

### General Background on the Application

MET has submitted a request, dated June 3, 1998 (see Exhibit 20A), to expand its recognition as an NRTL for additional test standards. MET provided some additional information related to its request on August 21, 1998 (see Exhibit 20B). MET will notify OSHA, as stated in this letter, regarding a change in its existing capability to perform explosion tests. Relatedly, OSHA intends to impose limitations on the testing permitted under certain test standards.

MET seeks recognition for testing and certification of products to demonstrate compliance with the following 17 standards, and OSHA has determined the standards are appropriate, as prescribed by 29 CFR 1910.7(c). OSHA recognition of any NRTL for a particular test standard is limited to products for which OSHA standards require third party testing and certification before use in the workplace.

ANSI/UL 5 Surface Metal Raceways and Fittings  
 ANSI/UL 50 Enclosures for Electrical Equipment  
 ANSI/UL 65 Electric Wired Cabinets  
 ANSI/UL 201 Garage Equipment  
 ANSI/UL 482 Portable Sun/Heat Lamps  
 ANSI/UL 514A Metallic Outlet Boxes, Electrical  
 UL 664 Commercial Dry-Cleaning Machines (Type IV)  
 ANSI/UL 698 Industrial Control Equipment for Use in Hazardous (Classified) Locations<sup>1</sup>  
 UL 775 Graphic Arts Equipment  
 ANSI/UL 886 Outlet Boxes and Fittings for Use in Hazardous (Classified) Locations<sup>1</sup>  
 ANSI/UL 1017 Vacuum Cleaning Machines and Blower Cleaners  
 ANSI/UL 1018 Electric Aquarium Equipment  
 ANSI/UL 1054 Special-Use Switches  
 ANSI/UL 1203 Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations<sup>1</sup>  
 ANSI/UL 1310 Direct Plug-In Transformer Units  
 ANSI/UL 1573 Stage and Studio Lighting Units  
 ANSI/UL 6500 Audio/Visual and Musical Instrument Apparatus for Household, Commercial, and Similar General Use

### Preliminary Finding on the Application

MET has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with this request, OSHA did not perform an on-site review of MET's NRTL testing facilities. However, NRTL Program audit staff reviewed information pertinent to the request, and in a memo dated September 9, 1998 (see Exhibit 21),

recommended that MET's recognition be expanded to include the 17 additional test standards listed above.

Following a review of the application file, the auditor's recommendation, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant, to the MET Laboratories, Inc. facility listed above, the expansion of recognition to use the additional 17 test standards. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendations of the staff, the Assistant Secretary has made a preliminary finding that the MET Laboratories, Inc. facility listed above can meet the requirements, as prescribed by 29 CFR 1910.7, for the expansion of recognition. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether MET has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment must consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see ADDRESSES), no later than the last date for comments (see DATES above). You may obtain or review copies of MET's request, the recommendation on the expansion, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL-1-88, the permanent record of public information on MET's recognition.

The NRTL Program staff will review all timely comments, and after resolution of issues raised by these comments, will recommend whether to grant MET's expansion request. The Assistant Secretary will make the final decision on granting the expansion, and in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 28th day of October, 1998.

**Charles N. Jeffress,**

*Assistant Secretary.*

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### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

[Docket No. NRTL-3-90]

#### Southwest Research Institute, Applications for Renewal and Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the applications of Southwest Research Institute for renewal and for expansion of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of these applications.

**DATES:** Comments submitted by interested parties must be received no later than January 11, 1999.

**ADDRESSES:** Send comments concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, at the above address, or phone (202) 219-7056.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Southwest Research Institute (SwRI) has applied for renewal and for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). SwRI's expansion request covers the use of additional test standards. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this public notice of the preliminary finding on an application.

When first recognized, OSHA identified the Department of Fire Technology as the SwRI unit to which the recognition would, and still does, apply. The renewal and expansion will continue to apply primarily to this part of SwRI, although part of the recognition, such as the requirement for independence, applies to SwRI as a whole.

<sup>1</sup> Testing and certification of products under this test standard is limited to Class I locations. Explosion testing is also limited to current test chamber capabilities.

SwRI's previous application as an NRTL covered its recognition as an NRTL (57 FR 30237, July 8, 1992), which OSHA granted on the date noted below.

The current address of the SwRI testing facility already recognized by OSHA is: Southwest Research Institute, Department of Fire Technology, 6620 Culebra Road, Post Office Drawer 28510, San Antonio, Texas 78228.

### General Background on the Applicant and Applications

According to publicly available information, SwRI is an "independent, nonprofit, applied engineering and physical sciences research and development organization \* \* \*" In addition, SwRI has "12 technical divisions," one of which is the Chemistry and Chemical Engineering Division. This division includes the Department of Fire Technology.

SwRI has submitted a request for renewal of its recognition, dated October 1, 1997 (see Exhibit 6A). SwRI received its recognition as an NRTL on July 13, 1993 (58 FR 37752), for a period of five years ending July 13, 1998. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. SwRI has submitted its request within the time allotted, and retains its recognition pending OSHA's final decision in this renewal process.

SwRI has also submitted a request, dated October 1, 1997 (see Exhibit 6B) to expand its recognition for additional test standards. However, OSHA has determined that some of the standards that were requested are not appropriate, as prescribed by 29 CFR 1910.7(c). Therefore, OSHA does not intend to include these standards for recognition.

### Renewal of Recognition

SwRI seeks renewal of its recognition for testing and certification of products to demonstrate compliance to the following 7 test standards, which OSHA has previously recognized for SwRI:

- UL 10A Tin-Clad Fire Doors
- ANSI/UL 10B Fire Tests of Door Assemblies
- ANSI/UL 94 Tests for Flammability of Plastic Materials for Parts in Devices and Appliances
- ANSI/UL 155 Tests of Fire Resistance of Vault and File Room Doors
- ANSI/UL 555 Fire Dampers
- ANSI/UL 910 Test Method for Fire and Smoke Characteristics of Electrical and Optical-Fiber Cables Used in Air Handling Spaces

ANSI/UL 1887 Fire Test of Plastic Sprinkler Pipe for Flame and Smoke Characteristics

The designations and titles of the above test standards were current at the time of the preparation of this notice. They may differ from those that OSHA used in the original recognition of the test standards published in the **Federal Register**. In addition, OSHA had recognized SwRI for ASTM E152 but the standards organization has since withdrawn this standard. As a result, this standard is not included in SwRI's renewal. The standards organization has indicated that it is working on a replacement standard.

### Expansion of Recognition—Additional Test Standards

SwRI seeks recognition for testing and certification of products to demonstrate compliance to the following 3 test standards, and OSHA has determined the standards are appropriate, as prescribed by 29 CFR 1910.7(c). OSHA recognition of any NRTL for a particular test standard is limited to products for which OSHA standards require third party testing and certification before use in the workplace.

- UL 162 Foam Equipment and Liquid Concentrates
- ANSI/UL 711 Rating and Fire Testing of Fire Extinguishers
- UL 2085 Insulated Aboveground Tanks for Flammable and Combustible Liquids

### Preliminary Finding on the Applications

SwRI has submitted acceptable requests for renewal and expansion of its recognition as an NRTL. In connection with the requests, OSHA has performed an on-site review of the SwRI facility in San Antonio, Texas, on March 30–April 2, 1998. The review focused on the testing and certification activities performed by the Department of Fire Technology in its capacity as an NRTL. Discrepancies noted by the auditor during the on-site review were addressed by SwRI following the on-site evaluation and are included in the on-site review report (see Exhibit 7).

Following a review of the application file, the on-site review report, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant to the SwRI Department of Fire Technology facility in San Antonio, Texas: (1) The renewal of recognition for the test standards noted above, and (2) the expansion to use the additional 3 test standards. The staff therefore recommended to the Assistant Secretary that the applications be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the SwRI Department of Fire Technology San Antonio, Texas can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the renewal and the expansion of recognition. This preliminary finding does not constitute an interim or temporary approval of the applications.

OSHA welcomes public comments, in sufficient detail, as to whether SwRI has met the requirements of 29 CFR 1910.7 for the renewal and expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment must consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESS**), no later than the last date for comments (see **DATES** above). You may obtain or review copies of SwRI's requests, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL-3-90, the permanent record of public information on SwRI's recognition.

The NRTL Program staff will review all timely comments, and after resolution of issues raised by these comments, will recommend whether to grant SwRI's renewal and expansion requests. The Assistant Secretary will make the final decision on granting the renewal and expansion, and in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 28th day of October, 1998.

**Charles N. Jeffress,**

*Assistant Secretary.*

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## LEGAL SERVICES CORPORATION

### Intent to Award—Grant Awards to Applicants for Funds to Provide Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 1999

**AGENCY:** Legal Services Corporation.

**ACTION:** Announcement of intention to make 1999 competitive grant awards.

**SUMMARY:** The Legal Services Corporation (LSC or Corporation) hereby announces its intention to award grants and contracts to provide