

• The Occupational Safety and Health Administration shall be allowed access to FMRC's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

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

• FMRC 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, FMRC agrees that it will allow no representation that it is either a recognized or 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;

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

• FMRC shall continue to meet the requirements for recognition in all areas where it has been recognized; and

• FMRC shall always cooperate with OSHA to assure with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

*Effective Date:* This recognition will become effective on August 16, 1995 and will be valid for a period of five years from that date, until August 16, 2000, unless terminated prior to that date, in accordance with 29 CFR 1910.7.

Signed at Washington, D.C. this 10th day of August, 1995.

**Joseph A. Dear,**

*Assistant Secretary.*

[FR Doc. 95-20259 Filed 8-15-95; 8:45 am]

BILLING CODE 4510-26-M

[Docket No. NRTL-3-92]

### **TUV Rheinland of North America, Inc.**

**AGENCY:** Occupational Safety and Health Administration, Department of Labor.

**ACTION:** Notice of Recognition as a Nationally Recognized Testing Laboratory.

**SUMMARY:** This notice announces the Agency's final decision on the application of TUV Rheinland of North America as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

**EFFECTIVE DATE:** This recognition will become effective on August 16, 1995 and will be valid for a period of five years from that date, until August 16, 2000, unless terminated prior to that date, in accordance with 29 CFR 1910.7.

**FOR FURTHER INFORMATION CONTACT:** NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3653, Washington, D.C. 20210.

### **SUPPLEMENTARY INFORMATION:**

#### **Notice of Final Decision**

Notice is hereby given that TUV Rheinland of North America, Inc. (TUV), which made application for recognition pursuant to 29 CFR 1910.7 for recognition as a Nationally Recognized Testing Laboratory, has been recognized as a Nationally Recognized Testing Laboratory for the equipment or material listed below.

The address of the laboratory covered by this recognition is: TUV Rheinland of North America, Inc., 12 Commerce Road, Newtown, Connecticut 06470.

#### **Background**

TUV Rheinland of North America, Inc. is a privately held Product Safety and Quality Assurance Testing firm with offices throughout the United States and Canada. TUV Rheinland of North America, Inc. is wholly owned by TÜV Rheinland e. V. of Cologne, Germany. The only facility for which TUV has requested recognition is its North American Headquarters located in Newtown, Connecticut (see Exhibit 2, C., p 2 of cover letter, and Attachments 2, 3, and 4). TUV Rheinland of North America, Inc. is a U.S. corporation incorporated in the state of Delaware in 1983. (See Ex. 2, E., Att. 5).

On November 19, 1993, the Occupational Safety and Health Administration published a notice of application for recognition as a nationally recognized testing laboratory of TUV Rheinland of North America, Inc. in the **Federal Register**, pursuant to 29 CFR 1910.7 (58 FR 61101). The notice included a preliminary finding that TUV could meet the requirements for recognition detailed in 29 CFR 1910.7 and it invited public comment on the application by January 18, 1994.

On January 6, 1994, MET Laboratories, Inc. (MET) submitted comments in response to the preliminary finding (58 FR 61101) opposing TUV's recognition as a NRTL primarily based upon OSHA's not having referenced a determination of TUV/NA's status as either a foreign entity or foreign based. (See Ex. 4-1).

On January 12, 1994, ACIL (formerly, the American Council of Independent Laboratories, Inc.) requested an extension of time in which to submit comments on the application (Ex. 4-2). The ACIL claimed that its preliminary investigation had uncovered "substantial deficiencies" in the application and that more time was necessary to submit pertinent documentation related to the instant application. ACIL raised the issue of whether the applicant is completely independent from the parent organization. According to the ACIL, the resolution of the questions raised would require, among other things, the study and analysis of relevant German laws and requested additional time until March 18, 1994, to file its comments on TUV's application. (See Ex. 4-2).

The applicant responded to ACIL's comments on February 8, 1994, refuting ACIL's statement that TUV Rheinland of North America, Inc. may not be able to operate independently of TUV Rheinland of Cologne. (See Ex. 5).

After a careful review of all comments, the request for an extension of time for comment was accepted by OSHA, and the comment period was actually extended until April 4, 1994, (59 FR 10432). (See Ex. 6).

