

II. Final Decision and Order

OSHA staff examined TUVRNA’s expansion application, conducted a detailed on-site assessment, and examined other pertinent information. Based on its review of this evidence, OSHA finds that TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant TUVRNA’s scope of recognition. OSHA limits the expansion of TUVRNA’s recognition to include the sites at TUV Cologne, Germany and TUV Yokohama,

Japan as listed above. OSHA’s recognition of these sites limits TUVRNA to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in TUVRNA’s scope of recognition. This limitation is consistent with the recognition that OSHA grants to other NRTLs that operate multiple sites. OSHA further limits the expansion of TUVRNA’s recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below. Additionally, Table 2, below, lists the test standard new to the NRTL

Program’s List of Appropriate Test Standards. The Agency evaluated the standard to (1) verify it represents a product category for which OSHA requires certification by an NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications). Based on this evaluation, OSHA finds that it is an appropriate test standard and has added the standard to the NRTL Program’s List of Appropriate Test Standards.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVRNA’S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 62368-1	Audio/video, information and technology equipment—Part 1: Safety Requirements.
UL 1004-1	Standard for Rotating Electrical Machines—General Requirements.
UL 62109-1*	Standard for Safety of power converters for use in photovoltaic power systems—Part 1: General requirements.

*Represents the standard that OSHA will add to the NRTL List of Appropriate Test Standards.

TABLE 2—TEST STANDARD OSHA IS ADDING TO THE NRTL PROGRAM’S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 62109-1	Standard for Safety of power converters for use in photovoltaic power systems—Part 1: General requirements.

OSHA’s recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL’s scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program’s policy (see OSHA Instruction CPL 1-0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7,

TUVRNA also must abide by the following conditions of the recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);
2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. TUVRNA must continue to meet the requirements for recognition, including all previously published conditions on TUVRNA’s scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of TUVRNA, subject to the limitations and conditions specified above.

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 January 11, 2017.

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-2017-0003]

Michigan State Plan; Change in Level of Federal Enforcement: Marine Construction

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

ACTION: Notice.

SUMMARY: This document gives notice of OSHA’s approval of a change to the State of Michigan’s Occupational Safety and Health State Plan that clarifies that marine construction is included in its State Plan. Therefore, OSHA announces an amendment to the Operational Status

Agreement between OSHA and the Michigan State Plan to clarify Michigan's coverage of marine construction.

DATES: *Effective Date:* January 23, 2017.

FOR FURTHER INFORMATION CONTACT:

For press inquiries, contact Francis Meilinger, Director, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

For general and technical information, contact Douglas J. Kalinowski, Director, Directorate of Cooperative and State Programs, Room N-3700, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-2200; email: kalinowski.doug@dol.gov.

SUPPLEMENTARY INFORMATION: Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667 (OSH Act), provides that states that wish to assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting and obtaining federal approval of a State Plan. State Plan approval occurs in stages that include initial approval under Section 18(c) of the Act and, ultimately, final approval under Section 18(e).

The Michigan State Plan was initially approved under Section 18(b) of the OSH Act and 29 CFR part 1902 on September 24, 1973 (38 FR 27388, October 3, 1973). The Michigan State Plan is administered by the Michigan Department of Licensing and Regulatory Affairs, Michigan Occupational Safety and Health Administration (MIOSHA). On January 6, 1977, an Operational Status Agreement was entered into between OSHA and the Michigan State Plan agency whereby concurrent federal enforcement authority was suspended with regard to most federal occupational safety and health standards in issues covered by the state's OSHA-approved occupational safety and health plan. Federal OSHA retained its authority over safety and health in private sector maritime employment, with regard to federal government employers and employees, and employees of the U.S. Postal Services (effective June 9, 2000), and employers who are enrolled members of Indian tribes and who own or operate businesses located within the boundaries of Indian reservations.

MIOSHA has covered construction since the Plan's inception. A legal issue has arisen as to whether employees engaged in marine construction are covered by the Longshore and Harbor Workers' Compensation Act (33 U.S.C.

901 *et seq.*) and thus were included in Federal OSHA's coverage of maritime employment. MIOSHA requested that its coverage be clarified to explicitly include coverage over marine construction. OSHA and MIOSHA have agreed to amendments to the State Plan's Operational Status Agreement (OSA) that clarify that the exclusion of private sector maritime employment from the State Plan does not include marine construction, and the State Plan's coverage of construction includes marine construction. The amendment was signed on July 25, 2016. All other terms of the OSA remain in effect.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 1-2012 (77 FR 3912), and 29 CFR parts 1902 and 1953.

Dated: January 9, 2017.

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-2009-0026]

Curtis-Strauss LLC: 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 Curtis-Strauss LLC, as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on January 23, 2017.

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. Kevin Robinson, 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: robinson.kevin@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 Curtis-Strauss LLC (CSL), as an NRTL. CSL's expansion covers the addition of sixteen (16) 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>.

CSL submitted four applications, each dated December 29, 2015 (OSHA-2009-0026-0065; OSHA-2009-0026-0066; OSHA-2009-0026-0069; OSHA-2009-0026-0068), to expand its recognition to include 16 additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent