

Discrepancies noted by the review team during the on-site review were addressed by NSF following the on-site evaluation and are included in the on-site review report (see Exhibit 3).

Following a review of the application file and the on-site review report, the NRTL Program staff has concluded that the applicant can be granted recognition as a Nationally Recognized Testing Laboratory for the Ann Arbor, Michigan facility, subject to the condition described above. 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 NSF International Ann Arbor, Michigan facility can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the 3 standards and the 3 programs described above with the condition to be applied as noted.

All interested members of the public are invited to supply detailed reasons and evidence as to whether NSF International has met the requirements of 29 CFR 1910.7 for recognition as a Nationally Recognized Testing Laboratory. Pertinent written documents and exhibits must be received no later than the last date for comments (see **DATES** above), and submitted to the address provided above (see **ADDRESS**). Copies of the NSF application, amendments to the application and supporting documentation, the on-site review report, and all submitted comments, as received, are available for inspection and duplication (under Docket No. NRTL-2-98) at the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant (NSF) satisfies the requirements for recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with 29 CFR Section 1910.7, and Appendix A to that section.

Signed at Washington, D.C. this 18th day of August, 1998.

**Charles N. Jeffress,**  
Assistant Secretary.

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-2-90]

#### SGS U. S. Testing Company Inc., Renewal & Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's final decision on the applications of SGS U.S. Testing Company Inc., under 29 CFR 1910.7, for renewal of its recognition as an NRTL, and for an expansion of its recognition to include an additional site and to use additional programs and procedures. When initially recognized, the organization was called U.S. Testing Company, Inc., California Division, and this notice formally reflects the name change to SGS U.S. Testing Company Inc.

**EFFECTIVE DATE:** This recognition will become effective on August 28, 1998 and will be valid until August 28, 2003, unless terminated or modified prior to that date, in accordance with 29 CFR 1910.7.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, NRTL Program, Office of Technical Programs and Coordination Activities, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210, or phone (202) 219-7056.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Final Decision

Notice is hereby given that the Occupational Safety and Health Administration (OSHA) has renewed and expanded the recognition of SGS U.S. Testing Company Inc. (SGS), as a Nationally Recognized Testing Laboratory (NRTL), pursuant to 29 CFR 1910.7. When first recognized as an NRTL, the organization's name was U.S. Testing Company, Inc., California Division. SGS informed OSHA of the change in name (see Exhibit 7B), and this notice reflects that change.

Regarding the renewal, SGS received its recognition as an NRTL on March 23, 1993 (see 58 FR 15509), for a period of five years ending March 23, 1998. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. SGS applied

for a renewal of its recognition on March 23, 1997 (see Exhibit 7C), within the time allotted, and retained its recognition pending OSHA's final decision in this renewal process.

Regarding the expansions, SGS requested recognition to use additional programs and procedures, and for the recognition of its facility (site) in Fairfield, New Jersey, which will become the headquarters of its NRTL operations (see Exhibits 7D-7F). The recognition of this site covers testing and certification to the test standards listed below in the section titled "Expansion of Recognition—Additional Facility," and use of the additional programs and procedures, also listed below.

The notice of the applications for renewal and expansion of recognition was published in the **Federal Register** (see 63 FR 27598, 5/19/98). The notice included a preliminary finding that SGS could meet the requirements in 29 CFR 1910.7 for renewal and expansion of its recognition, subject to certain conditions, and invited public comment on the applications by July 20, 1998.

Two comments were received in response to the notice that favored SGS' pending expansion (see Exhibits 9-1 and 9-2). The previous application of SGS, pursuant to 29 CFR 1910.7, covered its recognition as an NRTL (56 FR 10045, 3/23/92), which OSHA granted on the date noted above.

Copies of all documents (Docket No. NRTL-2-90) are available for inspection and duplication at the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2625, Washington, D.C. 20210.

The address of the SGS site for the renewal of recognition is: SGS U.S. Testing Company Inc., 555 Telegraph Road, Los Angeles, California 90040. The address of the additional site for which SGS is recognized is: SGS U.S. Testing Company Inc., 291 Fairfield Avenue, Fairfield, New Jersey 07004.

