

Administration is soliciting comments concerning the proposed extension of the information collection request for the Hazard Communication Standard 29 CFR 1910.1200; 1915; 1917; 1918; 1926; 1928. A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the addressee section of this notice.

The Department of Labor 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.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before January 20, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR-97-46, U.S. Department of Labor, Room N-2625, 200 Constitution Ave. NW, Washington, D.C. 20210, telephone (202) 219-7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219-5046.

FOR FURTHER INFORMATION CONTACT: Todd R. Owen, Directorate of Health Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3718, 200 Constitution Ave., NW, Washington D.C. 20210. Telephone: (202) 219-7075, extension 109. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Todd R. Owen (202) 219-7075 extension 109 or Barbara Bielaski on 219-8076, extension 142. For electronic copies of the Hazard Communication Information Collection Request, contact the Labor News Bulletin Board (202) 219-4784; or

OSHA's WebPage on Internet at <http://www.osha.gov/> and click on standards.

SUPPLEMENTARY INFORMATION:

I. Background

The Hazard Communication Standard and its information collection requirements are designed to ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is transmitted to employees and downstream employers. The standard requires chemical manufacturers and importers to evaluate chemicals they produce or import to determine if they are hazardous; for those chemicals determined to be hazardous, material safety data sheets and warning labels must be developed. Employers are required to establish hazard communication program, to transmit information on the hazards of chemicals to their employees by means of labels on containers, material safety data sheets and training programs. Implementation of these collection of information requirements will ensure all employees have the "right-to-know" the hazards and identities of the chemicals they work with and will reduce the incidence of chemically-related occupational illnesses and injuries.

II. Current Actions

This notice requests an extension of the current OMB approval of the paperwork requirements in the Hazard Communication Standard. Extension is necessary to ensure that employees continue to receive information about hazardous and chemicals they are exposed to when working, as well as what protective measures are available to prevent adverse effects from occurring.

Type of review: Extension.

Agency: Occupational Safety and Health Administration.

Title: Hazard Communication.

OMB Number: 1218-0072.

Agency Number: Docket Number ICR-97-46.

Affected Public: Business or other for-profit, Federal government and State, Local or Tribal governments.

Total Respondents: 5,041,918.

Frequency: On occasion.

Total Responses: 74,679,540.

Average Time per Response: Time per response ranges from 12 seconds to affix labels to in-house containers containing hazardous chemicals to 5 hours to develop a hazard communication program.

Estimated Total Burden Hours: 7,301,762.

Estimated Capital, Operational/Maintenance Burden Cost: \$0.

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 17, 1997.

Adam M. Finkel,

Director, Directorate of Health Standards Programs.

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BILLING CODE 4510-26-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL-1-97]

Applied Research Laboratories, Inc., Recognition as a NRTL

AGENCY: Occupational Safety and Health Administration; Labor.

ACTIONS: Notice of recognition as a Nationally Recognized Testing Laboratory (NRTL).

SUMMARY: This notice announces the Agency's final decision on the application of Applied Research Laboratories, Inc. for recognition as a NRTL under 29 CFR 1910.7.

EFFECTIVE DATE: This recognition will become effective on November 21, 1997 and will be valid for a period of five years from that date, until November 21, 2002, unless terminated prior to that date, in accordance with 29 CFR 1910.7.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3653, Washington, D.C. 20210, or phone (202) 219-7056.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

Notice is hereby given that Applied Research Laboratories, Inc. (ARL), which made application pursuant to 29 CFR 1910.7, has been recognized as a Nationally Recognized Testing Laboratory for the equipment or materials, and the program listed below.

The address of the laboratory covered by this recognition is: Applied Research Laboratories, Inc., 5371 NW 161st Street, Miami, Florida 33014.

Background

Applied Research Laboratories, Inc. (ARL), according to the applicant, was founded in 1949, and is a Florida-registered engineering corporation, with

the owner as sole stockholder. Applied Research Laboratories, Inc., applied for recognition as a Nationally Recognized Testing Laboratory, pursuant to 29 CFR 1910.7, and a notice of the application was published in the **Federal Register** (62 FR 42827, 8/8/97). The notice included a preliminary finding that ARL could meet the requirements for recognition detailed in 29 CFR 1910.7, and invited public comment on the application by October 7, 1997. No comments were received concerning this request for recognition.

The four primary criteria for recognition are presented below, along with examples which illustrate how ARL has met these criteria.

