

safety, whether there are ways to modify this standard to make implementation more practical, to reduce regulatory burden on small business and to improve its effectiveness.

OSHA is proposing that OMB extend its approval of the information-collection requirements specified by the Standard so that the Agency can enforce these requirements if employers begin using PSDI.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 03-8083 Filed 4-2-03; 8:45 am]

**BILLING CODE 4510-26-M**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

This notice revises the safety standard number referenced in a petition for modification notice that was published in the **Federal Register** on February 4, 2003 (68 FR 5664), for the Dakota Westmoreland Corporation, Beulah Mine. In a letter from the petitioner dated March 7, 2003, the petitioner requests that the safety standard in its petition for modification, docket number M-2003-005-C, be changed from 30 CFR 77.405(b) to 30 CFR 77.803. The petitioner's request is to modify the existing safety standard, 30 CFR 77.803, to allow an alternative method to permit its boom/mast machine to be raised or lowered during initial dragline assembly or disassembly at construction sites. The petitioner asserts that its proposed alternative method would not result in a diminution of safety to the miners but would provide at least the same measure of protection as the existing standard.

Dated in Arlington, Virginia, this 26th day of March, 2003.

**Marvin W. Nichols, Jr.,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 03-8019 Filed 4-2-03; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

#### 1. HB Coal Co., Inc.

[Docket No. M-2003-021-C]

HB Coal Co., Inc., 22 Mary Ann Dr., Gray, Kentucky 40734 has filed a petition to modify the application of 30 CFR 75.342 (Methane monitors) to its No. 1 Mine (MSHA I.D. No. 15-18606) located in Whitley County, Kentucky. The petitioner proposes to use hand-held continuous-duty methane and oxygen detectors in lieu of machine mounted methane monitors on three-wheel tractors with drag bottom buckets. The petitioner asserts that the operator will be qualified in the proper use of said detector and that application of the existing standard would reduce the safety of the miners.

#### 2. HB Coal Co., Inc.

[Docket No. M-2003-022-C]

HB Coal Co., Inc., 22 Mary Ann Dr., Gray, Kentucky 40734 has filed a petition to modify the application of 30 CFR 75.380(f)(4)(i) (Escapeways; bituminous and lignite mines) to its No. 1 Mine (MSHA I.D. No. 15-18606) located in Whitley County, Kentucky. The petitioner proposes to use two ten-pound portable chemical fire extinguishers in the operator's deck of each Mescher tractor operated at its No. 1 Mine. The petitioner states that the equipment operator will inspect each fire extinguisher on a daily basis prior to entering the primary escapeway. The petitioner further states that a record of the daily inspection will be kept at the mine, and a sufficient number of spare fire extinguishers will be maintained at the mine in case a defective fire extinguisher is detected. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### 3. Bowie Resources Limited

[Docket No. M-2003-023-C]

Bowie Resources Limited, P.O. Box 483, Paonia, Colorado 81428 has filed a petition to modify the application of 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility) to its Bowie No. 2 Mine (MSHA I.D. No. 05-04591) located in Delta County, Colorado. The petitioner requests a modification of the standard to allow the use of permissible high-voltage continuous miners in by the last open crosscut and within 150 feet of the pillar workings. The petitioner states that the high-voltage continuous miner will be used to develop longwall gateroads and mains. The petitioner asserts that the proposed alternative method would provide at least the same

measure of protection as the existing standard.

#### Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to [comments@msha.gov](mailto:comments@msha.gov), or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2352, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before May 5, 2003. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia, this 27th day of March, 2003.

**Marvin W. Nichols, Jr.,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 03-8020 Filed 4-2-03; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL2-98]

#### NSF International, Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's final decision on the application of NSF International for expansion of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**EFFECTIVE DATE:** This recognition becomes effective on April 3, 2003 and, unless modified in accordance with 29 CFR 1910.7, continues in effect while NSF remains recognized by OSHA as an NRTL.

**FOR FURTHER INFORMATION CONTACT:** Sherrey Nicolas, 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, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of NSF International (NSF) as a Nationally Recognized Testing Laboratory (NRTL). NSF's expansion covers the use of

additional test standards. OSHA's current scope of recognition for NSF may be found in the following informational web page: <http://www.osha-slc.gov/dts/otpc/nrtl/nsf.html>.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products "properly certified" by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on an application. These notices set forth the NRTL's scope of recognition or modifications of this scope.

NSF submitted its application, dated June 25, 2002 (see Exhibit 10), to expand its recognition to use 12 additional test standards. The NRTL Program staff performed the on-site review (assessment) of the facility and provided a positive recommendation on the expansion in their report (see Exhibit 11). OSHA published the notice of its preliminary findings on the expansion request in the **Federal Register** on December 26, 2002 (67 FR 248). The notice requested submission of any public comments by January 10, 2003. OSHA did not receive any comments pertaining to the application.

The previous notice published by OSHA for NSF's recognition covered an expansion of recognition, which became effective on June 28, 2000 (65 FR 39944).

The current address of the NSF facility (site) already recognized by OSHA is: NSF International, 789 Dixboro Road, Ann Arbor, MI 48105

#### Final Decision and Order

The NRTL Program staff has examined the application, the assessor's report, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that NSF International has met the

requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional test standards, subject to the limitation and conditions, listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of NSF, subject to this limitation and these conditions.

#### Limitation

#### Expansion for Additional Standards

OSHA limits the expansion to testing and certification of products for demonstration of conformance to the following 12 test standards, and OSHA has determined the standards are "appropriate," within the meaning of 29 CFR 1910.7(c).

- UL 73 Motor-Operated Appliances
- UL 399 Drinking-Water Coolers
- UL 466 Electric Scales
- UL 514B Fittings for Cable and Conduit
- UL 514C Nonmetallic Outlet Boxes, Flush-Device Boxes and Covers
- UL 514D Cover Plates for Flush-Mounted Wiring Devices
- UL 541 Refrigerated Vending Machines
- UL 751 Vending Machines
- UL 982 Motor-Operated Household Food Preparing Machines
- UL 1453 Electric Booster and Commercial Storage Tank Water Heaters
- UL 1563 Electric Spas, Equipment Assemblies, and Associated Equipment
- UL 1795 Hydromassage Bathtubs

A few of the test standards listed above, are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience in compiling the list, we often use the designation of the standards developing organization (e.g., UL 751) for the standard, as opposed to the ANSI designation (e.g., ANSI/UL 751). Under our procedures, an NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact "NSSN" (<http://www.nssn.org>), an organization partially sponsored by ANSI, to find out whether or not a test standard is currently ANSI-approved.

#### Conditions

NSF must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA must be allowed access to NSF's facility and records for purposes

of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If NSF has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

NSF must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, NSF agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

NSF must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

NSF will meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

NSF will continue to meet the requirements for recognition in all areas where it has been recognized.

Signed at Washington, DC, this 20th day of March, 2003.

**John L. Henshaw,**

*Assistant Secretary.*

[FR Doc. 03-8098 Filed 4-2-03; 8:45 am]

BILLING CODE 4510-26-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-354]

### PSEG Nuclear, LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission or NRC) has granted the request of PSEG Nuclear, LLC, (the licensee) to withdraw its April 16, 2002, application for proposed amendment to Facility Operating License No. NPF-57 for the Hope Creek Generating Station, Unit No. 1, located in Salem County, New Jersey.

The proposed amendment would have revised the Technical Specifications to delete the primary containment isolation valves and instrumentation associated with the