

## ATTACHMENT C.—CURRENT GRANTEES NOT RECEIVING WAIVERS AND AREAS/COUNTIES OPEN FOR COMPETITION AND ASSOCIATED GEOGRAPHIC AREAS—Continued

	Unemployed	Poverty	Youth
Walworth County .....	75	420	0
Yankton County .....	25	90	0
Native Hawaiian Imputation .....	0	36	0
PY 2008 Adult Funding Estimate: \$552,616.57			
PY 2009 Adult Funding Estimate: \$552,616.57			
PY 2008 Youth Funding Estimate: \$13,627.27			
PY 2009 Youth Funding Estimate: \$13,627.27			
<i>State:</i> Utah			
<i>Grantee:</i> Navajo Nation			
San Juan County .....	100	495	0
PY 2008 Adult Funding Estimate: \$41,082.20			
PY 2009 Adult Funding Estimate: \$41,082.20			
<i>State:</i> Washington			
<i>Grantee:</i> Lummi Indian Business Council			
Whatcom County (off reservation) .....	185	635	0
PY 2008 Adult Funding Estimate: \$58,201.16			
PY 2009 Adult Funding Estimate: \$58,201.16			
<i>State:</i> Washington			
<i>Grantee:</i> Puyallup Tribe of Indians			
Pierce County (2/3 of county off reservation) .....	140	1,085	0
PY 2008 Adult Funding Estimate: \$92,129.98			
PY 2009 Adult Funding Estimate: \$92,129.98			
<i>State:</i> Wisconsin			
<i>Grantee:</i> Wisconsin Indian Consortium			
Ashland County (Bad River reservation) .....	50	290	45
Ashland County (off reservation) .....	20	125	0
Bayfield County (Red Cliff reservation) .....	85	280	35
Forest County (Potawatomi (WI) reservation) .....	20	35	4
Forest County (Saokogon Chippewa Community) .....	30	135	15
Forest County (off reservation) .....	10	110	0
Iron County .....	4	4	0
Native Hawaiian Imputation .....	1	1	0
PY 2008 Adult Funding Estimate: \$83,309.34			
PY 2009 Adult Funding Estimate: \$83,309.34			
PY 2008 Youth Funding Estimate: \$26,982.00			
PY 2009 Youth Funding Estimate: \$26,982.00			
Total Current Grantees Not Receiving Waivers: 7.			

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**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. OSHA-2006-0028]

**MET Laboratories, Inc.; Expansion of Recognition****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Notice.**SUMMARY:** This notice announces the Occupational Safety and Health Administration's final decision

expanding the recognition of MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**DATES:** The expansion of recognition becomes effective on January 4, 2008.**FOR FURTHER INFORMATION CONTACT:** MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210, 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 MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory (NRTL). MET's expansion covers the use of additional test standards. OSHA's current scope of recognition for MET may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/met.html>.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 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, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL that details its scope of recognition. These pages can be accessed from our Web site at <http://www.osha.gov/dts/otpc/nrtl/index.html>.

MET submitted an application, dated April 25, 2006 (see Exhibit 41-1, as cited in the preliminary notice), to expand its recognition to include 22 additional test standards. One standard, however, is already included in MET's scope. The NRTL Program staff determined that the remaining 21 standards are "appropriate test standards" within the meaning of 29 CFR 1910.7(c). In connection with this request, OSHA did not perform an on-site review of MET's NRTL testing facilities. However, NRTL Program assessment staff reviewed information pertinent to the request and recommended that MET's recognition be expanded to include the additional test standards listed below (see Exhibit 41-2, as cited in the preliminary notice). Therefore, OSHA is approving these 21 test standards for the expansion.

The preliminary notice announcing the expansion application was published in the **Federal Register** on July 6, 2007 (72 FR 37056). Comments were requested by July 23, 2007, but no comments were received in response to this notice. OSHA is now proceeding with this final notice to grant MET's expansion application.

The most recent application processed by OSHA specifically related to MET's recognition granted an expansion, and the final notice for this expansion was published on February 27, 2007 (72 FR 8797).

You may obtain or review copies of all public documents pertaining to the

MET application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210. Docket No. OSHA-2006-0028 (formerly NRTL1-88) contains all materials in the record concerning MET's recognition.

The current address of the MET facility (site) already recognized by OSHA is: MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, MD 21230.

#### Final Decision and Order

NRTL Program staff has examined the application, the assessor's recommendation, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that MET has met the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of MET, subject to this limitation and these conditions.

#### Limitation

OSHA limits the expansion of MET's recognition to testing and certification of products for demonstration of conformance to the following test standards, each of which OSHA has determined is an appropriate test standard, within the meaning of 29 CFR 1910.7(c):

ANSI A17.5 Elevator and Escalator  
Electrical Equipment  
UL 250 Household Refrigerators and Freezers  
UL 399 Drinking Water Coolers  
UL 430 Waste Disposers  
UL 474 Dehumidifiers  
UL 498A Current Taps and Adapters  
UL 563 Ice Makers  
UL 749 Household Dishwashers  
UL 826 Household Electric Clocks  
UL 858 Household Electric Ranges  
UL 998 Humidifiers  
UL 1005 Electric Flatirons  
UL 1082 Household Electric Coffee Makers and Brewing-Type Appliances  
UL 1086 Household Trash Compactors  
UL 1261 Electric Water Heaters for Pools and Tubs  
UL 1640 Portable Power-Distribution Equipment  
UL 1741 Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources  
UL 1994 Luminous Egress Path Marking Systems  
UL 2157 Electric Clothes Washing Machines and Extractors  
UL 2158 Electric Clothes Dryers

UL 60335-2-8 Household and Similar Electrical Appliances, Part 2: Particular Requirements for Shavers, Hair Clippers, and Similar Appliances  
The designations and titles of the above test standards were current at the time of the preparation of the preliminary notice.

