

standards found in OSHA's informational web page for the NRTL. Contact ANSI or the ANSI web site ([www.ansi.org](http://www.ansi.org)) and click "NSSL" to find out whether or not a standard is currently ANSI-approved.

#### Conditions

MET Laboratories, Inc., 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 the MET facility and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

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

MET 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, MET 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;

MET 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;

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

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

Signed at Washington, DC this 18th day of September, 2001.

**John L. Henshaw,**

*Assistant Secretary.*

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## MERIT SYSTEMS PROTECTION BOARD

### Variation From Normal Procedures—Effects of Attacks on World Trade Center and Pentagon

**AGENCY:** Merit Systems Protection Board.

#### **ACTION:** Notice.

**SUMMARY:** Notice is hereby given of variations from the Board's normal case processing procedures as a result of the September 11, 2001, attacks on the World Trade Center in New York and the Pentagon.

**DATES:** September 26, 2001.

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

Robert E. Taylor, Clerk of the Board, 1615 M Street, NW., Washington, DC 20419; telephone (202) 653-7200; facsimile (202) 653-7130; e-mail to [mspb@mspb.gov](mailto:mspb@mspb.gov).

**SUPPLEMENTARY INFORMATION:** The Merit Systems Protection Board is providing notice of the variations in its normal case processing procedures that have been placed into effect as a result of the September 11, 2001, attacks on the World Trade Center in New York and the Pentagon.

The Board's adjudicatory regulations contain numerous time limits for filing documents in Federal employee appeals of agency personnel actions and other matters within the Board's jurisdiction. In addition, MSPB judges issue various orders in the course of an adjudicatory proceeding that set a time limit for responses by the parties. The Board's regulations permit four methods of filing and serving documents—regular mail, commercial overnight delivery, facsimile, and personal delivery to the appropriate MSPB office. The date of filing by regular mail is determined by the postmark date. For filing by commercial overnight delivery, it is the date the document is delivered to the commercial overnight delivery service. For filing by facsimile, it is the date recorded on the facsimile transmission. For filing by personal delivery, it is the date the MSPB office receives the document.

At the time of the attacks on September 11, 2001, there were approximately 1,800 cases pending in MSPB regional and field offices and almost 800 cases pending at the Board's headquarters in Washington (data as of August 31, 2001). It is reasonable to assume, therefore, that a number of filings due to a MSPB office on September 11, 2001, could not be made on that date. An unknown number of filings of new cases subject to a filing deadline of September 11, 2001, also may have been affected by the events of that date.

The following circumstances may have affected filings due on September 11, 2001:

- The Board's New York Field Office, located in the vicinity of the World Trade Center, was evacuated following

the attack there and remains closed until further notice.

- The Board's Washington, DC, headquarters office and its Washington Regional Office in Alexandria, Virginia, closed shortly after the attack on the Pentagon.

- Other MSPB regional and field offices throughout the country closed early on September 11, 2001.

- U.S. post offices closed throughout the country following the attacks, and many scheduled mail pickups on September 11, 2001, were not made. Certain scheduled mail pickups on September 12, 2001, also may not have been made.

- Facsimile transmissions to the New York Field Office could not be received because of communications failures in the area.

- Facsimile transmissions to the Board's headquarters may have been unable to get through because of the overload of telephone circuits in the Washington, DC, area.

In addition to the effect of the attacks on the ability of parties to make timely filings that were due on September 11, 2001, MSPB case files of Federal agencies located in the World Trade Center were destroyed in the attacks. Case files in the Pentagon may have been destroyed as well.

Accordingly, the Board has placed into effect the following variations from its normal case processing procedures:

1. Until further notice, filings due to the New York Field Office are to be made with the Northeastern Regional Office. The address, telephone and facsimile numbers, and e-mail address of the Northeastern Regional Office are: U.S. Customhouse, Room 501, Second & Chestnut Streets, Philadelphia, PA 19106; telephone (215) 597-9960; facsimile (215) 597-3456; e-mail to [philadelphia@mspb.gov](mailto:philadelphia@mspb.gov). Questions regarding cases in the New York Field Office should be directed to the Northeastern Regional Office.

2. In MSPB regional and field offices, judges will exercise discretion in accepting filings due on September 11, 2001, that were made (by any filing method) after that date.

3. At Board headquarters, the Clerk of the Board will exercise discretion in accepting filings due on September 11, 2001, that were sent by regular mail and postmarked after that date. Normally, a show cause order is issued when a late filing is received, but the Clerk of the Board may accept certain filings, particularly from the New York City area, without issuing a show cause order.