Two comments were received in response to 59 FR 10432, the **Federal Register** notice of extension of the comment period.

One comment, dated March 3, 1994, was from MET Laboratories, Inc. (MET), and discussed TUV/NA's application for a registered certification mark and the status of TUV as a U.S. corporation. (See Ex. 7-2).

The other comment was from ACIL, and was dated March 4, 1994. The major issues raised pertained to the status of TUV as "foreign based"; the improper use of a certification mark; and TUV Rheinland as an association consisting, in part, of manufacturers. (See Ex. 7-1).

After a thorough review of the comments and TUV's response, dated July 28, 1994 (Ex. 8), by both OSHA and the Office of the Solicitor of the U.S. Department of Labor, the determination was made that the applicant is independent in the sense that it is not a foreign entity or foreign based. While TUV Rheinland of North America, Inc., which is incorporated in the United States, is a subsidiary of TÜV Rheinland e. V., which is based in Cologne, Germany, it is no different from other NRTLs which are incorporated in the U.S. and owned by foreign entities, and which are not considered as foreign based. Further, the decision whether or not to certify a product under the NRTL program is made solely by TUV

Rheinland of North America, Inc. If a formal interpretation of any portion of a standard used to certify a product in conjunction with the Nationally Recognized Testing Laboratory (NRTL) program is necessary, it will be determined by means of internal staff meetings among senior engineers of TUV Rheinland of North America, Inc. In the event that an interpretation issue remains after such a meeting, it will be referred to the appropriate Technical Advisory Group (TAG) which, for the ANSI/UL 1950 test standard, is the U.S. TAG Technical Committee (TC) 74 of the International Electrotechnical Commission (IEC). (See Ex. 9).

With regard to its application to the U.S. Patent and Trademark Office for a certified registration mark, TUV Rheinland of North America, Inc. has filed an application for a certification mark registration which, in addition to a design, will also contain the name of the organization, i.e., "TUV Rheinland of North America, Inc.". (See Ex's. 8 and 10).

The Occupational Safety and Health Administration has evaluated the entire record in relation to the regulations set out in 29 CFR 1910.7 and makes the following findings:

#### **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 on-site review report indicates that TUV does have testing equipment and facilities appropriate for the areas of recognition it seeks. The laboratory has available all the general test equipment required to perform the testing required by the standards.

TUV's laboratory has adequate floor space for testing and evaluation and an adequate number of technical and professional personnel to accomplish the services required for the present workload in the areas of recognition it seeks. Environmental conditions in the laboratory are adequately controlled for the type of testing performing in the laboratory.

OSHA has determined that TUV has appropriate written test procedures, and calibration and quality control programs to enable it to adequately perform appropriate testing.

#### **Creditable Reports/Complaint Handling**

Section 1910.7(b)(4) provides that an OSHA recognized NRTL must maintain effective procedures for producing credible findings and reports that are objective and without bias. TUV Rheinland of North America, Inc. meets these criteria.

TUV's application as well as the on-site review report indicate that the applicant does maintain effective procedures for producing credible findings and reports that are objective. The laboratory maintains a written procedure for identifying product samples submitted for testing to ensure that there is no confusion regarding the identity of the samples or the results of the measurement. These procedures include the receipt, retention, and disposal of products submitted for testing.

TUV also has a procedure for handling complaints from any interested parties as well as clients.

#### **Type of Testing**

The standard contemplates that testing done by NRTLs fall into one of two categories: Testing to determine conformance with appropriate test standards, or experimental testing where there might not be one specific test standard covering the new product or material. TUV has applied for recognition in the first category.

#### **Follow-Up Procedures**

Section 1910.7(b)(2) requires that the NRTL provide certain follow-up procedures, to the extent necessary, for the particular equipment or material to be listed, labeled, or accepted. These include implementation of control procedures for identifying the listed or labeled equipment or materials, inspecting the production run at factories to assure conformance with test standards, and conducting field inspections to monitor and assure the proper use of the label.

