

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## 24 CFR Part 200

[Docket No. FR-4265-P-01]

RIN 2502-AH02

### Use of Materials Bulletins Used in the HUD Building Products Standards and Certification Program

**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's) 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 rule would eliminate the need for manufacturers of these building products to seek HUD acceptance for individual products. HUD will now accept them on a generic basis for use in houses covered under HUD mortgage insurance programs, thus streamlining Departmental requirements. This proposed rule also specifies the frequency with which products should be tested in order to be acceptable to HUD. Section (c)(1) of 24 CFR 200.935 would be modified to accept organizations that comply with International Standards Organization (ISO) standard Guide 65-96 "General Requirements for Bodies Operating Product Certification Systems" as an alternative to the acceptance qualifications specified in this section. Also, section (d)(3) of 24 CFR 200.935 would be modified to allow the use of ISO standard Guide 25-90 "General Requirements for the Competency of Calibration and Testing Laboratories", as a voluntary guideline for accrediting laboratories.

**DATES:** *Comment due date:* April 13, 1998.

**ADDRESSES:** Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing & Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500.

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 am and 5:30 pm weekdays at the above address. Facsimile 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 SW., Room 9156, Washington, DC 20410-8000; telephone: voice (202) 708-6423; TTY, (202) 708-4594 (these are not toll free numbers.)

**SUPPLEMENTARY INFORMATION:** HUD's Building Product Standards and Certification Programs (BPSCP), authorized by section 521 of the National Housing Act, 12 U.S.C. 1735e, provide a sound basis for determining the acceptability of materials and products for use in properties with HUD-insured mortgages. Under the BPSCP, materials and products are determined to be acceptable through the Department's issuance of Materials Releases and Use of Materials Bulletins. The Department issues Materials Releases to individual manufacturers for the acceptance of specific new or innovative building products where there are no existing standards for such products. Use of Materials Bulletins are issued by the Department for the acceptance of products on a generic or class basis, making it unnecessary for individual manufacturers to continue applying for approval of similar products, and making the approval process overall much less cumbersome.

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.

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, UM's are also used in third-party labeling and certification programs to assure that the building products used in HUD programs meet the appropriate national voluntary standards.

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, the Department anticipates increasing its reliance on Use of Materials Bulletins to accept new or innovative building products.

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

- UM 25e Application and Fastening Schedule at § 200.958
- UM 40d Plywood and Other Wood-Based Structural-Use Panels at § 200.944
- UM 44e Carpet and Carpet With Attached Cushions at § 200.945
- UM 48a Pressure Treated Lumber and Plywood at § 200.960
- UM 52b Wood Flush Doors and Primary Entrance Doors at § 200.961
- UM 71b Polystyrene Foam Insulation Board at § 200.947
- UM 72b Carpet Cushion at § 200.948
- UM 73b Plastic Plumbing Fixtures at § 200.937
- UM 82b Sealed Insulating Glass Units at § 200.940
- UM 84a Solid Fuel Type Room Heaters and Fireplace Stoves at § 200.936
- UM 89a Steel Insulated Exterior Door Systems at § 200.949
- UM 100a Solar Water Heating Systems at § 200.950
- UM 104 Kitchen Cabinets, Plastic Sinks, and Solid Surface Kitchen Countertops at § 200.956
- UM 105 Elastomeric Joint Sealants at § 200.951
- UM 110 Sprayed Polyurethane Foam Roof Insulation at § 200.953

UMs 40d, 44e, 72b, 73b, 105, and 110 have previously been issued for public comment as parts of a proposed rule published on May 19, 1997 (62 FR 27486). The Department has updated the standards referenced in the proposed rule along with these UMs, and is reissuing them for public comment before adopting them in a final rule.

The third party certification program for "Kitchen Cabinets, Plastic Sinks, and Solid Surface Kitchen Countertops" has been informally accepted by the Department, and would be designated as new Bulletin UM 104 under the procedures of 24 CFR 200.935.

UM 44e, Carpet and Carpet With Attached Cushions, would be implemented at § 200.945, which currently cites UM 44d. Section 200.942, which also cites 44d, would be removed and reserved.

In addition, section (c)(1) of 24 CFR 200.935 would be modified to accept organizations that comply with the International Standards Organization (ISO) standard Guide 65-96, "General Requirements for Bodies Operating

Product Certification Systems," as an alternative to the acceptance criteria specified in this section. Also, section (d)(3) of 24 CFR 200.935 is being modified to allow the use of International Standards Organization (ISO) standard Guide 25-90, "General Requirements for the Competency of Calibration and Testing Laboratories," as a voluntary guideline for accrediting laboratories.

