the State's base period at the time of the request or effective date of claim.

Any redetermination of monetary eligibility must be based upon the ''new list'' of acceptable narrative reasons for discharge. This applies to any claimant who has or who would have had a benefit year in effect which would have included UCX wage credits, if not for the denial based on the prior list of acceptable narrative reasons for discharge. However, this new interpretation only impacts weeks of unemployment after the date of this directive, i.e., although a redetermination may result in future eligibility or a higher weekly benefit amount, no back payments will be made as a result of wage credits that were unavailable to the claimant prior to the date of this directive.

The new list of ''acceptable'' narrative reasons for separation constituting ''inaptitude'' represents a substantial expansion from October 1, 1993, of both the types and the numbers, of separations designated as ''inaptitude.'' Prior to October 1, 1993, there was only one DOD narrative reason used to denote discharges for ''inaptitude.'' This reason was designated as ''Unsuitability—Inaptitude.'' However, since October 1, 1993, the DOD had ceased using this narrative reason.

Although it is a sound rule of administrative law to apply new statutory interpretations prospectively, UIPL No. 3–95 announced an intent to make retroactive the amended list of ''acceptable'' narrative reasons for separation constituting ''inaptitude.'' DOL initially believed that a substantial number of ex-servicemembers might have been prejudiced by having no discharges designated as ''inaptitude'' from late 1993 until the new ''inaptitude'' list was released and thus examined whether to apply this expanded list retroactively to October 1, 1993. However, as explained below, DOL, in consultation with DOD, has since determined that very few servicemembers would be prejudiced by an application that was only prospective and, therefore, the public interest would not be served by a retroactive application.

DOD has informed DOL that there were only seven discharges with a narrative reason related to ''inaptitude'' (designated as ''Unsuitability—Inaptitude'') during the three fiscal years immediately prior to October 1, 1993. This information suggests that very few servicemembers likely would have been discharged after 1993 for the ''inaptitude'' narrative reason for separation had the pre-October 1, 1993 narrative reason continued in use. Thus, very few individuals discharged after October 1, 1993, but prior to the date of this issuance, would have had any expectation of qualifying for benefits under the prior inaptitude list.

7. *Action Required.* SESAs are required to:

a. Distribute the contents of this directive and the attachment to all appropriate staff members.

b. Destroy the Attachment to UIPL 3–95 Change 1 and utilize the Attachment to this Change 2 to UIPL 3–95.

c. Announce in a newspaper of general circulation, and in other appropriate media such as veterans publications, the application of the operating instructions contained in this directive and their effect on UCX eligibility. The announcements shall include mention of the authority under 20 CFR 614.9(a) to issue redeterminations of previously denied UCX claims.

8. *Inquiries.* Direct inquiries to the appropriate Regional Office.

9. *Attachment.* Revised List of ''Acceptable'' Narrative Reasons for Separation Meeting the Requirements of 5 U.S.C. 8521(a)(1)(B)(ii)(I)–(IV).

''ACCEPTABLE'' Narrative Reasons for Separation Meeting the Requirements of 5 U.S.C. 8521(a)(1)(B)(ii)(I)–(IV)

For the convenience of the government under an early release program (5 U.S.C. 8521(a)(1)(B)(ii)(I))

Medal of Honor Recipient
Completion of Required Active Service
Insufficient Retainability (Economic Reasons)
Reduction in Force
To Attend School
Holiday Early Release Program
Defective Enlistment Agreement
Erroneous Entry (Other)
Intradepartmental Transfer*
Miscellaneous/General Reasons**

Because of medical disqualification, pregnancy, parenthood, or Service-incurred injury or disability (5 U.S.C. 8521(a)(1)(B)(ii)(II))

Pregnancy or Childbirth
Parenthood or Custody of Minor Children
Conditions, not Disability
Disability, Severance Pay
Disability, Permanent
Disability, Temporary
Disability, Existed Prior to Service, PEB
Disability, Existed Prior to Service, Med BD
Disability, Aggravated
Disability, Other

Because of hardship (5 U.S.C. 8521(a)(1)(B)(ii)(III))

Surviving Member
Hardship

*Effective for separations on or after September 1, 1994.

**Pertaining only to Army Officers' separations occurring from October 1, 1994 through August 31, 1995 and November 14, 1995 through July 1, 1996.

