

*Total Burden Cost (operating/maintaining): \$1,280.*

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 26, 1999.

**Grace A. Kilbane,**

*Administrator, Office of Workforce Security.*

[FR Doc. 99-31686 Filed 12-6-99; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-1-97]

#### Applied Research Laboratories, Inc., Application for Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of Applied Research Laboratories, Inc. (ARL), for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

**DATES:** Comments submitted by interested parties must be received no later than February 7, 2000.

**ADDRESSES:** Send comments concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program at the above address, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Applied Research Laboratories, Inc. (ARL), has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). ARL's expansion request covers the use of additional test standards. ARL has also requested recognition to use additional programs.

OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this public notice of the preliminary finding on an application.

ARL's previous application as an NRTL covered its initial recognition (62 FR 42827, 8/8/97), which OSHA granted on November 21, 1997 (62 FR 62356).

The current address of the ARL testing facility recognized by OSHA is: Applied Research Laboratories, Inc., 5371 N.W. 161st Street, Miami, Florida 33014.

#### General Background on the Application

ARL submitted a request, dated January 22, 1998 (see Exhibit 6A), to expand its recognition as an NRTL for 181 additional test standards. After performing an initial review of this request, OSHA informed ARL that only 93 of the test standards met the requirements of an "appropriate test standard" set forth in 29 CFR 1910.7. OSHA then performed an on-site review of ARL's testing facility in connection with the expansion request. Following the review, ARL amended its application in a letter dated July 10, 1998 (see Exhibit 6B) to reduce the number of test standards requested to the 47 listed below. In its July 10 request, ARL also requested recognition for additional programs. OSHA temporarily withheld its consideration of ARL's requests pending resolution by the NRTL of discrepancies noted during an OSHA audit at its facilities. ARL responded to these discrepancies in March 1999 and, after additional review, staff of the OSHA NRTL Program accepted resolution of the discrepancies in September, permitting OSHA to resume processing ARL's expansion request.

ARL seeks recognition for testing and certification of products to demonstrate compliance to the following 47 test standards, and OSHA has determined the standards are appropriate, as prescribed by 29 CFR 1910.7(c). However, OSHA plans to include certain limitations on the recognition of some standards. Also, as is the case for any NRTL, ARL's recognition for a particular test standard is further limited to equipment or materials (i.e., products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test

standard, for which OSHA has no such requirements.

#### Test Standards Requested for Recognition

ANSI/ASME A17.5 Elevators and Escalator Electrical Equipment  
ANSI Z21.1 Household Cooking Gas Appliances  
ANSI Z83.7 Gas-Fired Construction Heaters  
ANSI Z83.12 Gas Food Service Equipment—Baking and Roasting Ovens  
ANSI Z83.18 Direct Gas-Fired Industrial Air Heaters  
ANSI/UL 65 Electric Wired Cabinets  
ANSI/UL 67 Electric Panelboards  
ANSI/UL 73 Electric-Motor-Operated Appliances  
UL 104 Elevator Door Locking Devices and Contacts  
ANSI/UL 174 Household Electric Storage-Tank Water Heaters  
UL 181 Factory-Made Air Ducts and Air Connectors  
ANSI/UL 197 Commercial Electric Cooking Appliances  
ANSI/UL 231 Power Outlets  
ANSI/UL 325 Door, Drapery, Gate, Louver and Window Operator and Systems  
UL 416 Refrigerated Medical Equipment  
ANSI/UL 471 Commercial Refrigerators and Freezers  
ANSI/UL 474 Dehumidifiers  
ANSI/UL 499 Electric Heating Appliances  
ANSI/UL 506 Specialty Transformers  
ANSI/UL 508 Electric Industrial Control Equipment  
UL 544 Electric Medical and Dental Equipment  
ANSI/UL 555 Fire Dampers (previously Fire Dampers and Ceiling Dampers)  
ANSI/UL 563 Ice Makers  
UL 664 Commercial (Class IV) Electric Dry-Cleaning Machines  
ANSI/UL 676 Underwater Lighting Fixtures  
ANSI/UL 710 Exhaust Hoods for Commercial Cooking Equipment  
UL 733 Oil-Fired Air Heaters and Direct-Fired Heaters  
ANSI/UL 749 Household Electric Dishwashers  
ANSI/UL 778 Motor-Operated Water Pumps  
UL 795 Commercial-Industrial Gas-Heating Equipment  
ANSI/UL 834 Heating, Water Supply, and Power Boilers—Electric  
ANSI/UL 845 Motor Control Centers  
ANSI/UL 935 Fluorescent-Lamp Ballasts  
ANSI/UL 1004 Electric Motors<sup>2</sup>  
ANSI/UL 1026 Electric Household Cooking and Food-Serving Appliances

