

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 200

[Docket No. FR-4137-P-01]

RIN 2502-AG84

HUD Building Products Standards and Certification Program—Use of Materials Bulletins

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would adopt a number of Use of Materials Bulletins (UM) and references related to national voluntary consensus standards in accordance with OMB Circular 119A. It also supplements the HUD Building Product Standards and Certification Program by requiring that additional information be included on the label, tag, or mark that each manufacturer affixes to the certified product. The labeling of these products is in the public interest because it will allow consumers to readily identify those products that comply with existing voluntary consensus standards. In addition, the adoption of a UM for a product eliminates the need for manufacturers to seek HUD acceptance through "Materials Releases" for individual products that meet the standard of a UM. HUD accepts products that use on a generic basis for use in houses covered under HUD mortgage insurance programs, thus streamlining Departmental requirements. In addition, this proposed rule specifies the frequency with which products should be tested in order to be acceptable to HUD; and modifies section (d)(4)(ii) of 24 CFR 200.935 to allow the use of American Society for Quality Controls (ASQC) standards 9000-94, 9001-94, 9002-94, 9003-94, & 9004-94 as voluntary guidelines in any quality review.

DATES: *Comment due date:* July 18, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing & Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410-8000. Communication should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. FAXED comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: David R. Williamson, Director, Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, 451 Seventh Street S.W., Room 9156, Washington, D.C. 20410-8000; telephone: voice, (202) 708-6423; TTY, (202) 708-4594 (these are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Pursuant to HUD's Building Product Standards and Certification Programs, authorized by Section 521 of the National Housing Act, 12 U.S.C. 1735e, the Department issues Use of Materials Bulletins (UMs). The Use of Materials Bulletins are issued in the public interest, to provide HUD standards that establish minimum acceptable qualities for certain materials and products to be used in properties subject to mortgages insured by the Department. In accordance with 24 CFR 200.935, UMs are also used in third-party labeling and certification programs to assure that building products used in HUD programs meet the appropriate national voluntary standards.

The Department of Housing and Urban Development issues "Materials Releases" to individual manufacturers for the specific acceptance of new or innovative building products where there are no existing standards. "Use of Materials Bulletins" are also issued by the Department for the acceptance of new products on a generic or class basis, thus making it unnecessary for individual manufacturers to continue applying for approval of similar products, and making the approval process overall much less cumbersome. This proposed rule permits public comment prior to the issuance of a Use of Materials Bulletin.

Materials Releases are periodically renewed or revised, for a fee, by the Department. In cases where there are many manufacturers of similar new products, or standards developed that cover these products, the Department cancels the Materials Releases and refers to the new standard and a certification program in a Use of Materials Bulletin.

With the promulgation of a Use of Materials Bulletin, individual manufacturers no longer have to pay a fee to the Department for the maintenance of their Materials Releases, and the Department no longer has the administrative burden of renewing or revising the individual Materials Releases. For these reasons, in the future, the Department anticipates increasing its reliance on Use of Materials Bulletins to accept new or innovative building products.

This proposed rule would promulgate or revise the following Use of Materials Bulletins:

- UM 73b Plastic Plumbing Fixtures at § 200.937.
- UM 44e Carpet at § 200.942.
- UM 38j Grading of Lumber at § 200.943.
- UM 40c Plywood at § 200.944.
- UM 72b Carpet Cushion at § 200.948.
- UM 105 Elastomeric Joint Sealants at § 200.951.
- UM 70b Particleboard Stair Treads at § 200.952.
- UM 110 Sprayed Polyurethane Foam Roof Insulation at § 200.953.
- UM 60a Construction Adhesives for Field Glued Wood Floor Systems at § 200.954.
- UM 111 Fenestration Products (Windows and Doors) at § 200.955.

Third-party certification programs for elastomeric joint sealants and sprayed polyurethane foam for roof insulation have been informally accepted by the Department, and by this rule are designated as new Bulletins UM 105 and UM 110 under the procedures of 24 CFR 200.935.