Capability

Section 1910.7(b)(1) states that for each specified item of equipment or material to be certified, the laboratory must have the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform testing and examination of equipment and materials for workplace safety purposes to determine conformance with appropriate product test standards.

The on-site review report indicates that ARL has facilities and personnel which are appropriate for the area of recognition it seeks. In addition, ARL maintains a Procedures Manual, which indicates step-by-step procedures for processing done in a number of areas. Procedures available cover areas such as testing, calibration, record keeping, and product follow-up service. ARL also maintains a Quality Assurance Manual and a Laboratory Accreditation Manual, with responsibility for internal quality control vested in the Director of Quality Control. The on-site review report indicates that ARL has test equipment available to perform testing necessary for the area of recognition it seeks, with the exception of specialized tests which ARL is unable to perform at its Miami facility.

In these cases, ARL obtains the services of other testing organizations, and witnesses the tests.

The On-site Review report indicates that ARL has adequate calibration procedures and calibration records, and that calibrations are traceable to NIST or other approved sources. A record of all calibrations is maintained by the Director of Quality.

Control Procedures

Section 1910.7(b)(2) requires that the NRTL provide certain follow-up procedures, to the extent necessary, for the particular equipment or material to

be listed, labeled, or accepted. These include implementation of control procedures for identifying the listed or labeled equipment or materials, inspecting the production runs at factories to assure conformance with test standards, and conducting field inspections to monitor and assure the proper use of the label.

ARL has procedures for follow-up inspections on the products it certifies, and for completing a Listing, Labeling, and Follow-up Service Agreement with a manufacturer. Other procedures cover control of its listing and labeling, and recertification. ARL conducts four inspections per year at those factories where ARL listed/certified products are manufactured. In addition, before use of the ARL certification mark is permitted, ARL will inspect the manufacturer's facility to ensure there is a capability to produce products in conformance with ARL's requirements.

Independence

Section 1910.7(b)(3) requires that the NRTL be completely independent of employers subject to the tested equipment requirements, and for any manufacturers or vendors of equipment or materials being tested for these purposes.

ARL supplied a statement of affiliation which included declarations that it has no managerial affiliations with any producer, supplier, or vendor; it has no securities, investments, or stock options in the product lines; the employment security of its personnel is free from influence by any producer, supplier, or vendor; and it is not owned, operated, or controlled by any producers, suppliers, or vendors.

Creditable Reports/Complaint Handling

Section 1910.7(b)(4) provides that a recognized NRTL must maintain effective procedures for producing creditable findings and reports that are objective and without bias, as well as for handling complaints and disputes under a fair and reasonable system.

ARL's application, and the on-site review report indicate that ARL maintains various manuals that describe the procedures for testing and for all written reports, as well as record keeping requirements.

With regard to the handling of complaints or contested results, ARL maintains a Submissions and Review Board, which can be convened at the request of a client, to review results and actions undertaken by ARL.

Programs and Procedures

Applied Research Laboratories, Inc., performs acceptance of witnessed

testing data, based upon the conditions as detailed in the **Federal Register** document titled "Nationally Recognized Testing Laboratories; Clarification of the Types of Programs and Procedures," 60 FR 12980, 3/9/95.

Currently, this Program is primarily utilized for certain wind load tests conducted on large structures which require they be tested as installed and which ARL does not have the facilities to perform. The tests would be witnessed by either an ARL Professional Engineer, or the ARL Department Head to which a particular project has been assigned. Test results are presented in report form to ARL and become part of the ARL file documentation.

Final Decision and Order

Based upon a preponderance of the evidence resulting from an examination of the complete application, the supporting documentation, and the OSHA staff finding including the on-site review report, OSHA finds that Applied Research Laboratories, Inc. has met the requirements of 29 CFR 1910.7 to be recognized by OSHA as a Nationally Recognized Testing Laboratory to test and certify certain equipment or materials, and for acceptance of witnessed test data.

Pursuant to the authority in 29 CFR 1910.7, Applied Research Laboratories, Inc. is recognized as a Nationally Recognized Testing Laboratory subject to the limitations and conditions listed below:

Limitations

This recognition is limited to equipment or materials which, under Title 29, require or permit testing, listing, labeling, approval, acceptance, or certification, by a Nationally Recognized Testing Laboratory. This recognition is further limited to the use of the following test standards for the testing and certification of equipment or materials included within the scope of these standards. ARL has stated that it believes that the following standards pertain to equipment or materials that will be used in environments under OSHA's jurisdiction, and OSHA has determined they are appropriate within the meaning of 29 CFR 1910.7(c):

ASTM E152—Standard Methods of Fire Tests of Door Assemblies
ANSI/UL 22—Amusement and Gaming Machines
ANSI/UL—858 Household Electric Ranges
UL 1838—Low Voltage Landscape Lighting Systems
UL 1995—Heating and Cooling Equipment

Conditions

Applied Research Laboratories, Inc. must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA shall be allowed access to ARL's facility and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If ARL has reason to doubt the efficacy of any test standard it is using under this program, it shall promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

ARL shall not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, ARL 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;

ARL shall inform OSHA as soon as possible, in writing, of any change of ownership or key personnel, including details;

ARL will continue to meet the requirements for recognition in all areas where it has been recognized; and

ARL will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Authority: 29 CFR 1910.7.

Signed at Washington, DC, this 14th day of November, 1997.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 97-30685 Filed 11-20-97; 8:45 am]

BILLING CODE 4510-26-P

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

[Docket No. NRTL-2-97]

**Detroit Testing Laboratory, Inc.,
Application for Recognition**

AGENCY: Occupational Safety and Health Administration; Labor.

ACTIONS: Notice of application for recognition as a Nationally Recognized Testing Laboratory, and preliminary finding.

SUMMARY: This notice announces the application of Detroit Testing Laboratory, Inc. for recognition as a NRTL under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is January 20, 1998.

ADDRESSES: Send comments concerning this notice to: NRTL Recognition Program, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3653, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Variance Determination, NRTL Recognition Program at the above address, or phone (202) 219-7056.

SUPPLEMENTARY INFORMATION:**Notice of Application**

Notice is hereby given that Detroit Testing Laboratory, Inc. (DTL) has made application pursuant to 29 CFR 1910.7, for recognition as a Nationally Recognized Testing Laboratory.

The address of the laboratory covered by this application is: Detroit Testing Laboratory, Inc., 7111 E. Eleven Mile, Warren, Michigan 48092.

Background

Detroit Testing Laboratory, Inc. (DTL), according to the applicant, is a Michigan corporation and was formally incorporated in 1949. The applicant states that the lab was originally founded in 1903 as a partnership, that ownership of the lab changed in 1948 and again in 1968, and that in 1976, the current owner purchased DTL as sole stockholder.

The applicant submitted an application package, and separately submitted a Quality Assurance (QA) Manual (see Exhibits 2A and 2B). The QA Manual includes: an organization chart, position descriptions, and resumes of key personnel; department descriptions including equipment & standards used for departments involved in testing; description of certifications done and standards used for certification; and the details on how calibrations are handled, including descriptions of equipment and standards.

Capability

Section 1910.7(b)(1) states that for each specified item of equipment or material to be listed, labeled or accepted, the laboratory must have the capability (including proper testing

equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform appropriate testing.

The applicant has one main facility at its site in Warren, Michigan, and a smaller test facility in Center Line, Michigan. This smaller site is not included in the applicant's request for recognition. The applicant claims that natural gas, electric, compressed air, steam, and water are available in the laboratory for product testing and for calibrations and tests.

The applicant's QA Manual shows the testing experience of its key testing staff, mentions its certification, and listing and labeling experience with products, and describes its testing capabilities and experience in a number of specific areas. It also contains a list of major instrumentation and equipment.

Quality Assurance Procedures, Test/Operating procedures (developed on a form, the original of which is kept by each lab), calibration procedures, and audits (including proficiency audits which depends in part on the use of outside private services) are described in the QA manual. Furthermore, the QA includes an Internal Corrective Action Procedure whereby reports are issued to an area when it operates outside the guidelines of the QA System. The QA Manual also contains a sample handling procedure and procedures on employee training. Written procedures exist for typical tests, per QA manual.

Control Procedures

Section 1910.7(b)(2) requires that the NRTL provide certain controls and services, to the extent necessary, for the particular equipment or material to be listed, labeled, or accepted. These consist of implementation of control procedures for identifying the listed or labeled equipment or materials, inspecting the production runs at factories to assure conformance with test standards, and conducting field inspections to monitor and assure the proper use of identifying marks or labels.

The application contains the description of the listing and labeling procedure, which indicates "inspections" will be done four times per year, and periodic compliance testing is done every four years. A sample listing and follow-up agreement was also provided. In addition, "Instructions for * * * Inspections * * *," and a sample inspection form were submitted.