TUV has a written procedure making its clients subject to four unannounced on-site follow-up inspections annually. This formal inspection procedure includes standardized inspection forms. Listed products are also subject to field audits. TUV reserves the right to conduct field audits on any certified or listed product by purchasing the product from the manufacturer, distributor, or retailer. The audit procedure is the same that for a follow-up inspection.

#### **Test Standards**

Section 1910.7 requires that an NRTL use "appropriate test standards", which are defined, in part, to include any

standard that is currently designated as an American National Standards Institute (ANSI) safety designated product standard or an American Society for Testing and Materials (ASTM) test standard used for evaluation of products or materials.

The standard that TUV has requested is an ANSI/UL standard and, therefore, meets the requirements of section 1910.7(c).

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

Based upon a preponderance of evidence resulting from an examination of the complete application, the supporting documentation, the comments and rebuttal from TUV, and the OSHA staff finding including the on-site report, OSHA finds that TUV Rheinland of North America, Inc. has met the requirements of 29 CFR 1910.7 to be recognized by OSHA as a Nationally Recognized Testing Laboratory to test and certify certain equipment or materials.

Pursuant to the authority in 29 CFR 1910.7, TUV Rheinland of North America, Inc., 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 which, under 29 CFR Part 1910, require testing, listing, labeling, approval, acceptance, or certification, by a Nationally Recognized Testing Laboratory. This recognition is limited to the use of the following test standard for the testing and certification of equipment or materials included within the scope of this standard:

- TUV has stated that the standard is used to test and certify equipment or materials which may be used in environments under OSHA's jurisdiction. This standard is considered an appropriate test standard under 29 CFR 1910.7(c):

ANSI/UL 1950—Information Technology Equipment Including Electrical Business Equipment

#### **Conditions**

TUV Rheinland of North America, Inc. shall also abide by the following conditions of its recognition, in addition to those already required by 29 CFR 1910.7:

- The Occupational Safety and Health Administration shall be allowed access to TUV's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

- Because of the interval between the on-site assessment and this recognition, those procedures authorized by the "Nationally Recognized Testing Laboratories; Clarification of the Types of Programs and Procedures," 60 FR 12980, dated March, 9, 1995, must be applied for in accordance with the requirements specified therein;

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

- TUV 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, TUV agrees that it will allow no representation that it is either a recognized or 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;

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

- TUV shall continue to meet the requirements for recognition in all areas where it has been recognized; and
- TUV shall continue to cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

**Effective Date:** This recognition will become effective on August 16, 1995 and will be valid for a period of five years from that date, until August 16, 2,000, unless terminated prior to that date, in accordance with 29 CFR 1910.7.

Signed at Washington, D.C. this 10 day of August, 1995.

**Joseph A. Dear,**

*Assistant Secretary.*

[FR Doc. 95-20258 Filed 8-15-95; 8:45 am]

BILLING CODE 4510-26-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Meetings of Humanities Panel

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will

be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

#### FOR FURTHER INFORMATION CONTACT:

David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

**SUPPLEMENTARY INFORMATION:** The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. **DATE:** September 14-16, 1995.

**TIME:** 9 a.m. to 5:30 p.m.

**ROOM:** 430.

**PROGRAM:** This meeting will review applications submitted to Special Projects for the Special Competitive deadline of July 28, 1995, submitted to the Division of Public Programs, for the projects beginning after January 1, 1996

2. **DATE:** September 15, 1995.

**TIME:** 8:30 a.m. to 5 p.m.

**ROOM:** 315.

**PROGRAM:** This meeting will review applications for projects in Interpretive Research Conference Projects, submitted to the Division of Research Programs, for projects beginning after January 1, 1996.

3. **DATE:** September 25-26, 1995.

**TIME:** 9 a.m. to 5:30 p.m.

**ROOM:** 315.

**PROGRAM:** This meeting will review proposals submitted to the September 15 deadline in the Higher Education Humanities Focus Grants Program, for projects beginning after April 1996.

**David C. Fisher, Jr.,**

*Advisory Committee, Management Officer.*

[FR Doc. 95-20280 Filed 8-15-95; 8:45 am]

BILLING CODE 7536-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on September 6, 1995, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

*Wednesday, September 6, 1995-1:00 p.m. Until the Conclusion of Business*

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415-7360) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.