The Department has evaluated the updated technical standards prepared by national standards organizations, and plans to adopt these standards by incorporating them in the UMs by reference. The UMs adopted would also augment the labeling requirements of 24 CFR 200.935(d)(6).

Copies of UM's 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, SW., Washington, DC. 20410-8000, and in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10276, at the Department of Housing and Urban

Development, Washington, DC. 20410-0500. This proposed rule permits public comment prior to the issuance of the subject Use of Materials Bulletins.

### Findings and Certifications

#### *Paperwork Reduction Act*

The proposed information collection requirements contained at §§ 200.936, 200.937, 200.940, 200.944, 200.945, 200.947, 200.948, 200.949, 200.950, 200.951, 200.953, 200.956, 200.958, 200.960, and 200.961 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).

(a) In accordance with 5 CFR 1320.5(a)(1)(iv), the Department is setting forth the following concerning the proposed collection of information:

(1) Title of the information collection proposal:

Department of Housing and Urban Development—Minimum Property Standards, Use of Materials Bulletins for HUD Building Products Standards and Certification Programs.

(2) Summary of the collection of information:

The labeling requirements inform the public and particularly the building and mortgage industries that the covered building products meet the minimum standard to qualify for HUD insurance.

(3) Description of the need for the information and its proposed use:

Labeling building products makes them easily identifiable as acceptable for purposes of obtaining HUD insurance.

(4) Description of the likely respondents, including the estimated number of likely respondents, and proposed frequency of response to the collection of information:

Respondents are standard-setting organizations who issue validating labels to product manufacturers. The labels are a convenient way of indicating the products meet the Minimum Property Standards necessary to qualify for HUD insurance.

(5) 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 (hours)	Est. annual burden (hrs.)
20 .....	20	1	400
Total Reporting Burden .....			400 hours

(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-4265) 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 am and 5:30 pm weekdays in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, DC 20410-0500.

#### *Impact on Small Entities*

The Secretary, in accordance with the Regulatory Flexibility Act (U.S.C. 605(b)) has reviewed and approved this proposed rule, and in so doing certifies that this 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 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.

#### *Incorporation by Reference*

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 51. Copies of the standards may be obtained from the American National Standards Institute, Inc. (ANSI), 11 West 42nd Street, New York, NY 10036, the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428, or from the organizations specifically mentioned in the referenced section.

#### **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 continues to read as follows:

**Authority:** 12 U.S.C. 1701 through 1715z-18; 42 U.S.C. 3535(d)).

2. In § 200.935, paragraph (c)(1), and paragraph (d)(3) are revised, and a new paragraph (f) is added, to read as follows:

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

\* \* \* \* \*

(c) *Administration qualifications and application procedures.* (1) *Qualifications.* Each program administrator shall be capable of conducting a certification program with respect to organization, staff, and facilities, and have a reputation for adhering to high ethical standards. To be considered acceptable for conducting a certification program, each administrator shall, in the alternative, comply with International Standards Organization (ISO) standard Guide 65-96, "General Requirements for Bodies Operating Product Certification Systems," or with the following qualifications:

\* \* \* \* \*

(d) \* \* \*

(3) *Laboratory approval.* The administrator shall review the laboratories that apply for participation in this program on the basis of the procedures described in paragraph (e) of this section. A list of approved laboratories shall be maintained by the administrator. When the certification program allows the use of the administrator's testing laboratories, the laboratories shall be reviewed by a qualified party acceptable to HUD. When HUD requires the use of accredited laboratories for specific products, the International Standards Organization (ISO) standard Guide 25-90 "General Requirements for the Competency of Calibration and Testing Laboratories", may be used as the basis for accrediting laboratories.

\* \* \* \* \*

(f) The standards cited in this section 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. The ISO standards are available from the American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.

3. Section 200.936 is revised to read as follows:

#### **§ 200.936 Supplementary specific requirements under the HUD building product standards and certification program for solid fuel type room heaters and fireplace stoves.**

(a) *Applicable standards.* (1) All solid fuel type heaters and fireplace stoves shall be designed, manufactured, and tested in compliance with the following standards of the American National Standards Institute (ANSI), which are incorporated by reference:

(i) ANSI/UL 737-95, Standard for Fireplace Stoves;

(ii) ANSI/UL 1482-88, Standard for Solid Fuel Type Room Heaters.

(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 (ANSI), 11 West 42nd Street, New York, NY 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 fireplace stove and solid fuel type room heater shall be marked as conforming to UM 84a. The label shall be located on each stove or room heater so that it is available for inspection. The label shall include the manufacturer's name, plant location, model number, and type of fuel to be used.

(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 fireplace stoves and solid fuel type room heaters, testing and inspection shall be conducted as follows:

(1) At least every four years, the administrator shall visit the manufacturer's facility to select a sample of each certified fireplace stove and solid fuel type room heater for testing in an accredited laboratory.

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

4. 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 and Shower Stalls;

(iii) ANSI Z 124.3-95 Plastic Lavatories;

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

(v) ANSI Z 124.6-90 Plastic Sinks.

(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, NY 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.

5. Section 200.940 is revised to read as follows:

**§ 200.940 Supplementary specific requirements under the HUD building product standards and certification program for sealed insulating glass units.**

(a) *Applicable standards.* (1) All sealed insulating glass units shall be designed, manufactured, and tested in compliance with the following standard of the American Society for Testing & Materials (ASTM), ASTM E 774-97, Standard Specification for the Classification of the Durability of Sealed Insulating Glass Units.

(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. The standard is available from the American Society for Testing &

Materials (ASTM), 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 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 sealed insulating glass unit shall be marked as conforming to UM 82b. The label shall be located on each sealed insulating glass unit so that it is available for inspection. The label shall include the manufacturer's name, plant location, and type.

(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 sealed insulating glass units, testing and inspection shall be as follows:

(1) At least every year, the administrator shall visit the manufacturer's facility to select a sample of the maximum size commercially available for testing in a laboratory approved by the administrator.

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

**§ 200.942 [Removed and Reserved]**

6. Section 200.942 is removed and reserved.

7. 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).

(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, 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 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 comply with APA PRP 108-94 or TECO PRP 133-94, shall be marked as complying with UM 40d. 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.

8. Section 200.945 is revised to read as follows:

**§ 200.945 Supplementary specific requirements under the HUD building product standards and certification program for carpet and carpet 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 D297-93 Standard Test Method for Rubber Products-Chemical Analysis;

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

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

(iv) ASTM D2646-96 Test Methods for Backing Fabric Characteristics of Pile Yarn Floor Coverings;

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

(vi) 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:

(i) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428;

(ii) American Association of Textile Chemists and Colorists (AATCC), P.O. Box 12215, Research Triangle Park, NC 27709.

(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.

9. Section 200.947 is revised to read as follows:

**§ 200.947 Supplementary specific requirements under the HUD building product standards and certification program for polystyrene foam insulation board.**

(a) *Applicable standards.* (1) All polystyrene foam insulation board shall be designed, manufactured, and tested in compliance with the American Society for Testing & Materials (ASTM) standard C 578-95, "Standard Specification for Rigid Cellular Polystyrene Thermal Insulation".

(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. The standard is available from the American Society for Testing and Materials (ASTM), 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 polystyrene foam insulation board shall be marked as conforming to UM 71b. The label shall be located on each polystyrene foam insulation board so that it is available for inspection. The label shall include the manufacturer's name, plant location, and type.

(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 polystyrene foam insulating board, 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 an accredited laboratory.

(2) The administrator shall also review the quality assurance procedures every six months 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 D297-93 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 D2646-96 Test Method for Backing Fabric Characteristics of Pile Yarn Floor Coverings;

(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, 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 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. Section 200.949 is revised to read as follows:

**§ 200.949 Supplementary specific requirements under the HUD building product standards and certification program for steel insulated exterior door systems.**

(a) *Applicable standards.* (1) All steel insulated exterior door systems shall be designed, manufactured, and tested in compliance with the following American Society for Testing & Materials (ASTM) and American National Standards Institute (ANSI) standards:

(i) ASTM A 591/A 591M-89 (1994), Standard Specification for Steel Sheet Steel, Electrolytic Zinc-Coated for Light Coating Mass Applications;

(ii) ANSI/ISDI 100-90, Door Size Dimensional Standard and Assembly Tolerances for Insulated Steel Door Systems;

(iii) ANSI/ISDI 101-83 (1989), Air Infiltration Performance Standard for Insulated Steel Door Systems;