In addition, paragraph (d)(4)(ii) of 24 CFR 200.935 is being modified to allow the use of American Society for Quality Control standards 9000-94, 9001-94, 9002-94, 9003-94, and 9004-94 as voluntary guidelines in any quality review. These standards are identical to the International Standards Organization standards. This change is necessary because no criteria currently exist for a HUD determination of an acceptable quality assurance program.

The Department has evaluated the updated technical standards prepared by national standards organizations, and plans to adopt these standards by incorporating them in the UM by reference. The UMs adopted would also augment the labeling requirements of 24 CFR 200.935(d)(6). In addition, the Department is also requesting comments on the frequency of testing specified for each third party certification program.

The reference in § 900.929(b)(2) to the MPS compilation is updated to cite the 1994 edition.

Copies of UMs are available for public inspection during regular business hours in the Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, Room 9156, 451 Seventh Street S.W., Washington, DC., 20410-8000.

Findings and Certifications

Regulatory Planning and Review

This proposed rule has been reviewed in accordance with Executive Order 12866, issued by the President on

September 30, 1993 (58 FR 51735, October 4, 1993). Any changes to the proposed rule resulting from this review are available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk.

Paperwork Reduction Act Statement

The proposed information collection requirements contained at §§ 900.937, 900.942, 900.943, 900.944, 900.948, 900.951, 900.952, 900.953, 900.954, and 900.955 of this rule have been submitted to the Office of Management and Budget (OMB) for review, under section 3507(d)

of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

(a) Estimate of the total reporting and recordkeeping burden that will result from the collection of information:

Reporting Burden	Number of respondents	Freq. of response	Est. avg. response time (hrs.)	Est. annual burden (hrs.)
	20	20	1	400
Totaling Reporting Burden	400

(b) In accordance with 5 CFR 1320.8(d)(1), the Department is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this proposal. Under the provisions of 5 CFR part 1320, OMB is required to make a decision concerning this collection of information between 30 and 60 days after today's publication date. Therefore, a comment on the information collection requirements is best assured of having its full effect if OMB receives the comment within 30 days of today's publication. This time frame does not affect the deadline for comments to the agency on the proposed rule, however. Comments must refer to the proposal by name and docket number (FR-4137) and must be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This proposed rule does not impose any Federal mandates on any State, local or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, D.C. 20410.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this proposed rule, and in so doing certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. These Use of Materials Bulletins adopt standards that are nationally recognized throughout the affected industry and will not create a burden on manufacturers currently meeting the standards. The proposed rule will have no adverse or disproportionate economic impact on small businesses.

Federalism Impact

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, *Federalism*, that this proposed

rule does not have federalism implications concerning the division of local, State, and federal responsibilities. The rule only proposes to adopt standards that are already nationally recognized throughout the affected industry.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

This proposed rule will not pose an environmental health risk or safety risk on children.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

Accordingly, 24 CFR part 200 is proposed to be amended as follows:

PART 200—INTRODUCTION

1. The authority citation for 24 CFR part 200 is revised to read as follows:

Authority: Titles I and II of the National Housing Act (12 U.S.C. 1701 through 1715z-18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (d)).

2. In § 200.929, paragraph (b)(2) is revised to read as follows:

§ 200.929 Description and identification of minimum property standards.

* * * * *

(b) * * *

(2) MPS for Housing 4910.1, 1994 edition. This volume applies to buildings and sites designed and used for normal multifamily occupancy,

including both unsubsidized and subsidized insured housing, and to care-type housing insured under the National Housing Act. It also includes, in Appendix K, a reprint of the MPS for One and Two Family Dwellings identified in paragraph (b)(1) of this section.

3. Section 200.931 is revised to read as follows:

§ 200.931 Statement of availability.

Updated copies of the Minimum Property Standards and Use of Materials Bulletins are available for public examination in the Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, room 9156, 451 Seventh St. S.W., Washington, D.C. 20410-8000, and at the Office of the **Federal Register**, 800 North Capitol Street, NW, Suite 700, Washington, D.C., 20408. In addition, copies of volumes 1, 2, and 3 of the Minimum Property Standards may be purchased from the U.S. Government Printing Office, Washington, D.C. 20402.

