

**SUPPLEMENTARY INFORMATION:****Notice of Expansion Application**

The Occupational Safety and Health Administration (OSHA) hereby gives notice that NSF International (NSF) has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). NSF's expansion request covers the use of an additional test standard. OSHA's current scope of recognition for NSF may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/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 approved by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition, or for an 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 the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages can be accessed from the Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

In an earlier action involving NSF, OSHA granted NSF's most recent application, which was for an expansion of recognition (71 FR 70431, December 4, 2006).

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

**General Background on the Application**

NSF has submitted an application, dated October 23, 2007 (see Exhibit 18-1), to expand its recognition to include one additional test standard. The NRTL Program staff has determined that this standard is an "appropriate test standard" within the meaning of 29 CFR

1910.7(c). In connection with this request, NRTL Program assessment staff performed an on-site review of NSF's testing facility in June 2007 and recommended that NSF's recognition be expanded to include the additional test standard listed below (see Exhibit 18-2). As a result, the Agency would approve the test standard for the expansion.

NSF seeks expansion of its recognition for testing and certification of products for demonstration of conformance to the following test standard:

*UL 1285 Pipe and Couplings, Polyvinyl Chloride (PVC), for Underground Fire Service*

The designation and title of the above test standard was current at the time of the preparation of this notice.

OSHA's recognition of NSF, or any NRTL, for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third-party testing and certification before use in the workplace. Consequently, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

The test standard listed above may be approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under our procedures, any 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. You may contact ANSI to find out whether a test standard is currently ANSI-approved.

**Preliminary Finding on the Application**

NSF has submitted an acceptable request for expansion of its recognition as an NRTL. Our review of the application file, the assessor's recommendation, and other pertinent documents indicate that NSF can meet the requirements, as prescribed by 29 CFR 1910.7, for the expansion for the additional test standard listed above. This preliminary finding does not constitute an interim or temporary approval of the application.

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

and exhibits. Should you need more time to comment, you must request it in writing, including reasons for the request. OSHA must receive your written request for an extension at the address provided above no later than the last date for comments. OSHA will limit any extension to 30 days unless the requester justifies a longer period. We may deny a request for an extension if it is not adequately justified. You may obtain or review copies of NSF's request, the assessor's recommendation, other pertinent documents, and all submitted comments, as received, by contacting the Docket Office, Room N-2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. Docket No. OSHA-2006-0048 (formerly NRTL2-98) contains all materials in the record concerning NSF's application.

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

Signed at Washington, DC, this 20th day of August, 2008.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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**BILLING CODE 4510-26-P**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. OSHA-2007-0043]

**TUV America, Inc.; Expansion of Recognition**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Occupational Safety and Health Administration's final decision expanding the recognition of TUV America, Inc., (TUVAM) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**DATES:** The expansion of recognition becomes effective on August 29, 2008.

**FOR FURTHER INFORMATION CONTACT:** MaryAnn Garrahan, Director, Office of

Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice that it is expanding recognition of TUV America, Inc., (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL). TUVAM's expansion covers the use of additional test standards. OSHA's current scope of recognition for TUVAM may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/tuvam.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 approved 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 the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages can be accessed from the Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

In an earlier action involving TUVAM, OSHA issued a **Federal Register** notice modifying its recognition, along with the recognition of other NRTLs, by replacing or deleting test standards that standards-developing organizations previously revised or withdrew (70 FR 11273, March 8, 2005). In a subsequent **Federal Register** notice, OSHA granted TUVAM's most recent application, which was for an expansion

of recognition (70 FR 51373, August 30, 2005).