OSHA's recognition of MET, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third-party testing and certification before use in the workplace. Consequently, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

A test standard listed above may be approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed to the ANSI designation. Under our procedures, any 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. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

#### Conditions

MET 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 MET's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If MET 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;

MET 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, MET 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;

MET must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

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

MET will continue to meet the requirements for recognition in all areas where it has been recognized.

Signed at Washington, DC, this 26th day of December, 2007.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary for Occupational Safety and Health.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-57057; File No. SR-Amex-2007-94]

### Self-Regulatory Organizations; American Stock Exchange, LLC; Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to Notes Linked to the Performance of the CBOE S&P 500 PutWrite Index (PUTSM)

December 28, 2007.

#### I. Introduction

On August 20, 2007, the American Stock Exchange, LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder <sup>2</sup> to list and trade notes, the performance of which is linked to the CBOE S&P 500 PutWrite Index (PUTSM) (the “PUT Index” or “Index”). On November 27, 2007, the Amex submitted Amendment No. 1 to the proposed rule change. The proposed rule change, as amended, was published for comment in the **Federal Register** on December 6, 2007 for a 15-day comment period. <sup>3</sup> This order approves the proposed rule change, as amended on an accelerated basis.

#### II. Description of the Proposal

The Amex proposes to list for trading under Section 107A of the Amex Company Guide (“Company Guide”)

notes linked to the performance of the PUT Index (the “Notes”). The Notes are a series of medium-term debt securities of Eksportfinans <sup>4</sup> that provide for a cash payment at maturity or upon earlier exchange at the holder’s option, based on the performance of the PUT Index as adjusted by an annual index fee (the “Index Fee”). As described in the Exchange’s proposal, <sup>5</sup> the Notes are cash-settled in U.S. dollars and do not give the holder any right to receive any of the component securities, dividend payments, or any other ownership right or interest in the securities comprising the PUT Index. The Notes are designed for investors who desire exposure to a covered put selling options strategy on a broad market index and who are willing to forego principal protection and market interest payments on the Notes during their term.

The PUT Index is determined, calculated and maintained solely by the Chicago Board Options Exchange, Inc. (“CBOE”). <sup>6</sup> The PUT Index is a benchmark index designed to measure the performance of a hypothetical investment strategy that overlays short S&P 500 puts over a money market account. The PUT Index tracks the value of an initial investment of \$100 in a portfolio that passively follows the CBOE S&P 500 PUT strategy. The PUT Index strategy invests cash at one- and three-month Treasury Bill rates and sells a sequence of one-month at-the-money S&P 500 puts (SPX). The short put position is collateralized by the Treasury bills. The theory of the PUT strategy is to trade a premium over Treasury bill rates for a leveraged exposure to S&P 500 downturns.

The Exchange submits that Section 107A and the continued listing guidelines under Sections 1001–1003 of the Company Guide will accommodate the listing and trading of Notes. <sup>7</sup>

<sup>4</sup> Eksportfinans and Standard & Poor’s (“S&P”), a division of the McGraw-Hill Companies, Inc. have entered into a non-exclusive license agreement providing for the use of the PUT Index by Eksportfinans in connection with certain securities including the Notes. S&P is not responsible for and will not participate in the issuance and creation of the Notes. Eksportfinans will issue the Notes under the name “Eksportfinans Index-Linked Notes. Eksportfinans has also been appointed to act as the calculation agent.

<sup>5</sup> For a more detailed description of the Notes, including their structure, applicable exchange listing and trading rules, disclosure of pricing information, surveillance, and other regulation, see Notice at 68914–15.

<sup>6</sup> For a more detailed description of the Put Index, including its construction and calculation, see Notice at 68915–17.

<sup>7</sup> Under Section 107A of the Company Guide, the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants. See

#### III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. <sup>8</sup> The Commission finds that this proposal is similar to several approved instruments currently listed and traded on the Amex. <sup>9</sup> Accordingly, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act, <sup>10</sup> which requires that the rules of an exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission further believes that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act, <sup>11</sup> which sets forth Congress’ finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. The requirements of Section 107A of the Company Guide were designed to address the concerns attendant to the trading of hybrid securities, such as the Notes. For example, Section 107A of the Company Guide provides that only issuers satisfying specified asset and equity requirements may issue securities such as the Notes. In addition, the Exchange’s “Other Securities” listing standards further require that the Notes have a market value of at least \$4 million.

Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (SR-Amex-89-29).

<sup>8</sup> In approving this proposed rule change, the Commission notes that it has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>9</sup> See Securities Exchange Act Release Nos. 51426 (March 23, 2005), 70 FR 16315 (March 30, 2005) (approving the listing and trading of Morgan Stanley notes linked to the BXM Index); 50719 (November 22, 2004), 69 FR 69644 (November 30, 2004) (approving the listing and trading of Morgan Stanley notes linked to the BXM Index); 51634 (April 29, 2005), 70 FR 24138 (May 6, 2005) (approving the listing and trading of Wachovia notes linked to the BXM Index); and 51840 (June 14, 2005), 70 FR 35468 (June 20, 2005) (approving the listing and trading of JPMorgan notes linked to the BXD Index). The BXM index is the CBOE S&P 500 BuyWrite IndexSM while the BXD is the equivalent index using the DJIA as the underlying index rather than the S&P 500.

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> 15 U.S.C. 78k-1(a)(1)(C)(iii).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 56853 (November 28, 2007), 72 FR 68914 (“Notice”).