4. In § 200.935, paragraph (d)(4)(ii) is revised to read as follows:

§ 200.935 Administrator qualifications and procedures for HUD building products certification programs.

* * * * *

(d) * * *

(4) * * *

(ii) *Quality assurance system review.*

(A) Each administrator shall examine a participating manufacturer's facilities and quality assurance system procedures to determine that they are adequate to assure continuing production of the product that complies with the applicable standard. These quality assurance systems procedures shall be documented in the administrator's and the manufacturer's files. If a manufacturer's quality assurance system is not satisfactory to the administrator, validation of the manufacturer's declaration of certification shall be withheld. The following American Society for Quality Control (ASQC) standards, which are incorporated by reference and which are identical to the International Standards Organization standards, may be used as guidelines in any quality assurance review:

(1) ASQC Q 9000-94 Quality Management and Quality Assurance Standards Guidelines for Selection and Use;

(2) ASQC Q 9001-94 Quality Systems-Model for Quality Assurance in Design, Development, Production, Installation, and Servicing;

(3) ASQC Q 9002-94 Quality Systems-Model for Quality in Production and Installation;

(4) ASQC Q 9003-94 Quality Systems-Model for Quality Assurance in Final Inspection and Test;

(5) ASQC Q 9004-94 Quality Management and Quality System Elements-Guidelines.

(B) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. They are available from the American Society for Quality Control (ASQC), 310 West Wisconsin Avenue, Milwaukee, WI 53208.

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5. Section 200.937 is revised to read as follows:

§ 200.937 Supplementary specific requirements under the HUD building product standards and certification program for plastic plumbing fixtures.

(a) *Applicable standards.* (1) All plastic plumbing fixtures shall be designed, manufactured, and tested in compliance with the following American National Standards Institute (ANSI) standards, which are incorporated by reference:

(i) ANSI Z 124.1-95 Plastic Bathtub Units;

(ii) ANSI Z 124.2-95 Plastic Shower Receptors;

(iii) ANSI Z 124.3-95 Plastic Lavatories;

(iv) ANSI Z 124.4-96 Plastic Water Closets, Bowls, & Tanks;

(v) ANSI Z 124.6-90 Plastic Sinks; and

(vi) ANSI Z 124.7-93 Plastic Spa Shells.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. They are available from the American National Standards Institute, Inc., 11 West 42nd Street, New York, New York 10036.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Each plastic plumbing fixture shall be marked as conforming to UM 73b. The label shall be located on each plastic plumbing fixture so that it is available for inspection. The label shall include the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance inspections.* Under the procedures concerning periodic tests and quality assurance inspections, the

frequency of testing for a product shall be described in the specific building product certification program. In the case of plastic plumbing fixtures, testing and inspection shall be conducted as follows:

(1) At least every year, the administrator shall visit the manufacturer's facility to select a sample of each certified plastic plumbing fixture for testing in a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) of the U.S. Department of Commerce.

(2) The administrator shall also review the quality assurance procedures once a year to assure that they are being followed by the manufacturer.

§§ 200.938, 200.939, and 200.941 [Removed]

6. Sections 200.938, 200.939, and 200.941 are removed.

7. Section 200.942 is revised to read as follows:

§ 200.942 Supplementary specific requirements under the HUD building product standards and certification program for carpets and carpets with attached cushions.

(a) *Applicable standards.* (1) All carpets and carpets with attached cushions shall be designed, manufactured, and tested in compliance with the following standards:

(i) ASTM D297-95 Standard Test Method for Rubber Products-Chemical Analysis;

(ii) ASTM D5848-95 Standard Test Method for Mass per Unit Area of Pile Floor Coverings;

(iii) ASTM D1335-72 Standard Test Method for Pile Floor Coverings;

(iv) ASTM D3936-90 Test Method for Delamination of Secondary Backing of Pile Coverings;

(v) ASTM D2646-95 Test Method for Backing Fabrics;

(vi) AATCC 16E-93 Test Method for Colorfastness to Light-Xenon; and

(vii) AATCC 165-93 Test for Crocking.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. They are available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428; the American Association of Textile Chemists and Colorists (AATCC), P.O. Box 12215, Research Triangle Park, NC 27709; U.S. Department of Commerce, NIST, NVLAP, Gaithersburg, MD 20899.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6)

concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Each carpet shall be marked at intervals of at least 6 feet and no less than 1 foot from the edge, in compliance with UM 44e. The label shall include the manufacturer's name, plant location, and statement of compliance with UM 44e.

(c) *Periodic tests and quality assurance inspections.*

Under the procedures set forth in 24 CFR 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of carpet and carpet with attached cushion, testing and inspection shall be conducted as follows:

(1) Two samples of each certified quality shall be taken every six months from the manufacturer and one sample annually from the public marketplace for testing in a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) of the U.S. Department of Commerce.

(2) The administrator shall also review the quality procedures twice a year to assure that they are being followed by the manufacturer.

(d) *Cut pile polypropylene carpet.* Provisions for cut pile polypropylene are included under UM 44e.

8. Section 200.943 is revised to read as follows:

§ 200.943 Supplementary specific requirements under the HUD building product standards and certification program for the grademarking of lumber.

(a) *Applicable Standard.* (1) In accordance with UM 38j, lumber shall be grademarked in compliance with the U.S. Department of Commerce Voluntary Product Standard PS-20-94 American Softwood Lumber Standard.

(2) This standard has been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. It is available from U.S. Department of Commerce, American Lumber Standard Committee (ALSC), P.O. Box 210, Germantown, Maryland 20875-0210.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standard are required on the

certification label issued by the administrator to the manufacturer. The certification mark shall be affixed to each piece of lumber. In the case of grademarking of lumber, the following information shall be included on the certification label or mark:

- (1) The registered symbol which identifies the grading agency;
- (2) Species or species combination;
- (3) Grade;
- (4) Identification of the applicable grading rules when not indicated by the species identification or agency symbol;
- (5) Mill or grader;
- (6) For members which are less than 5 inches in nominal thickness, indication that the lumber was green or dry at the time of dressing; and
- (7) Indication that the lumber was finger jointed.

(c) *Periodic tests and quality assurance.* Periodic tests and quality assurance inspections shall be carried out by the American Lumber Standard Committee as defined in PS 20-94.

9. Section 200.944 is revised to read as follows:

§ 200.944 Supplementary specific requirements under the HUD building product standards and certification program for plywood and other wood-based structural-use panels.

(a) *Applicable standards.* (1) All plywood prescriptively designed, manufactured, and tested shall be in compliance with the U.S. Department of Commerce Voluntary Product Standard PS 1-95. Plywood panels not meeting the grade requirements of PS 1-95 and all composite and non-veneer structural-use panels shall comply with the "Performance Standards and Policies for Structural-Use Panels-94" (APA Standard PRP 108-94 or TECO Standard PRP 133-94) except that the American Society for Testing and Materials (ASTM) Standard ASTM D 3043-87 Method B may be used.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. They are available from the U.S. Department of Commerce, NIST, Gaithersburg, MD 20899; APA-The Engineered Wood Association, 7011 South 19th St., Tacoma, WA 98411; TECO/PFS Inc., 2402 Daniels Street, Madison, WI 53704; American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of

compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. All plywood panels made to PS 1-95 prescriptive or performance standards shall be marked as complying to PS 1-95. All plywood products not meeting the requirements of PS 1-95 and all composite and non-veneer structural-use panels that do not comply with APA PRP 108-94 or TECO PRP 133-94 shall be marked as complying with UM 40c. The label shall be located on each panel so that it is available for inspection. The label shall include the manufacturer's name and mill number.

(c) *Periodic tests and quality assurance.* Under the procedures concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of plywood and other wood-based structural-use panels, testing and inspection shall be conducted as follows:

(1) At least three times a year, the administrator shall visit the manufacturer's facility to select 10 panels of each certified product for testing in a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) of the U.S. Department of Commerce.

