

comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

NSF initially received OSHA recognition as an NRTL on December 10, 1998 (63 FR 68309). NSF's most recent renewal was on August 30, 2005, for a five-year period expiring on August 30, 2010. NSF submitted a timely request for renewal, dated November 16, 2009 (see Ex. OSHA-2006-0048-0010), and retains its recognition pending OSHA's final decision in this renewal process. The current address of the NSF facility recognized by OSHA and included as part of the renewal request is NSF International, 789 Dixboro Road, Ann Arbor, Michigan 48105.

II. Notice of Preliminary Findings

OSHA is providing notice that NSF is applying for renewal of its current recognition as a NRTL. This renewal covers NSF's existing NRTL scope of recognition. OSHA evaluated NSF's application for renewal and preliminarily determined that NSF can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is making a determination that it does not need to conduct an on-site review of NSF's facilities based on its evaluations of NSF's application and all other available information. This information includes OSHA's most recent audit of NSF's facilities conducted on January 29, 2014. The auditors found some non-conformances with the requirements of 29 CFR 1910.7. NSF addressed these issues sufficiently to meet the applicable NRTL requirements. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comment as to whether NSF meets the requirements of 29 CFR 1910.7 for renewal of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in NSF's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N-2625, Occupational Safety and Health Administration, U.S. Department

of Labor, at the above address; these materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2006-0048.

OSHA staff will review all comments submitted to the docket in a timely manner and, after addressing the issues raised by these comments, will recommend whether to grant NSF's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

III. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 16, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2009-0025]

Underwriters Laboratories Inc.: Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Underwriters Laboratories, Inc., for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7 and presents the Agency's preliminary finding to grant the application. Additionally, OSHA proposes incorporating two new test standards into the NRTL Program's list of appropriate test standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before May 7, 2014.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693-1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA-2009-0025, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-2625, Washington, DC 20210; telephone: (202) 693-2350 (TTY number: (877) 889-5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.-4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA-2009-0025). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at <http://www.regulations.gov>.

5. *Docket:* To read or download submissions or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before May 7, 2014 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3655,

Washington, DC 20210, or by fax to (202) 693-1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3647, Washington, DC 20210; telephone: (202) 693-1999; email: Meilinger.franis2@dol.gov.

General and technical information: Contact Mr. David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3655, Washington, DC 20210; phone: (202) 693-2110 or email: johnson.david.w@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that Underwriters Laboratories, Inc. (UL) is applying for expansion of its current recognition as an NRTL. UL requests the addition of 21 test standards to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in Title 29, Code

of Federal Regulations, Section 1910.7 (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. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope of recognition. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition, and for an 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. 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. OSHA maintains an informational Web page

for each NRTL, including UL, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

UL currently has 34 facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: Underwriters Laboratories, Inc., 333 Pflingsten Road, Northbrook, IL 60062. A complete list of UL's scope of recognition is available at <http://www.osha.gov/dts/otpca/nrtl/ul.html>.

II. General Background on the Application

UL submitted an application, dated March 26, 2013 (see Exhibit 1), to expand its recognition to include multiple additional test standards. The Office of Technical Programs and Coordination Activities (OTPCA) staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists appropriate test standards found within UL's application for expansion for testing and certification of products under the NRTL Program. Two of these test standards, UL 66 and UL 8750, are new to the NRTL Program, and OSHA preliminarily determined that they are "appropriate test standards" within the meaning of 29 CFR 1910.7(c).

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN UL'S NRTL SCOPE OF RECOGNITION

| Test standard | Test standard title |
|--------------------------|---|
| ANSI/UL 2208 | Solvent Distillation Units. |
| IEEE C37.20.7 | IEEE Guide for Testing Metal-Enclosed Switchgear Rated Up to 38 kV for Internal Arcing Faults. |
| ANSI/UL 8750* | Light Emitting Diode (LED) Equipment for Use in Lighting Products. |
| ANSI/UL 448B | Residential Fire Pumps Intended for One- and Two-Family Dwellings and Manufactured Homes. |
| ANSI/UL 448C | Stationary, Rotary-Type, Positive-Displacement Pumps for Fire Protection Service. |
| ANSI/UL 62368-1 | Audio/Video, Information and Communication Technology Equipment—Part 1: Safety Requirements. |
| ANSI/UL 50E | Enclosures for Electrical Equipment, Environmental Considerations. |
| ANSI/UL 61800-5-1 | Adjustable Speed Electrical Power Drive Systems—Part 5-1: Safety Requirements—Electrical, Thermal and Energy. |
| ANSI/UL 66* | Fixture Wire. |
| ANSI/UL 2239 | Hardware for the Support of Conduit, Tubing, and Cable. |
| ANSI/UL 62275 | Cable Management Systems—Cable Ties for Electrical Installations. |
| ANSI/UL 60335-2-40 | Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers. |
| ANSI/UL 2560 | Emergency Call Systems for Assisted Living and Independent Living Facilities. |
| ANSI/UL 2572 | Mass Notification Systems. |
| ANSI/UL 2577 | Suspended Ceiling Grid Low Voltage Systems and Equipment. |
| ANSI/UL 8752 | Organic Light Emitting Diode (OLED) Panels. |
| ANSI/UL 60745-2-13 | Hand-Held Motor-Operated Electric Tools—Safety—Part 2-13: Particular Requirements For Chain Saws. |
| ANSI/UL 60745-2-15 | Hand-Held Motor-Operated Electric Tools—Safety—Part 2-15: Particular Requirements for Hedge Trimmers. |
| ANSI/UL 2586 | Hose Nozzle Valves. |
| ANSI/UL 2238 | Cable Assemblies and Fittings for Industrial Control and Signal Distribution. |
| UL 6142 | Small Wind Turbine Systems. |