ANSI/UL 1029 High-Intensity Discharge Lamp Ballasts  
 ANSI/UL 1081 Electric Swimming Pool Pumps, Filters and Chlorinators  
 ANSI/UL 1262 Laboratory Equipment<sup>3</sup>  
 ANSI/UL 1450 Motor-Operated Air Compressors, Vacuum Pumps and Painting Equipment  
 ANSI/UL 1570 Fluorescent Lighting Fixtures  
 ANSI/UL 1571 Incandescent Lighting Fixtures  
 ANSI/UL 1572 High Intensity Discharge Lighting Fixtures  
 ANSI/UL 1585 Class 2 and Class 3 Transformers  
 ANSI/UL 1996 Duct Heaters  
 UL 2021 Fixed and Location-Dedicated Electric Room Heaters  
 ANSI/UL 2157 Electric Clothes Washing Machines and Extractors  
 ANSI/UL 2158 Electric Clothes Dryers

<sup>(1)</sup> Recognition under ANSI/ASME A17.5 is limited to cab construction and associated electrics.

<sup>(2)</sup> Recognition under ANSI/UL 1004 is limited to 10HP maximum electric motors.

<sup>(3)</sup> Recognition under ANSI/UL 1262 is limited to sample processing equipment.

The designations and titles of the above test standards were current at the time of the preparation of this notice.

#### *Programs and Procedures*

ARL also seeks to use the supplemental programs listed below, based upon the criteria detailed in the March 9, 1995 **Federal Register** notice (60 FR 12980, 3/9/95). This notice lists nine (9) programs and procedures (collectively, programs), eight of which (called supplemental programs) an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. For ARL, the initial recognition also included use of Program 4 (Acceptance of witnessed testing data). The on-site review report indicates that ARL appears to meet the criteria for use of all the following supplemental programs, for which it has applied:

Program 2: Acceptance of testing data from independent organizations, other than NRTLs.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and to permit the activities covered under a program only when the NRTL meets certain criteria. In this sense, they are

special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, OSHA does treat these programs as one of the three elements that defines an NRTL's scope of recognition.

Under Appendix A to 1910.7, the Agency has no obligation to provide notice of recognition for these programs. However, The NRTL Program staff has typically included such recognition in a notice when the NRTL has requested it in conjunction with a regular application. When processing an NRTL's request solely to use one or more supplemental programs, the NRTL Program staff informs the NRTL of the decision to grant or deny the request by letter only. If granted, the staff includes the additional program(s) in OSHA's web page for each NRTL.

#### **Preliminary Finding on the Application**

ARL has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with the request, OSHA performed an on-site assessment (review) of ARL's facility in Miami, Florida, on June 8-11, 1998. Discrepancies noted by the assessor during the on-site review were addressed by ARL following the on-site evaluation and are factored into the recommendation in the on-site review memo (see Exhibit 7).

Following a review of the application file, the assessor's recommendation, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant, to the ARL facility listed above, the expansion of recognition to use the additional 47 test standards, with the limitations to be applied as noted. The staff also grants use of the additional programs. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Applied Research Laboratories, Inc. facility listed above can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the expansion of recognition, subject to the above limitations. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether ARL has met the requirements of 29 CFR 1910.7 for the expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents

and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESS**), no later than the last date for comments (see **DATES** above). You may obtain or review copies of ARL's requests, the memo on the on-site review, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL-1-97, the permanent record of public information on ARL's recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant ARL's expansion request. The Assistant Secretary will make the final decision on granting the expansion and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 30th day of November, 1999.

**Charles N. Jeffress,**

*Assistant Secretary.*

[FR Doc. 99-31684 Filed 12-6-99; 8:45 am]

**BILLING CODE 4510-26-U**

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

**[Docket No. NRTL-4-93]**

#### **Underwriters Laboratories Inc., Expansion of Recognition**

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's final decision on the application of Underwriters Laboratory Inc. (UL) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

**EFFECTIVE DATE:** This recognition becomes effective on December 7, 1999, and, unless modified in accordance with 29 CFR 1910.7, continues in effect while UL remains recognized by OSHA as an NRTL.

#### **FOR FURTHER INFORMATION CONTACT:**

Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW,