

web-based questionnaires. The burden estimate is based on feedback from respondents gathered during pilot testing.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 1,479 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: September 11, 2014.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

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**BILLING CODE 4410-18-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Labor Surplus Area Classification Under Executive Orders 12073 and 10582

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce the annual list of labor surplus areas for Fiscal Year (FY) 2015.

**DATES:** *Effective Date:* The annual list of labor surplus areas is effective October 1, 2014, for all states, the District of Columbia, and Puerto Rico.

**FOR FURTHER INFORMATION CONTACT:** Samuel Wright, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue NW., Room C-4514, Washington, DC 20210. Telephone: (202) 693-2870 (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, Subpart A. These regulations require the Employment and Training Administration (ETA) to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations, and to publish annually a list of labor surplus areas. Pursuant to those regulations, ETA is hereby publishing the annual list of labor surplus areas. In addition, the regulations provide exceptional

circumstance criteria for classifying labor surplus areas when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

#### Eligible Labor Surplus Areas

A Labor Surplus Area (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period. ETA uses only official unemployment estimates provided by the Bureau of Labor Statistics in making these classifications. The average unemployment rate for all states includes data for the Commonwealth of Puerto Rico. LSA classification criteria stipulate a civil jurisdiction must have a "floor unemployment rate" of 6.0% or higher to be classified a LSA. Any civil jurisdiction that has a "ceiling unemployment rate" of 10% or higher is classified a LSA.

Civil jurisdictions are defined as follows:

(a) A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or

(b) A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or

(c) A county, except those counties which contain any type of civil jurisdictions defined in "a" or "b" above and a county in the States of Connecticut, Massachusetts, and Rhode Island; or

(d) A "balance of county" consisting of a county less any component cities and townships identified in "a" or "b" above; or

(e) A county equivalent which is a town (with a population of at least 25,000) in the New England States or a municipio in the Commonwealth of Puerto Rico.

#### Procedures for Classifying Labor Surplus Areas

The Department of Labor (DOL) issues the LSA list on a fiscal year basis. The list becomes effective each October 1, and remains in effect through the following September 30. The reference period used in preparing the current list was January 2012 through December 2013. The national average unemployment rate (including Puerto

Rico) during this period was rounded to 7.77 percent. Twenty percent higher than the national unemployment rate is 9.32 percent. Therefore, areas included on the FY 2015 LSA list had a rounded unemployment rate for the reference period of 9.32 percent or higher. To ensure that all areas classified as labor surplus meet the requirements, when a city is part of a county and meets the unemployment qualifier as a LSA, that city is identified in the LSA list, the balance of county, not the entire county, will be identified as LSAs if the balance of county also meets the LSA unemployment criteria. The FY 2015 LSA list, statistical data on the current and some previous year's LSAs, and the list of LSAs in Puerto Rico are available at ETA's LSA Web site <http://www.doleta.gov/programs/lssa.cfm>. In addition, the 2015 LSA list is available on the Labor Market Information Community of Practice at [https://winwin.workforce3one.org/view/Labor\\_Surplus\\_Area\\_List\\_Issued/info](https://winwin.workforce3one.org/view/Labor_Surplus_Area_List_Issued/info).

#### Petition for Exceptional Circumstance Consideration

The classification procedures also provide criteria for the designation of LSAs under exceptional circumstances criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the 2-year reference period. Under the program's exceptional circumstance procedures, LSA classifications can be made for civil jurisdictions, Metropolitan Statistical Areas or Combined Statistical Areas, as defined by the U.S. Office of Management and Budget. In order for an area to be classified as a LSA under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the Department of Labor's ETA. The current criteria for an exceptional circumstance classification are,

(1) An area's unemployment rate is at least 9.32 percent for each of the three most recent months;

(2) A projected unemployment rate of at least 9.32 percent for each of the next 12 months; and

(3) Documentation that the exceptional circumstance event has occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, Metropolitan Statistical Areas, or Micropolitan Statistical Areas. The addresses of state workforce agencies are available on the ETA Web site at: <http://www.doleta.gov/programs/lssa.cfm> and <https://>

[winwin.workforce3one.org/view/Labor\\_Surplus\\_Area\\_List\\_Issued/info](http://winwin.workforce3one.org/view/Labor_Surplus_Area_List_Issued/info). State Workforce Agencies may submit petitions in electronic format to [wright.samuel.e@dol.gov](mailto:wright.samuel.e@dol.gov), or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW., Room C-4514, Washington, DC 20210, Attention Samuel Wright. Data collection for the petition is approved under OMB 1205-0207, expiration date March 31, 2015.

**Portia Wu,**

*Assistant Secretary for Employment and Training Administration.*

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. OSHA-2009-0025]

**Underwriters Laboratories Inc.: Grant of Expansion of Recognition**

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

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces its final decision to expand the scope of recognition for Underwriters Laboratories Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces its final decision to incorporate two new test standards into the NRTL Program's list of appropriate test standards.

**DATES:** The expansion of the scope of recognition becomes effective on September 16, 2014.

**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](mailto: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](mailto:johnson.david.w@dol.gov). OSHA's Web

page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpca/nrtl/index.html>).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition of Underwriters Laboratories Inc. (UL), as an NRTL. UL's expansion covers the addition of 21 test standards to its scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified by 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 of the products.

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. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

UL submitted an application, dated March 26, 2013 (OSHA-2009-0025-0008), to expand its recognition to include multiple additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing UL's expansion application in the **Federal Register** on April 14, 2014 (79 FR 20920). The Agency requested comments by April 29, 2014, and received one comment (OSHA-2009-0025-0010) in response to this notice addressing UL's scope of recognition expansion request. OSHA received no comments on its proposal to

add UL 66 and UL 8750 to the NRTL Program's list of appropriate test standards.

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, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-2625, Washington, DC 20210. These materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2009-0025.

The sole commenter (OSHA-2009-0025-0010) asserts that UL charges different prices for the testing of identical products based solely on an applicant's location and, consequently, is not in compliance with ISO/IEC Guide 65, Clause 4.4 addressing non-discrimination.<sup>1</sup> The comment, however, does not provide any detail that demonstrates that the referenced products were "exactly the same," nor was there any information regarding other factors that may have contributed to the difference in price. While OSHA believes that competition among the NRTLs helps to control costs for testing and certification services, there are many factors that affect the price for NRTL certification, including the volume of products submitted for certification by a particular applicant (volume discounts), the location and cost of factory surveillance, and the use of certified components in the product, to name a few. Any of these, or other, factors could provide legitimate justification for differences in price for similar or "exactly the same" products submitted for certification.

The comment further asserts that UL is "using its monopoly status on components certification" to charge manufacturers higher fees. OSHA regulations require certain types of products used in the workplace to be "acceptable" to OSHA. For most products, the NRTL must test and certify the product to the appropriate test standard. The NRTL Program's product-approval requirements apply only to end products. The NRTL Program requirements do not include the certification of components. While some NRTLs, including UL, developed a component-certification program to simplify the process of testing and certifying an end product, component certifications are not part of the NRTL Program. With 15 organizations recognized as NRTLs, manufacturers are

<sup>1</sup> While the commenter references ISO/IEC Guide 65, Clause 4.4.1, OSHA believes that the correct reference is ISO/IEC Guide 65, Clause 4.1.1.