* Test standards new to the NRTL Program.

III. Preliminary Findings on the Application

OSHA's preliminary findings:

1. UL submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file and its comparability analysis indicate that UL can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of 21 test standards for NRTL testing and certification listed above. This preliminary determination does not constitute an interim or temporary approval of UL's application.

2. The UL 66 and UL 8750 test standards are appropriate test standards, and OSHA proposes to include these test standards in the NRTL Program's list of appropriate test standards.

OSHA welcomes public comment as to whether UL meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. OSHA also seeks comments as to whether the UL 66 and UL 8750 test standards are appropriate test standards under the NRTL Program. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the publicly available information in UL's application, including pertinent documents (e.g., exhibits) and all submitted comments, contact the Docket Office, Room N-2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2009-0025.

The OTPCA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant UL's application for expansion of its scope of recognition and whether to add the two test standards to the NRTL list of appropriate test standards. The Assistant Secretary will make the final decision on granting the application and adding the two new test standards. In making this decision, the Assistant Secretary may undertake other

proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on April 16, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2013-0025]

Revocation of Permanent Variances Granted for Chimney Construction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice revoking permanent variances.

SUMMARY: With this notice, the Occupational Safety and Health Administration ("OSHA" or the "Agency") is revoking permanent variances that it granted between 1973 and 2010 to 24 companies engaged in chimney construction (hereafter, "previous variances"). The previous variances provided the companies with an alternative means of complying with provisions of OSHA standards regulating boatswains' chairs, personnel platforms, and hoist towers.

DATES: The effective date for revoking the previous variances is April 22, 2014.

ADDRESSES: *Copies of the **Federal Register** notice:* Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This **Federal Register** notice, as well as other relevant information, also is available on OSHA's Web page at <http://www.osha.gov>.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of

Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3647, Washington, DC 20210; telephone: (202) 693-1999; email: Meilinger.francis2@dol.gov.

General and technical information: Contact Mr. David Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3655, Washington, DC 20210; telephone: (202) 693-2110; email: johnson.david.w@dol.gov. OSHA's Web page includes information about the Variance Program (see <http://www.osha.gov/dts/otpc/variances/index.html>).

SUPPLEMENTARY INFORMATION: On October 2, 2013, OSHA published a **Federal Register** notice (78 FR 60900) in which it updated the previous variances with a single, permanent variance ("the uniform variance"). The 2013 **Federal Register** notice granted the uniform variance to a number of the companies that held previous variances. On January 31, 2014, OSHA published a **Federal Register** notice (79 FR 5462) in which it proposed to revoke the previous variances. OSHA received no comments on the proposed revocation. Therefore, with this action, OSHA is revoking the previous variances and invites employers not covered by the uniform variance to submit applications for an equivalent variance.

I. Background

A. Previous Chimney-Related Construction Variances

From 1973 through 2010, the Agency granted permanent variances to a number of chimney-construction companies from the provisions of the OSHA standards that regulate boatswains' chairs, personnel platforms, and hoist towers, specifically, paragraph (o)(3) of 29 CFR 1926.452 and paragraphs (c)(1) through (c)(4), (c)(8), (c)(13), (c)(14)(i), and (c)(16) of 29 CFR 1926.552.¹ Several of these previous variances limited the scope of the variances only to chimneys constructed using jump-form construction techniques and procedures (see, for example, 38 FR 8545 granted April 3, 1973, and 71 FR 10557 granted March

¹ See 38 FR 8545 (April 3, 1973), 44 FR 51352 (August 31, 1979), 50 FR 20145 (May 14, 1985), 50 FR 40627 (October 4, 1985), 52 FR 22552 (June 12, 1987), 68 FR 52961 (September 8, 2003), 70 FR 72659 (December 6, 2005), 71 FR 10557 (March 1, 2006), 72 FR 6002 (February 8, 2007), 74 FR 34789 (July 17, 2009), 74 FR 41742 (August 18, 2009), and 75 FR 22424 (April 28, 2010).