(2) The administrator shall also review the quality assurance procedures three times a year to assure that they are being followed by the manufacturer.

10. Section 200.948 is revised to read as follows:

§ 200.948 Supplementary specific requirements under the HUD building product standards and certification program for carpet cushion.

(a) *Applicable standards.* (1) All carpet cushion shall be designed, manufactured, and tested in compliance with the following standards:

- (i) ASTM D3574-95 Test Method for Flexible Cellular Materials;
- (ii) ASTM D297-95 Standard Test Method for Rubber Products Chemical Analysis;
- (iii) ASTM D629-95 Test Methods for Quantitative Analysis of Textiles;
- (iv) ASTM D1667-90 Specification for Flexible Cellular Materials;
- (v) ASTM D2646-95 Test Method for Backing Fabrics;
- (vi) ASTM D3696-90 Test Method for Delamination of Secondary Backing of Pile Coverings.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and

1 CFR part 51. They are available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Each carpet cushion shall be marked as to type and class, and as conforming to UM 72b.

(c) *Periodic tests and quality assurance.* Under the procedures set forth in 200.935(d)(8), testing and inspection shall be conducted as follows:

(1) At least twice a year, the administrator shall visit the manufacturer's facility to select a sample of each certified carpet cushion for testing by a laboratory approved by the administrator.

(2) The administrator shall review the quality assurance procedures every six months to assure that they are being followed by the manufacturer.

11. A new § 200.951 is added to read as follows:

§ 200.951 Supplementary specific requirements under the HUD building product standard and certification program for elastomeric joint sealants.

(a) *Applicable standards.* (1) All elastomeric joint sealants shall be designed, manufactured, and tested in compliance with the following American Society for Testing and Materials standards:

(i) ASTM C920–94 Standard Specification for Elastomeric Joint Sealants, except that there be a maximum of 25% loss of elongation when determined after curing and 2500 hours of ultra-violet light in a xenon arc accelerated weathering test for Class 25 materials compared to a cured non-exposed sample;

(ii) ASTM C1193–91 Standard Guide for the Use of Elastomeric Sealants.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. They are available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the

manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Each container of elastomeric joint sealant shall include the sealant's type, grade, class, and use, and the manufacturer's name, plant location and statement of compliance with UM 105.

(c) *Periodic tests and quality assurance inspections.* Under the procedures set forth in 24 CFR 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of elastomeric joint sealants, testing and inspection shall be conducted as follows:

(1) At least once every year, the administrator shall visit the manufacturer's facility to select a sample for testing in a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) of the U.S. Department of Commerce.

(2) The administrator shall also review the quality assurance procedures once a year to assure that they are being followed by the manufacturer.

12. A new § 200.952 is added to read as follows:

§ 200.952 Supplementary specific requirements under the HUD building product standards and certification program for interior particleboard stair treads.

(a) *Applicable standards.* (1) All interior particleboard stair treads shall be designed, manufactured, and tested in compliance with ANSI A208.1 Mat-Formed Wood Particleboard, Grade M–3.

(2) This standard has been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, and is available from the American National Standards Institute, Inc., 11 West 42nd Street, New York, New York 10036.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standard are required to be on the certification label issued by the administrator to the manufacturer. Each interior particleboard stair tread shall include the manufacturer's statement of conformance to UM 70b, a statement that this product is for interior use only,

and the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance.* Under the procedures set forth in 24 CFR 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of interior particleboard stair treads, testing and inspection shall be conducted as follows:

(1) At least once every three months, the administrator shall visit the manufacturer's facility to select a sample for testing in a laboratory approved by the administrator.

(2) The administrator shall also review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

13. A new § 200.953 is added to read as follows:

§ 200.953 Supplementary specific requirements under the HUD building product standards and certification program for sprayed polyurethane foam for roof insulation.