(iv) ANSI/ISDI 102-93, Installation Standard for Insulated Steel Door Systems;

(v) ANSI/ISDI 104-93, Water Penetration Performance Standard for Insulated Steel Door Systems;

(vi) ANSI A224.1-90, Test Procedure and Acceptance Criteria for Prime Painted Steel Surfaces for Steel Doors and Frames;

(vii) ASTM F 476-84 (1996), Standard Test Methods for Security of Swinging Door Assemblies"

(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. The ASTM standard is available from the American Society for Testing & Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428. The ANSI/ISDI standards are available from the American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 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 insulated exterior steel door system shall be marked as conforming to UM 89a. The label shall be located on each insulated exterior steel door system 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 insulated exterior steel door systems, testing and inspection shall be conducted as follows:

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

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

12. Section 200.950 is revised to read as follows:

**§ 200.950 Supplementary specific requirements under the HUD building product standards and certification program for solar water heating systems.**

(a) *Applicable standard.* (1) All solar water heating systems shall be designed, manufactured, and tested in compliance with the Solar Rating & Certification Corporation (SRCC) Standard OG 300-97, Operating Guidelines & Minimum Standards for Certifying Solar Water Heating Systems: An Optional SWH System Certification and Rating Program. Section 10 of the SRCC standard has been omitted because it was considered proprietary, since it describes an administrative program specifically carried out by SRCC.

(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. The standard is available from the Solar Rating and Certification Corporation (SRCC), 777 North Capital Street, NE., Suite 805, Washington, DC. 20002.

(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 solar water heating system shall be marked as conforming to UM 100a. The label shall be located on each solar water heating system 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 solar water heating systems, testing and inspection shall be conducted as follows:

(1) At least every four years, the administrator shall visit the manufacturer's facility to select a sample of each certified solar water heating system for testing in a laboratory approved by an administrator.

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

(d) *Warranty.* The manufacturer shall provide, at no cost, a full five-year warranty against defects in material or workmanship, on the absorber plate, cooling passages, and the collector (excluding any glass), running from the

date of installation of the solar water heating system. The warranty also shall include the full costs of field inspection, parts, and labor required to remedy the defects, and will include the cost of replacement at the site if required. The warranty is not required to cover defects resulting from exposure to harmful materials, fire, flood, lightning, hurricane, tornado, hailstorms, earthquakes, or other acts of God, vandalism, explosions, harmful chemicals or other fluids, fumes, or vapors. This exclusion will apply to the operation of the collector under excessive pressures or excessive flow rates, misuse, abuse, negligence, accidents, alterations, falling objects or other causes beyond the control of the manufacturer. Following the initial five years, the manufacturer shall provide a limited no-cost five year warranty for the collector parts on a pro rata allowance basis.

13. 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 exterior elastomeric joint sealants shall be designed, manufactured, and tested in compliance with the following American Society for Testing and Materials standards:

(i) ASTM C920-95 Standard Specification for Elastomeric Joint Sealants, Class 25 and Class 12½, except that 2500 hours are required using test methods ASTM G26-96 Standard Practice for Operating Light-Exposure Apparatus (Xenon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials or ASTM G53-96 Standard Practice for Operating Light- and Water-Exposure Apparatus (Fluorescent UV-Condensation Type) for Exposure of Nonmetallic Materials. It should be noted that this standard alone does not provide sufficient information for all appropriate uses of a product, and also that the user must comply with the manufacturer's installation recommendations.

(ii) ASTM C1193-95 Standard Guide for the Use of Joint 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, 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 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.

14. 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 roof insulation.**

(a) *Applicable standards.* (1) All sprayed polyurethane foam for roof insulation shall be designed, manufactured, and tested in compliance with ASTM C1029-96 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 104-94 Spray Polyurethane Foam Systems for New and Remedial Roofing.

(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, NY 10036, or the Society of the Plastics Industry (SPI), 1801 K Street, NW, Suite 600K, Washington, D.C., 20006.

(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 roof 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.

15. A new § 200.956 is added to read as follows:

**§ 200.956 Supplementary specific requirements under the HUD building product standards and certification program for kitchen cabinets, plastic sinks, and solid surface kitchen countertops.**

(a) *Applicable standards.* (1) All kitchen cabinets, plastic sinks, and solid surface kitchen countertops shall be designed, manufactured, and tested in accordance with the following American National Standards Institute (ANSI) standards:

(i) ANSI/KCMA A161.1-95, Performance and Construction Standard for Kitchen and Vanity Cabinets;

(ii) ANSI Z124.6-90, Plastic Sinks;

(iii) ANSI/ICPA-SS-1-97, Performance Standard for Solid Surface Materials.

