

assessment of the process once it is in place.

Regarding independence, NTS has or could potentially have relationships that eliminate its complete independence, and OSHA intends to impose conditions to assure this will not occur. Such relationships may be the normal result of the NTS ownership structure, and its financial and commercial transactions. However, as an NRTL, those relationships could adversely influence the results of its testing and certification processes, such that NTS may no longer be, intentionally or not, impartial and objective. As a result, NTS would no longer be completely independent, which is a requirement fundamental to assuring that the products tested and certified are safe for use by workers and employers.

Therefore, OSHA has included appropriate conditions below to address its concerns. These conditions apply solely to the NTS operations as an NRTL, and are in addition to the other conditions listed below, which OSHA normally imposes in its recognition of an organization as an NRTL.

#### Final Decision and Order

The NRTL Program staff has examined the complete application, the amendments to the application, the supporting documentation, and the OSHA staff finding including the on-site review report, dated December 22, 1997 (see Exhibit 3). Based upon this examination, OSHA finds that National Technical System has met the requirements of 29 CFR 1910.7 to be recognized as a Nationally Recognized Testing Laboratory to test and certify certain equipment or materials, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, National Technical System is hereby recognized as a Nationally Recognized Testing Laboratory, subject to the limitations and conditions listed below.

#### Limitations

This recognition is limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. OSHA's recognition is further limited to the site listed above, and to the use of the following 12 test standards for the testing and certification of products included within the scope of these standards. OSHA has determined these standards are appropriate, within the meaning of 29 CFR 1910.7(c).

ANSI/UL 465 Central Cooling Air Conditioners

ANSI/UL 484 Room Air Conditioners

ANSI/UL 489 Molded-Case Circuit Breakers and Circuit-Breaker Enclosures  
ANSI/UL 499 Electric Heating Appliances  
ANSI/UL 1012 Power Supplies  
ANSI/UL 1459 Telephone Equipment  
ANSI/UL 1778 Uninterruptible Power Supply  
UL 1863 Communication Circuit Accessories  
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

The designations and titles of the above standards were current at the time of the preparation of the notice of the preliminary finding.

This recognition is also limited to the use of the following 3 supplemental programs. Recognition of these programs is contingent on continued adherence to the criteria for their use.

Program 4: Acceptance of witnessed testing data

Program 8: Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission

Certification Body (IEC-CB) Scheme  
Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

#### Conditions

National Technical Systems must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

Within 30 days of certifying its first products under the NRTL Program, NTS will notify the OSHA NRTL Program Director so that OSHA may review NTS' adoption and implementation of its NRTL Quality Manual, NRTL Quality Assurance Procedures, and other procedures from other NTS Program areas for use in the NRTL Program;

NTS must not test and certify products for a client to whom it primarily sells design or similar services;

NTS must not test and certify products for a client if an owner of NTS also owns more than two percent (2%) of that client's stock;

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

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

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

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

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

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

NTS 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, DC, this 2d day of December 1998.

**Charles N. Jeffress,**

*Assistant Secretary.*

[FR Doc. 98-32879 Filed 12-9-98; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-2-98]

### NSF International, Recognition as an NRTL

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's final decision on the application of NSF International for recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

**EFFECTIVE DATE:** This recognition becomes effective on December 10, 1998 and will be valid until December 10, 2003, unless terminated or modified prior to that date, in accordance with 29 CFR 1910.7.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, DC 20210, or phone (202) 693-2110.

**SUPPLEMENTARY INFORMATION:**

**Notice of Application**

The Occupational Safety and Health Administration (OSHA) hereby gives notice of its recognition of NSF International (NSF) as a Nationally Recognized Testing Laboratory (NRTL), for testing and certification of the equipment or materials, and use of the site and the supplemental programs, listed below. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this public notice of its final decision on an application.

NSF applied for recognition as an NRTL, pursuant to 29 CFR 1910.7, and OSHA published the required notice in the **Federal Register** (63 FR 46082, 8/28/98) to announce the application. The notice included a preliminary finding that NSF could meet the requirements for recognition detailed in 29 CFR 1910.7, and invited public comment on the application by October 27, 1998. OSHA received no comments concerning this application for recognition.

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2625, Washington, DC 20210. You should refer to Docket No. NRTL-2-98, the permanent record of public information on the NSF recognition.

The address of the testing facility (site) that OSHA recognizes for NSF is: NSF International, 3475 Plymouth Road, Ann Arbor, Michigan 48105.

**Background on the Applicant and the Application**

According to its application, NSF International (NSF) has its headquarters in Ann Arbor, Michigan, and was incorporated in that state in 1990. The applicant asserts it has been a not-for-profit developer of test standards and a third party certifier for more than fifty years. The Bylaws of NSF state that it "shall be operated exclusively for charitable, educational, and scientific purposes and for the purpose of testing

for public safety . . . as a nonprofit corporation." The Bylaws and other documentation submitted by NSF indicate that NSF develops "third-party consensus standards" covering the areas of safety, health, sanitation, and environment. The application documents that NSF currently engages in conformity assessment activities connected with several certification programs that it operates in those areas.

NSF submitted an application for recognition, dated July 6, 1997 (see Exhibit 2A), and later submitted three amendments. On July 29, 1997, NSF amended its application to add two additional test standards to the proposed scope of recognition (see Exhibit 2B). On December 9 and 16, 1997, NSF amended its application to replace one test standard it previously requested and to request recognition to use certain supplemental programs (see Exhibits 2C and 2D). Under these programs, an NRTL may use outside parties to perform some of the activities involved in testing and certification of products.

The applicant submitted several documents in support of its application. These documents include its Corporate Quality Assurance Manual (CQAM) and its Laboratories Quality Assurance Manual (LQAM). The CQAM describes the overall quality system used at NSF, and includes an explanation and reference to the Standard Operating Procedures (SOPs), which "detail the actions necessary to accomplish a particular task." The LQAM provides detailed policies, processes, and steps for the activities performed by NSF's laboratories. The LQAM also references the more specific SOPs. The CQAM and LQAM provide part of the overall framework that will govern many of the activities NSF would have to perform as an NRTL. NSF also submitted an example of an application and contract for its certification services, and the detailed Certification Policies that form part of this contract (see Exhibit 2E). These items are applicable to all products certified by NSF, and will be applicable to the certification of products for electrical safety.

The requirements for recognition are presented below, along with examples that illustrate how NSF has met each of these requirements.

**Capability**

Section 1910.7(b)(1) states that for each specified item of equipment or material to be listed, labeled or accepted, the laboratory must have the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and

calibration and quality control programs) to perform appropriate testing.

The LQAM provides overall descriptions of NSF's laboratories, and details facilities and equipment available in each of these laboratories. According to the application, NSF has security measures in place to restrict or control access to its facility, to sections within its facility, and to confidential information. The LQAM contains a listing or references to listings of equipment available for each laboratory. It also addresses the maintenance program for equipment, the calibration procedures and frequency, and the types of records maintained for or supportive of many laboratory activities. NSF addresses testing, sample handling, sampling, and test methods in its CQAM or its LQAM. It also has documented the specific equipment it plans to use for testing to the standards it has requested for recognition.

In addition, NSF has submitted for OSHA review samples of the test and evaluation procedures it plans to use. However, the test standard information that NSF provided in its application indicates many test procedures it plans to use are not yet in place. As a result, OSHA has not performed an actual evaluation of the specific testing, evaluation and reporting methods that NSF will utilize in certifying to any of the requested test standards. OSHA needs to investigate how these methods will work when NSF implements them.

The CQAM and LQAM cover personnel qualifications and training; other materials identify NSF staff that will be involved with the NRTL operations, along with a summary of their education and experience. According to OSHA's on-site review report, NSF has sufficient personnel with education, training, technical knowledge, and experience to undertake the functions needed as an NRTL. Also, the report indicates NSF's quality control, partially embodied in the CQAM and LQAM, is adequate.

**Control Programs**

Section 1910.7(b)(2) requires that the NRTL provide certain controls and services, to the extent necessary, for the particular equipment or material to be listed, labeled, or accepted. They include control procedures for identifying the listed or labeled equipment or materials, inspections of production runs at factories to assure conformance with test standards, and field inspections to monitor and assure the proper use of identifying marks or labels.

The CQAM addresses the conformity assessment operations of NSF, including the steps involved in the listing and certification of products. NSF has submitted documentation showing it has a registered certification mark. In addition, the NSF's certification policies provide further details regarding the authorization of certifications, and audits of facilities. The audits apply to both the initial assessment and the follow-up inspection of manufacturers' facilities. NSF provided further details regarding the procedures for authorizing the use of the NSF mark, and the listings that NSF issues or revises in connection with its current certification programs.