(a) *Applicable standards.* (1) All sprayed polyurethane foam for roof insulation shall be designed, manufactured, and tested in compliance with ASTM C1029–93 Standard Specification for Spray Applied Rigid Cellular Polyurethane Thermal Insulation. The foam shall be installed in accordance with ASTM D5469–93 Standard Guide for Application of New Spray Applied Polyurethane Foam and Coated Roofing Systems, and designed in accordance with the Society of the Plastics Industry (SPI) standard PFCD AY 104–90 Recommended Design Considerations and Guide Specifications.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. They are available from the American National Standards Institute, Inc., 11 West 42nd Street, New York, New York 10036, or the Society of the Plastics Industry (SPI), 1275 K Street, NW, Suite 400, Washington, D.C., 20005.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standard are required to be on the certification label issued by the administrator to the manufacturer. Each container or package of sprayed polyurethane foam roof insulation

material shall be marked as conforming to UM 110. The label shall include the manufacturer's name and plant location.

(c) *Periodic tests and quality assurance inspections.* Under the procedures set forth in 24 CFR 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of sprayed polyurethane foam for room insulation, testing and inspection shall be conducted as follows:

(1) At least twice a year, the administrator shall visit the manufacturer's facility to select a sample for testing in an approved laboratory with the applicable standard.

(2) The administrator shall also review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

14. A new § 200.954 is added to read as follows:

§ 200.954 Supplementary specific requirements under the HUD building product standard and certification program for flooring adhesives.

(a) *Applicable Standards.* (1) All construction adhesives for field glued wood floor systems shall be designed, manufactured, and tested in compliance with the following American Society for Testing and Materials (ASTM) standard D3498-93 Specifications for Adhesive for Field-Gluing Plywood to Lumber Framing for Floor Systems except that the mold and bacteria resistance tests shall not be included.

(2) This standard has been approved by the Director of the Federal Register for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, and is available from the American Society for Testing & Materials Inc., 100 Barr Harbor Drive, West Conshohocken, PA. 19428.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6)

concerning labeling of a product, the Administrator's validation mark and the manufacturer's certification of compliance with the applicable standard are required to be on the certification label issued by the Administrator to the manufacturer. Each container shall be marked as being in compliance with UM 60a. The label shall also include the manufacturer's name, plant location, and shelf life.

(c) *Periodic Tests and Quality Assurance.* Under the procedures set forth in 24 CFR 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of construction adhesives for field glued wood floor systems, testing and inspection shall be conducted as follows:

(1) At least every six months, the administrator shall visit the manufacturer's facility to select a sample for testing in a laboratory approved by the administrator.

(2) The administrator shall also review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

15. A new § 200.955 is added to read as follows:

§ 200.955 Supplementary specific requirements under the HUD building product standard and certification program for fenestration products (windows and doors).

(a) *Applicable Standards.* (1) All windows and doors shall be designed, manufactured, and tested in compliance with American Architectural Manufacturers Association (AAMA) standard, AAMA 101/I.S.2-97, Voluntary Specifications for Aluminum, Vinyl (PVC), and Wood Windows and Glass Doors.

(2) This standard has been approved by the Director of the Federal Register

for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, and is available from the American Architectural Manufacturers Association, 1540 East Dundee Road, Palatine, IL 60067.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applicable standards are required to be on the certification label issued by the administrator to the manufacturer. Each window or glass door shall include the manufacturer's name, plant location, and statement of compliance with UM 111.

(c) *Periodic Tests and Quality Assurance Inspections.* Under the procedures set forth in 24 CFR 200.935(d)(8) concerning periodic tests and quality assurance inspections, the frequency of testing for a product shall be described in the specific building product certification program. In the case of windows and glass doors, testing and inspection shall be conducted as follows:

(1) At least once every four years, the administrator shall visit the manufacturer's facility to select a commercial sample for testing in a laboratory approved by the administrator.

(2) The administrator shall also review the quality assurance procedures twice a year to assure that they are being followed by the manufacturer.

Dated: March 7, 1997.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner

[FR Doc. 97-13048 Filed 5-16-97; 8:45 am]

BILLING CODE 4210-27-P