TUVAM submitted an application, dated October 6, 2005 (see Exhibit 11-1, as cited in the preliminary notice), to expand its recognition to include 142 additional test standards. It amended its application on February 17, 2006, to add two more test standards, and then in June 2006 and July 2007 further amended its application to reduce its request to 89 test standards (see Exhibits 11-2 through 11-4). One standard, however, has been withdrawn by the standards-developing organization. Thus, TUVAM's request includes 88 standards. The NRTL Program staff has determined that the remaining 88 standards are "appropriate test standards" within the meaning of 29 CFR 1910.7(c). In connection with this request, OSHA staff performed an on-site review of TUVAM's Massachusetts testing facility and recommended that TUVAM's recognition be expanded to include the additional 88 test standards listed below (see Exhibit 11-5).

Based on the review, OSHA published a preliminary notice announcing the expansion application in the **Federal Register** on February 7, 2008 (73 FR 7325). Comments were requested by February 22, 2008, but no comments were received in response to this notice. OSHA is now proceeding with this final notice to grant TUVAM's expansion application.

You may obtain or review copies of all public documents pertaining to the TUVAM application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210. Docket No. OSHA-2007-0043 (formerly NRTL2-2001) contains all materials in the record concerning TUVAM's recognition.

The current addresses of the TUVAM's facilities (sites) already recognized by OSHA are: TUV Product Services (TUVAM), 5 Cherry Hill Drive, Danvers, MA 01923; TUV Product Services (TUVAM), 10040 Mesa Rim Road, San Diego, CA 92121; and TUV Product Services (TUVAM), 1775 Old Highway 8 NW, Suite 104, New Brighton (Minneapolis), MN 55112.

##### Final Decision and Order

NRTL Program staff examined the TUVAM's application, the assessor's recommendation, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that TUVAM has met the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation

and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of TUVAM, subject to this limitation and these conditions.

##### Limitation

OSHA limits the expansion of TUVAM's recognition to testing and certification of products for demonstration of conformance to the following test standards, each of which OSHA has determined is an appropriate test standard, within the meaning of 29 CFR 1910.7(c):

- UL 48 Electric Signs
- UL 69 Electric-Fence Controllers
- UL 82 Electric Gardening Appliances
- UL 201 Garage Equipment
- UL 325 Door, Drapery, Gate, Louver, and Window Operators and Systems
- UL 399 Drinking-Water Coolers
- UL 474 Dehumidifiers
- UL 482 Portable Sun/Heat Lamps
- UL 497A Secondary Protectors for Communication Circuits
- UL 506 Specialty Transformers
- UL 561 Floor-Finishing Machines
- UL 563 Ice Makers
- UL 588 Seasonal and Holiday Decorative Products
- UL 676 Underwater Luminaires and Submersible Junction Boxes
- UL 696 Electric Toys
- UL 697 Toy Transformers
- UL 745-1 Portable Electric Tools
- UL 745-2-1 Particular Requirements for Drills
- UL 745-2-2 Particular Requirements for Screwdrivers and Impact Wrenches
- UL 745-2-3 Particular Requirements for Grinders, Polishers, and Disk-Type Sanders
- UL 745-2-4 Particular Requirements for Sanders
- UL 745-2-5 Particular Requirements for Circular Saws and Circular Knives
- UL 745-2-6 Particular Requirements for Hammers
- UL 745-2-8 Particular Requirements for Shears and Nibblers
- UL 745-2-9 Particular Requirements for Tappers
- UL 745-2-11 Particular Requirements for Reciprocating Saws
- UL 745-2-12 Particular Requirements for Concrete Vibrators
- UL 745-2-14 Particular Requirements for Planers
- UL 745-2-17 Particular Requirements for Routers and Trimmers
- UL 745-2-30 Particular Requirements for Staplers
- UL 745-2-31 Particular Requirements for Diamond Core Drills
- UL 745-2-32 Particular Requirements for Magnetic Drill Presses
- UL 745-2-33 Particular Requirements for Portable Bandsaws