According to the on-site review report, NSF will perform follow-up inspections at manufacturing sites four times a year. The certification policies, and corresponding detailed procedures, contain many elements that NSF will adapt for use in its NRTL operations. NSF has not yet certified or listed any products for which it requests recognition, and the follow-up inspection program it will use as an NRTL is a new program for NSF. Therefore, OSHA will need to evaluate this new program, and the actual certification and listing procedures when NSF uses them for its NRTL operations.

#### **Independence**

Section 1910.7(b)(3) requires that the NRTL be completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes.

As previously mentioned, NSF's Bylaws indicate it is a "nonprofit corporation." The Bylaws also state that NSF is a "nonstock, directorship basis" corporation and that "the Board of Directors shall establish policies and oversee management of the Corporation," and "elect Directors [and] . . . officers." In addition, the "Conflicts of Interest" section of the Bylaws contains self-disclosure and disqualification requirements for directors and officers in matters involving contracts and transactions in which they are "interested."

#### **Credible Reports/Complaint Handling**

Section 1910.7(b)(4) provides that an NRTL must maintain effective procedures for producing credible findings and reports that are objective and without bias, as well as for handling complaints and disputes under a fair and reasonable system.

The LQAM references the test data sheets and other documents used to

record test data, and indicates that results from tests are recorded in an information management system. The information in this system is then used to generate preliminary test reports that NSF personnel review and check before completing them. Specific referenced procedures are used for the direct measurement of data, and for the review and authorization of preliminary and final test reports. As for the handling of complaints and disputes, the CQAM and LQAM describe aspects of the NSF customer feedback systems, and contain references to the specific procedures that apply. In addition, the certification policies specifically address customer complaints, which could apply either to a user or a manufacturer of the products NSF certifies.

#### **Supplemental Programs**

NSF applied for recognition to use three (3) supplemental programs, based upon the criteria first detailed in the March 9, 1995 **Federal Register** notice (60 FR 12980). This notice lists nine (9) programs and procedures (collectively, programs), eight of which an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition automatically includes 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. The on-site review report indicates that NSF appears to meet the requirements for use of the supplemental programs for which it has applied.

#### **Additional Condition**

As described above, OSHA has concerns about NSF because it has not had the opportunity to evaluate the actual testing and reporting procedures, and use of the follow-up program, since NSF has not yet implemented them. OSHA will therefore need to evaluate NSF when it implements the detailed procedures and practices it plans to use to test and certify products as an NRTL, and will conditionally recognize NSF subject to a later assessment of the process once it is in place.

Therefore, OSHA has included an appropriate condition below to address its concerns. This condition applies solely to the NSF operations as an NRTL, and is in addition to the other conditions listed below, which OSHA normally imposes in its recognition of an organization as an NRTL.

#### **Final Decision and Order**

The NRTL Program staff has examined the complete application, the

amendments to the application, the supporting documentation, and the OSHA staff finding including the on-site review report, dated December 22, 1997 (see Exhibit 3). Based upon this examination, OSHA finds that NSF International has met the requirements of 29 CFR 1910.7 to be recognized as a Nationally Recognized Testing Laboratory to test and certify certain equipment or materials, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, NSF International is hereby recognized as a Nationally Recognized Testing Laboratory, subject to the limitations and conditions listed below.

#### *Limitations*

This recognition is limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. OSHA's recognition is further limited to the site listed above, and to the use of the following 3 test standards for the testing and certification of products included within the scope of these standards. OSHA has determined these standards are appropriate, within the meaning of 29 CFR 1910.7(c).

ANSI/UL 197 Commercial Electric Cooking Appliances  
ANSI/UL 471 Commercial Refrigerators and Freezers  
ANSI/UL 921 Commercial Electric Dishwashers

The designations and titles of the above standards were current at the time of the preparation of the notice of the preliminary finding.

This recognition is also limited to the use of the following 3 supplemental programs. Recognition of these programs is contingent on continued adherence to the criteria for their use.

Program 4: Acceptance of witnessed testing data  
Program 8: Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC-CB) Scheme  
Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents

#### *Conditions*

NSF International must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

Within 30 days of certifying its first products under the NRTL Program, NSF will notify the OSHA NRTL Program Director so that OSHA may review NSF's implementation of procedures for

testing and follow-up inspections of products covered within the scope of the above-listed test standards;

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

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

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

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

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

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

NSF 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, DC this 2nd day of December, 1998.

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

[FR Doc. 98-32878 Filed 12-9-98; 8:45 am]

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Advisory Committee on Preservation Meeting

Notice is hereby given that the National Archives Advisory Committee on Preservation will meet Wednesday, January 13, 1999, from 9 a.m. to 4 p.m. in lecture room B of the National Archives at College Park, 8601 Adelphi Rd., College Park, MD 20740-6001.

The agenda for the meeting will be the Charters of Freedom re-encasement design.

This meeting will be open to the public. For further information, contact Alan Calmes at (301) 713-7403.

Dated: December 7, 1998.

**Mary Ann Hadyka,**

*NARA Committee Management Officer.*

[FR Doc. 98-32809 Filed 12-9-98; 8:45 am]

BILLING CODE 7515-01-P

## NATIONAL SCIENCE FOUNDATION

### Proposed Data Collection: Public's Views and Comments; Title of Proposed Collection: Public Attitudes About Technology

The National Science Foundation, an independent federal agency, is interested in obtaining the public's views and attitudes toward year 2000 computer readiness.

Specifically, we are seeking input and comments from all interested persons on their views of the value of computer technology in their lives, and in their familiarity with and level of comfort when using computers and their familiarity with problems that may result from year 2000 computer conversion issues.

In an effort to obtain the public's input and useful information, the National Science Foundation has developed the questions that follow. Responses from the public will be used only in the aggregate, and only to help NSF in its efforts to better explain itself and its activities to the American public.

We hope you will provide us with your thoughts on the following questions. Detailed comments are also welcome and greatly appreciated.

Responses and comments can be mailed to Public Attitudes about Year 2000 Conversion, c/o Office of Legislative and Public Affairs, National Science Foundation, 4201 Wilson Blvd., Room 1245, Arlington, VA 22230.

Comments can also be sent via email to [nstw@nsf.gov](mailto:nstw@nsf.gov), or faxed to (703) 306-1057.

All comments should be received by Monday, December 21, 1998.

Dated: December 4, 1998.

**Julia Moore,**

*Director, Office of Legislative and Public Affairs.*

### Y2K Millennium Readiness Poll

December 9-13, 1998

1. As you may know, most computer systems around the world have to be reprogrammed so that they can accurately recognize the date once we reach the Year 2000. Do you think that computer mistakes due to the Year-2000

issue will cause major problems, minor problems, or no problems at all?

- 1 Major problems
- 2 Minor problems
- 3 No problems at all
- 4 CATASTROPHE/REALLY BIG PROBLEMS (vol.)
- 5 DON'T KNOW/REFUSED

2. Do you think that computer mistakes due to the Year-2000 issue will cause major problems, minor problems or no problems at all for you personally?

- 1 Major problems
- 2 Minor problems
- 3 No problems at all
- 4 CATASTROPHE/REALLY BIG PROBLEMS (vol.)
- 5 DON'T KNOW/REFUSED

3. How much have you seen or heard about the Year 2000 computer bug problem, sometimes called the Millennium Bug or the Y-2-K bug, before now—a great deal, some, not much, or nothing at all?

- 1 A great deal
- 2 Some
- 3 Not much
- 4 Nothing at all
- 5 DON'T KNOW/REFUSED

The rest of the questions on this survey will deal with Year 2000 computer issue. For convenience we will refer to it throughout the survey as the "Y2K" computer bug.

4. Overall, how concerned are you about the Y2K computer bug problem—[READ 1-4]?

- 1 Very concerned
- 2 Somewhat concerned
- 3 Not too concerned
- 4 Not at all concerned
- 5 DON'T KNOW/REFUSED

5. To the extent Y2K computer problems occur, how long do you think they will last—[FORM A: READ 1-4; FORM B: READ 4-1]?

- 1 For only a few days around January 1, 2000
- 2 For several weeks (or)
- 3 For several months to a year (or)
- 4 For more than a year
- 5 DON'T KNOW/REFUSED

6. For each of the following, please say whether that is something you probably will or will not do in order to protect yourself against problems associated with the Y2K computer bug. How about... READ AND ROTATE A-F

- 1 Yes
  - 2 No
  - 3 DON'T KNOW/REFUSED
- a. Obtain special confirmation or documentation of your bank account balances, retirement funds, or other financial records
- b. Stockpile food and water