Because of personality disorders or inaptitude, but only if the service was continuous for 365 days or more (5 U.S.C. 8521(a)(1)(B)(ii)(IV))

Personality Disorder

The following are narrative reasons for separation that DOL has determined constitute ''inaptitude'' within the meaning of 5 U.S.C. 8521(a)(1)(B)(ii)(IV) and which are effective for all separations from military services on and after the date of this directive:

Conscientious Objector
Weight Control Failure
Ecclesiastical Endorsement
Secretarial Authority
Physical Standards
Erroneous Entry, Alcohol Abuse
Erroneous Entry, Drug Abuse
Non-selection, Permanent Promotion
Non-selection, Temporary Promotion
Failure to Complete a Commission or Warrant Program
Failure to Complete a Course of Instruction
Unsatisfactory Performance
Substandard Performance
Personal Alcohol Abuse
Alcohol Rehabilitation Failure
Drug Rehabilitation Failure
Military Personnel Security Program
Homosexual Admission
Homosexual Act
Non-retention on Active Duty

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BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–2–94]

Electro-Test, Inc., Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the application of Electro-Test, Inc., for expansion of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

DATES: Comments submitted by interested parties must be received no later than January 11, 1999.

ADDRESSES: Send comments concerning this notice to: 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, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program at the above address, or phone (202) 219–7056.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Electro-Test, Inc. (ETI) has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). ETI's expansion request covers the use of an additional test standard. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in § 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 the preliminary finding on an application.

ETI's previous application as an NRTL covered its initial recognition (60 FR 30495, June 9, 1995, which OSHA granted on October 6, 1995 (60 FR 52417).

The current addresses of the ETI testing facilities already recognized by OSHA are:

* Electro-Test, Inc., 1320 El Capitan Drive, 4th Floor, Danville, California 94526
Electro-Test, Inc., 3150–B E. Birch Street, Brea, California 92821
* Due to city boundary lines, this site is partially located in San Ramon, California.

General Background on the Application

ETI has submitted a request, dated September 2, 1998 (see Exhibit 11), to expand its recognition as an NRTL for one additional test standard. ETI seeks recognition for testing and certification of products to demonstrate compliance to the following test standard, and OSHA has determined it is appropriate, as prescribed by 29 CFR 1910.7(c): ANSI/UL 508C Power Conversion Equipment. The designation and title of this test standard were current at the time of the preparation of this notice. OSHA recognition of any NRTL for a particular test standard is limited to products for which OSHA standards require third party testing and certification before use in the workplace.

Preliminary Finding on the Application

ETI has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with this request, OSHA did not perform an on-site review of ETI's NRTL testing facilities. However, NRTL Program audit staff reviewed information pertinent to the request, and in a memo dated September 9, 1998 (see Exhibit 12), recommended that ETI's recognition be expanded to include the additional test standard listed above.

Following a review of the application file, the auditor's recommendation, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant, to the Electro-Test, Inc. facilities listed above, the expansion of recognition to use the additional test standard. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Electro-Test Inc. facilities listed above can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the expansion of recognition. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether ETI has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment must consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESSES**), no later than the last date for comments (see **DATES** above). You may obtain or review copies of ETI's request, the recommendation on the expansion, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL–2–94, the permanent record of public information on ETI's recognition.

The NRTL Program staff will review all timely comments, and after resolution of issues raised by these comments, will recommend whether to grant ETI's expansion request. The Assistant Secretary will make the final decision on granting the expansion, and in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 28th day of October, 1998.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 98–30116 Filed 11–9–98; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–2–93]

Entela, Inc.; Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the application of Entela, Inc., for expansion of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

DATES: Comments submitted by interested parties must be received no later than January 11, 1999.

ADDRESSES: Send comments concerning this notice to: 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.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program at the above address, or phone (202) 219–7056.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Entela, Inc. (ENT) has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). ENT's expansion request covers the use of additional test standards. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in § 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 the preliminary finding on an application.

ENT's previous application as an NRTL also covered an expansion for use of additional test standards (63 FR 19275, April 17, 1998), which OSHA granted on July 10, 1998 (63 FR 37416).

The current addresses of the ENT testing facilities already recognized by OSHA are:

Entela, Inc., 3033 Madison, S.E., Grand Rapids, Michigan 49548
Entela Taiwan Laboratories, 3F No. 260 262 Wen, Lin North Road, Pei Tou, Taipei, Taiwan.

General Background on the Application

ENT has submitted a request, dated August 10, 1998 (see Exhibit 15), to expand its recognition as an NRTL for additional test standards. OSHA's recognition of ENT's site in Taipei, Taiwan, currently includes certain limitations that are applicable to the testing and evaluation of products under the test standards listed below. These limitations are repeated in this notice.

ENT's request for expansion also includes its timely request for renewal of its recognition. However, ENT's recognition as an NRTL does not expire until July 26, 1999. Prior to this date, staff for the NRTL Program plans to perform an on-site review of one or both of the ENT testing sites. These reviews