(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. The ANSI standards are available from the American National Standards Institute (ANSI), 11 West 42nd Street, New York, New York 10036. The ANSI/ICPA standard is available from the International Cast Polymer Association (ICPA), 8201 Greensboro Drive, Suite 300, McLean, VA 22102.

(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 kitchen cabinet, plastic sink, and solid surface kitchen countertop shall be marked as conforming to UM 104. 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 kitchen cabinets, plastic sinks, and solid surface kitchen countertops, 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 kitchen cabinet, plastic sink, or solid surface kitchen countertop for testing in a laboratory approved by the administrator.

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

16. A new § 200.958 is added to read as follows:

**§ 200.958 Supplementary specific requirements under the HUD building product standards program for application and fastening schedule.**

(a) *Applicable standards.* (1) All fasteners shall be designed, manufactured, and tested in compliance with the International Staple, Nail, & Tool Association (ISANTA) standard SNT 112-97, International Power Staples, Nails & Allied Fasteners For All Types of Building Construction.

(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 the International Staple, Nail, & Tool Association (ISANTA), 512 West Burlington Avenue, LaGrange, IL 60525.

(b) There are no labeling or certification requirements under UM 25e, Application and Fastening Schedule.

17. A new § 200.960 is added to read as follows:



**§ 200.960 Supplementary specific requirements under the HUD building product standards and certification program for pressure treated lumber and plywood.**

(a) *Applicable standards.* (1) All pressure treated lumber and plywood shall be designed, manufactured, and tested in compliance with the following American Wood Preservers Association (AWPA) standards:

(i) AWPA C1-96, All Timber Products—Preservative Treatment by Pressure Processes;

(ii) AWPA C2-96, Lumber, Timbers, Bridge Ties, and Mine Ties—Preservative Treatment by Pressure Processes;

(iii) AWPA C9-96, Plywood—Preservative Treatment by Pressure Processes;

(iv) AWPA C15-96, Wood for Commercial-Residential Construction—Preservative Treatment by Pressure Processes;

(v) AWPA C22-96, Lumber and Plywood for Permanent Wood Foundations—Preservative Treatment by Pressure Processes;

(vi) AWPA C28-95, Standard for Preservative Treatment of Structural Glued Laminated Members and Laminations Before Gluing of Southern Pine, Pacific Coast Douglas Fir, Hemfir, and Western Hemlock by Pressure Processes;

(vii) AWPA C31-95, Lumber Used Out of Contact With the Ground and Continuously Protected from Liquid Water—Treatment by Pressure Processes.

(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 Wood Preservers Association (AWPA), 32346 Fall Creek Highway, Suite 190, Granbury, Texas 76049.

(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 piece of pressure treated lumber and plywood shall be marked as conforming to UM 48a or the referenced AWPA standard. The label shall include the manufacturer's name, plant location, the preservative used, the preservative retention time, the year of treatment if required by the AWPA standard, and the exposure category (e.g. Above Ground, Ground Contact).

(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 pressure treated lumber and plywood, testing and inspection shall be 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 every six months to assure that they are being followed by the manufacturer.

18. A new § 200.961 is added to read as follows:

**§ 200.961 Supplementary specific requirements under the HUD building product standards and certification program for wood flush doors and primary entrance doors.**

(a) *Applicable standards.* (1) All architectural wood flush door systems and primary entrance doors shall be designed, manufactured, and tested in compliance with the following National Window & Door Association (NWDA) standards:

(i) ANSI/NWWDA I.S. 1A-97, Architectural Wood Flush Doors;

(ii) ANSI/NWWDA I.S. 9-88, Wood Primary Entrance Doors;

(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 (ANSI), 11 West 42nd Street, New York, NY 10036.

(b) *Labeling.* Under the procedures set forth in 24 CFR 200.935(d)(6) concerning labeling of a product, the administrator's 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 architectural wood flush door system and primary entrance door system shall be marked as conforming to UM 52b. The label shall be located on each door 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 wood doors, testing and inspection shall be conducted as follows:

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

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

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**Nicolas P. Retsinas,**

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