4. At Board headquarters, the Clerk of the Board will accept as timely filings

due on September 11, 2001, that were sent by facsimile if the date recorded on the facsimile transmission is September 12, 2001.

5. Where MSPB case files of parties located in the World Trade Center or the Pentagon were destroyed by the attacks, MSPB judges may grant appropriate continuances until the case files can be reconstructed or dismiss cases without prejudice to their later refile. MSPB offices will also assist the parties in reconstructing case files.

The Board and its employees throughout the country intend to accommodate parties to MSPB cases whose ability to pursue those cases was affected by the attacks on September 11, 2001. Where the variations from normal case processing procedures set forth above do not cover the circumstances in an individual case, the individual circumstances will be considered on a case-by-case basis. The Board and MSPB judges may waive any Board regulation the application of which is not required by law.

Dated: September 20, 2001.

**Robert E. Taylor,**  
*Clerk of the Board.*

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### National Historical Publications and Records Commission; Services for Persons With Limited English Proficiency; Comment Request

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice.

**SUMMARY:** The National Archives and Records Administration (NARA) is publishing policy guidance on Title VI's prohibition against national origin discrimination under any program or activity that receives NARA financial assistance through the National Historical Publication and Records Commission (NHPRC) as such policy affects persons with limited English proficiency (LEP). The public is invited to comment on NHPRC-assisted programs and activities available to persons with LEP and on steps that NHPRC could take to ensure that persons with LEP have meaningful access to such services. NHPRC will use the information gathered from this notice and other outreach efforts to improve its plan to improve access to these programs and activities by eligible LEP persons.

**DATES:** This guidance is effective immediately. Written comments must be submitted on or before November 26, 2001. NARA will review all comments and determine whether modifications to the policy guidance are necessary.

**ADDRESSES:** Interested persons should submit written comments to: Comments on Services for Persons with Limited English Proficiency, ATTN: Diane Dimkoff (NWCC), Room 2400, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; or faxed to 301-713-7482. You may also comment via the Internet to [comments@nara.gov]. Please submit Internet comments within the body of your email message or attach comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: Limited English Proficiency" and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact Diane Dimkoff at 301-713-6107.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Diane Dimkoff by telephone, or by fax at 301-713-7482. Arrangements to receive the policy in an alternative format may be made by contacting the named individual.

**SUPPLEMENTARY INFORMATION:** Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* and its implementing regulations provide that no person shall, on the basis of race, color, or national origin, be denied the benefits of, be excluded from participation in, or be subject to discrimination under any program or activity that receives federal financial assistance.

The purposes of this policy guidance are to clarify the responsibilities of recipients of federal financial assistance from NARA's National Historical Publications and Records Commission, and to assist them in fulfilling their responsibilities to persons with limited English proficiency, pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Dated: September 18, 2001.

**John W. Carlin,**

*Archivist of the United States.*

### Guidance to Recipients of the National Historical Publications and Records Commission Federal Financial Assistance: Providing Meaningful Access to Individuals With Limited English Proficiency ("LEP Guidance For NHPRC Recipients")

#### I. Introduction

This guidance is based on Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.*, and regulations that implement Title VI. Title VI was intended to eliminate barriers based on race, color, and national origin in Federally-assisted programs or activities. In certain circumstances, failing to ensure that persons with LEP can effectively participate in or benefit from Federally-assisted programs and activities or imposing additional burdens on persons with LEP constitutes national origin discrimination.

In August, 2000, the President signed Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. Under that Executive Order, every Federal agency that provides financial assistance to non-Federal entities must issue guidance on how their recipients can, consistent with long-standing obligations under Title VI and their fundamental mission, provide reasonable, yet meaningful access to persons with LEP.

The essence of the meaningful access requirement is "reasonableness." In some circumstances, a NHPRC recipient directly serving significant numbers of LEP persons may be obligated to provide language assistance services, including, as appropriate, written translations of documents, procedures and/or forms critical to accessing NHPRC-supported archives. In many other circumstances, however, NHPRC recipients will have little or no obligation to provide language services beyond those many already provide.

This does not mean, however, that the four-factor analysis set out in this Guidance should be read as limiting recipient discretion to provide language assistance services in an effort to broaden its services to the communities it serves. Recipients are encouraged to exercise their flexibility under this Guidance to beyond mere minimal compliance and to create model programs for LEP access.

As required under Executive Order 13166 and the companion DOJ LEP Guidance issued in August, 2000,