##### Final Decision and Order

Based upon a preponderance of the evidence, the OSHA staff findings and recommendations, and the on-site review report, dated February 27, 1998 (see Exhibit 8), OSHA finds that SGS has met the requirements of 29 CFR 1910.7 for the renewal of recognition of its Los Angeles, California site for testing and certification to the 16 test standards listed under "Renewal of Recognition" below. OSHA also finds that SGS has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the Fairfield, New Jersey site, and the 2 additional

programs and procedures listed below, all subject to certain conditions. Pursuant to the authority in 29 CFR 1910.7, the recognition of SGS is hereby renewed and expanded, subject to those conditions. This recognition is limited to equipment or materials that, under 29 CFR Part 1910, require testing, listing, labeling, approval, acceptance, or certification, by a Nationally Recognized Testing Laboratory. The recognition is further limited to equipment or materials that will be used in environments under OSHA's jurisdiction.

#### *Renewal of NRTL Recognition*

The recognition of the SGS Los Angeles, California site is renewed for testing and certification of equipment included within the scope of the following 16 test standards, which OSHA has determined are appropriate within the meaning of 29 CFR 1910.7(c):

- ANSI/UL 1 Flexible Metal Conduit
- ANSI/UL 3 Flexible Nonmetallic Tubing for Electric Wiring
- ANSI/UL 250 Household Refrigerators and Freezers
- ANSI/UL 514A Metallic Outlet Boxes, Electrical
- UL 544 Electric Medical and Dental Equipment
- ANSI/UL 632 Electrically Actuated Transmitters
- ANSI/UL 751 Vending Machines
- ANSI/UL 913 Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous (Classified) Locations
- ANSI/UL 1012 Power Supplies
- UL 1236 Electric Battery Chargers
- UL 1270 Radio Receivers, Audio Systems, and Accessories
- ANSI/UL 1418 Implosion-Protected Cathode-Ray Tubes for Television-Type Appliances
- UL 1459 Telephone Equipment
- ANSI/UL 1484 Residential Gas Detectors
- ANSI/UL 1571 Incandescent Lighting Fixtures
- UL 1604 Electrical Equipment for Use in Class I and II, Division 2 and Class III Hazardous (Classified) Locations

#### *Expansion of Recognition—Additional Facility*

The recognition of SGS is expanded to include the Fairfield, New Jersey site for testing and certification of equipment included within the scope of the following 5 test standards, which OSHA has determined are appropriate within the meaning of 29 CFR 1910.7(c):

- ANSI/UL 94 Tests for Flammability of Plastic Materials for Parts in Devices and Appliances

- ANSI/UL 1950 Information Technology Equipment Including Electrical Business Equipment
- UL 2601-1 Medical Electrical Equipment, Part 1: General Requirements for Safety
- UL 3101-1 Electrical Equipment for Laboratory Use; Part 1: General Requirements
- UL 3111-1 Electrical Measuring and Test Equipment, Part 1: General

#### *Expansion of Recognition—Programs and Procedures*

The recognition of SGS is expanded to include use of the following 2 additional programs and procedures, based upon the criteria as detailed in OSHA's March 9, 1995 **Federal Register** notice (60 FR 12980). An NRTL may use these programs and procedures (collectively, programs) to control and audit, but not actually to generate, the data relied upon for product certification. An applicant, when initially recognized as an NRTL, is automatically accredited for 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.

1. Program 2: Acceptance of testing data from independent organizations, other than NRTLs.
2. Program 4: Acceptance of witnessed testing data.

#### *Conditions—Use of Programs and Procedures*

The following conditions apply to the recognition to use the additional programs and procedures, and are in addition to the requirements detailed in the previously cited March 9, 1995 **Federal Register** (60 FR 12980):

- a. SGS U.S. Testing Company Inc., Fairfield, New Jersey, will review and approve the qualifications of all external organizations prior to SGS U.S. Testing Company Inc. accepting test data from these organizations.
- b. SGS U.S. Testing Company Inc., Fairfield, New Jersey, will review and approve the qualifications of all external organizations prior to SGS U.S. Testing Company Inc. using a site of any of these organizations for witnessed test data.

#### *Other Conditions*

SGS U.S. Testing Company Inc. must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA shall be allowed access to SGS' facility and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

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

SGS shall not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, SGS 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;

SGS shall inform OSHA as soon as possible, in writing, of any change of ownership or key personnel, including details;

SGS will continue to meet the requirements for recognition in all areas where it has been recognized; and

SGS will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, D.C. this 21st day of August, 1998.

**Charles N. Jeffress,**  
Assistant Secretary.

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## **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

### **National Endowment for the Arts; Combined Arts Panel**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Dance (A) Section (Planning & Stabilization category) to the National Council on the Arts will meet on September 16, 1998. The panel will meet from 9:00 a.m. to 5:45 p.m. in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May