

permission to present a short statement at the conference.

**Written submissions.**—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before December 7, 2000, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: November 15, 2000.

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

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BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations: Certificate of Electrical/Noise Training

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and

financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before January 22, 2001.

**ADDRESSES:** Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 609A, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to [bteaster@msha.gov](mailto:bteaster@msha.gov), along with an original printed copy. Ms. Teaster can be reached at (703) 235-1470 (voice) or (703) 235-1563 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Ms. Teaster can be reached at [bteaster@msha.gov](mailto:bteaster@msha.gov) (Internet E-mail), (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

MSHA qualifies mine electricians and certifies persons to take noise level measurements in coal mines. MSHA Form 5000-1 is used to report to MSHA those miners who have satisfactorily completed (1) a coal mine electrical training program; or (2) a noise training course. Based on the information submitted on Form 5000-1, MSHA issues certification cards that identify these individuals as qualified to perform certain tasks at the mine. Title 30 CFR 75.153(a)(2) and 77.103(a)(2) require that a program be provided for the qualification of certain experienced personnel as mine electricians. Title 30 CFR 70.504 and 71.801 require that mine operators measure the noise levels to which each miner is exposed and that these measurements be taken by a person who has been certified by the Assistant Secretary of Labor for Mine Safety and Health as qualified. A qualified person is one who has been certified by MSHA as an instructor in noise measurement training programs; or has completed a noise training course conducted by and approved by MSHA.

##### II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Certificate of Electrical/Noise Training. MSHA is particularly interested in comments which:

- 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;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

#### III. Current Actions

MSHA uses the information from MSHA Form 5000-1 to issue certification cards to those persons who are qualified. MSHA inspectors may ask to see the cards to determine compliance with regulations during routine inspections. Mine operators use the cards to determine a person's qualifications to perform certain tasks and when hiring new personnel. The information is also used by MSHA to determine mine operators' compliance with approved training plans, to monitor safety training programs, and in reporting to Congress.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Certificate of Electrical/Noise Training.

*OMB Number:* 1219-0001.

*Agency Number:* MSHA Form 5000-1.

*Affected Public:* Business or other for-profit institutions.

*Total Respondents:* 5,605.

*Frequency:* On occasion.

*Total Responses:* 5,605.

*Average Time per Response:* 4.59 hours.

*Total Burden Hours:* 25,710.

*Total Burden Hour Cost:* \$795,009.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintaining):* \$1,349,004.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of

Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 16, 2000.

**Brenda C. Teaster,**

*Acting Chief, Records Management Division.*

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BILLING CODE 4510-43-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-3-90]

#### Southwest Research Institute, Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's final decision on the application of Southwest Research Institute (SwRI) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

**EFFECTIVE DATES:** This recognition becomes effective on November 22, 2000 and, unless modified in accordance with 29 CFR 1910.7, continues in effect while SwRI remains recognized by OSHA as an NRTL.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Room N3653 at the above address, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of Southwest Research Institute (SwRI) as a Nationally Recognized Testing Laboratory (NRTL). SwRI's expansion request covers the use of an additional test standard.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products "properly certified" by the NRTL. OSHA processes applications related to an NRTL's recognition following

requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of its final decision on an application.

When first recognized, OSHA identified the Department of Fire Technology as the SwRI unit to which the recognition would apply. OSHA will no longer identify solely this department for purposes of recognition since other organizational units of SwRI participate in its NRTL-related activities.

SwRI submitted a request, dated April 5, 2000 (see Exhibit 10), to expand its recognition as an NRTL for one additional test standard. The NRTL included adequate information in support of its request. In its cover letter, SwRI stated that its Electromagnetic Compatibility (EMCR) Section and its Environmental Testing Section would participate in testing products to the requested test standard.

OSHA published the required notice in the **Federal Register** (65 FR 46078, 07/26/2000) to announce the SwRI expansion request. The notice included a preliminary finding that SwRI could meet the requirements for expansion of its recognition, and OSHA invited public comment on the application by September 25, 2000. OSHA received no comments concerning this application.

In processing SwRI's request, OSHA did perform an on-site review of SwRI's NRTL testing facilities. In a memo dated June 12, 2000 (see Exhibit 11), NRTL Program assessment staff recommended the expansion of SwRI's recognition to include the additional test standard.

The most recent notices published by OSHA for the SwRI recognition covered the NRTL's renewal and expansion of recognition, which the Agency announced on November 10, 1998 (63 FR 63086) and granted on March 9, 1999 (64 FR 11503).

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, D.C. 20210, telephone: (202) 693-2350. You should refer to Docket No. NRTL-3-90, the permanent records of public information on the SwRI recognition.

The current address of the SwRI facility (site) that OSHA recognizes for SwRI is: Southwest Research Institute, 6620 Culebra Road, Post Office Drawer 28510, San Antonio, Texas 78228.

#### Final Decision and Order

The NRTL Program staff has examined the application and other pertinent information. Based upon this

examination and the assessor's recommendation, OSHA finds that SwRI has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional test standard, listed below, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of SwRI, subject to these limitations and conditions.

#### Limitations

OSHA hereby expands the recognition of SwRI for testing and certification of products to demonstrate conformance to the following additional test standard: UL 1950 Technology Equipment Including Electrical Business Equipment. OSHA has determined that this test standard meets the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c).

The Agency's recognition of SwRI, or any NRTL, for a particular test standard is always limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

The above test standard is approved as an American National Standard by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization (e.g., UL 22) for the standard, as opposed to the ANSI designation (e.g., ANSI/UL 22). Under our procedures, an NRTL recognized for an ANSI approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

The above standard had not been withdrawn by the standards developing organization (SDO) at the time of the preparation of the notice of preliminary finding.

#### Conditions

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

OSHA must be allowed access to the SwRI facilities and records for purposes of ascertaining continuing compliance