- UL 745-2-34 Particular Requirements for Strapping Tools
- UL 745-2-35 Particular Requirements for Drain Cleaners
- UL 745-2-36 Particular Requirements for Hand Motor Tools
- UL 745-2-37 Particular Requirements for Plate Jointers
- UL 749 Household Dishwashers
- UL 775 Graphic Arts Equipment
- UL 778 Motor-Operated Water Pumps
- UL 826 Household Electric Clocks
- UL 858 Household Electric Ranges
- UL 859 Household Electric Personal Grooming Appliances
- UL 867 Electrostatic Air Cleaners
- UL 875 Electric Dry-Bath Heaters
- UL 921 Commercial Dishwashers
- UL 935 Fluorescent-Lamp Ballasts
- UL 969 Marking and Labeling Systems
- UL 977 Fused Power-Circuit Devices
- UL 979 Water Treatment Appliances
- UL 984 Hermetic Refrigerant Motor-Compressors
- UL 987 Stationary and Fixed Electric Tools
- UL 1018 Electric Aquarium Equipment
- UL 1028 Hair Clipping and Shaving Appliances
- UL 1030 Sheathed Heating Elements
- UL 1086 Household Trash Compactors
- UL 1088 Temporary Lighting Strings
- UL 1097 Double Insulation Systems for Use in Electrical Equipment
- UL 1206 Electric Commercial Clothes-Washing Equipment
- UL 1230 Amateur Movie Lights
- UL 1240 Electric Commercial Clothes-Drying Equipment
- UL 1411 Transformers and Motor Transformers for Use In Audio-, Radio-, and Television-Type Appliances
- UL 1419 Professional Video and Audio Equipment
- UL 1431 Personal Hygiene and Health Care Appliances
- UL 1449 Surge Protective Devices
- UL 1484 Residential Gas Detectors
- UL 1559 Insect-Control Equipment—Electrocution Type
- UL 1561 Dry-Type General Purpose and Power Transformers
- UL 1563 Electric Spas, Equipment Assemblies, and Associated Equipment
- UL 1573 Stage and Studio Luminaires and Connector Strips
- UL 1574 Track Lighting Systems
- UL 1594 Sewing and Cutting Machines
- UL 1598 Luminaires
- UL 1741 Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources
- UL 1778 Uninterruptible Power Supply Equipment
- UL 1786 Direct Plug-In Nightlights
- UL 1838 Low Voltage Landscape Lighting Systems
- UL 1963 Refrigerant Recovery/ Recycling Equipment
- UL 1993 Self-Ballasted Lamps and Lamp Adapters
- UL 2044 Commercial Closed-Circuit Television Equipment
- UL 2111 Overheating Protection for Motors
- UL 2157 Electric Clothes Washing Machines and Extractors
- UL 2158 Electric Clothes Dryers
- UL 60335-2-3 Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electric Irons
- UL 60745-1 Hand-Held Motor-Operated Electric Tools—Safety—Part 1: General Requirements
- UL 61010A-2-020 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Centrifuges
- UL 61010A-2-061 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Atomic Spectrometers with Thermal Atomization and Ionization
- UL 61010B-2-031 Electrical Equipment for Measurement, Control, and Laboratory Use; Part 2: Particular Requirements for Hand-Held Probe Assemblies for Electrical Measurement and Test

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

OSHA's recognition of TUVAM, or any NRTL, for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third-party testing and certification before use in the workplace. Consequently, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

Test standards listed above may be approved as an American National Standard by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under our procedures, any 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. You may contact ANSI to find out whether a test standard is currently ANSI-approved.

#### Conditions

TUVAM must also abide by the following conditions of the recognition,

in addition to those conditions already required by 29 CFR 1910.7:

OSHA must be allowed access to TUVAM's facilities and records to ascertain continuing compliance with the terms of its recognition and to perform investigations as OSHA deems necessary;

If TUVAM 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 concern and provide that organization with appropriate relevant information upon which its concern is based;

TUVAM 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, TUVAM 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 applies, and also clearly indicating that its recognition is limited to certain products;

TUVAM 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 of these changes;

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

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

Signed at Washington, DC, this 22nd day of August, 2008.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records