects of metric use in setting agency policies, programs and actions and determine criteria for the assessment of their economic feasibility. Such criteria should appropriately weigh both agency costs and national economic benefits related to changing to the use of metric;

(g) Provide for full public involvement and timely information about significant metrication policies, programs and actions;

(h) Seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in agency publications;

(i) Consider, particularly, the effects of agency metric policies and practices on small business; and

(j) Consistent with the Federal Acquisition Regulation System (48 CFR), accept, without prejudice, products and services dimensioned in metric when they are offered at competitive prices and meet the needs of the Government, and ensure that acquisition planning considers metric requirements.

Sec. 19.24 Recommendations for Agency Organization.

Each agency shall:

(a) Participate, as appropriate, in the Interagency Council on Metric Policy (ICMP), and/or its working committee, the Metrication Operating Committee (MOC), in coordinating and providing policy guidance for the U.S. Government's transition to use of the metric system.

(b) Designate a senior policy official to be responsible for agency metric policy and to represent the agency on the ICMP.

(c) Designate an appropriate official to represent the agency on the Metrication Operating Committee (MOC), an interagency committee reporting to the ICMP.

(d) Maintain liaison with private sector groups (such as the American National Metric Council and the U.S. Metric Association) that are involved in planning for or coordinating National transition to the metric system.

(e) Provide for internal guidelines, training and documentation to assure employee awareness and understanding of agency metric policies and

programs.

Sec. 19.25 Reporting Requirement.

Each Federal agency shall, as part of its annual budget submission each fiscal year, report to the Congress on the metric implementation actions it has taken during the previous fiscal year. The report will include the agency's implementation plans, with a current timetable for the agency's transition to the metric system, as well as actions planned for the budget year involved to implement fully the metric system, in accordance with this policy. Reporting shall cease for an agency in the fiscal year after it has fully implemented metric usage, as prescribed by the Metric Conversion Act (15 U.S.C. §205b(2).)

Sec. 19.26 thru 19.199 (Reserved)

Date: _____

Robert M. White, Ph.D.
Under Secretary for Technology