

- UL 1585 Class 2 and Class 3 Transformers.
- UL 164 Motor-Operated Massage and Exercise Machines.
- UL 1662 Electric Chain Saws.
- UL 1740 Industrial Robots and Robotic Equipment.
- UL 1995 Heating and Cooling Equipment.
- UL 2200 Stationary Engine Generator Assemblies.
- UL 60335-1 Safety of Household and Similar Electrical Appliances, Part 1: General Requirements.
- UL 60335-2-8 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Electric Shavers, Hair Clippers, and Similar Appliances.
- UL 60335-2-34 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Motor-Compressors.
- UL 61010A-2-010 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for the Heating of Materials.
- UL 61010A-2-041 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Autoclaves Using Steam for the Treatment of Medical Materials for Laboratory Processes.
- UL 61010A-2-051 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Mixing and Stirring.

OSHA's recognition of TUVAM, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third party testing and certification before use in the workplace. Consequently, any NRTL's scope of recognition excludes any product(s) that fall within the scope of a test standard, but for which OSHA standards do not require NRTL testing and certification.

Many of the UL test standards listed above also are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed to the ANSI designation. Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

Preliminary Finding on the Application

TUVAM has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with this request, OSHA performed an on-site review of TUVAM's NRTL Danvers facility and, in the on-site review report, the assessor recommended the expansion for the additional standards (see Exhibit 8). Our review of the application file, the on-site review report, and other pertinent documents indicate that TUVAM can meet the requirements, as prescribed by 29 CFR 1910.7, for the expansion for the additional test standards listed above. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether TUVAM has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comments should consist of pertinent written documents and exhibits. Should you need more time to comment, you must request it in writing, including reasons for the request. OSHA must receive your written request for extension at the address provided above no later than the last date for comments. OSHA will limit any extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is not adequately justified. You may obtain or review copies of TUVAM'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. Docket No. NRTL2-2001 contains all materials in the record concerning TUVAM's application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant TUVAM's expansion request. The Agency 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 Section 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC this 9th day of May, 2005.

Jonathan L. Snare,

Acting Assistant Secretary.

[FR Doc. 05-9868 Filed 5-17-05; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL1-2001]

TUV Product Services GmbH, Application for Expansion of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the application of TUV Product Services GmbH (TUVPSG) for expansion of its recognition to use additional test standards, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

DATES: You must submit information or comments, or any request for extension of the time to comment, by the following dates:

- Hard copy: Your information or comments must be submitted (postmarked or sent) by June 2, 2005.
- Electronic transmission or facsimile: Your comments must be sent by June 2, 2005.

ADDRESSES: You may submit information or comments to this notice—identified by docket number NRTL1-2001—by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- OSHA Web site: <http://ecomments.osha.gov>. Follow the instructions for submitting comments on OSHA's Web page.
- Fax: If your written comments are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693-1648.
- Regular mail, express delivery, hand delivery and courier service: Submit three copies to the OSHA Docket Office, Docket No. NRTL1-2001, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone (202) 693-2350. (OSHA's TTY number is (877) 889-5627). OSHA Docket Office hours of operation are 8:15 a.m. to 4:45 p.m., e.s.t.

Instructions: All comments received will be posted without change to <http://dockets.osha.gov>, including any personal information provided. OSHA cautions you about submitting personal information such as social security numbers and birth dates.

Docket: For access to the docket to read background documents or

comments received, go to <http://dockets.osha.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance in using the Web page to locate docket submissions.

Extension of Comment Period: Submit requests for extensions concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210. Or fax to (202) 693-1644.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, 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, or phone (202) 693-2110.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that TUV Product Services GmbH (TUVPSG) has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). TUVPSG's expansion request covers the use of additional test standards. OSHA's current scope of recognition for TUVPSG may be found in the following informational Web page: <http://www.osha-slc.gov/dts/otpca/nrtl/tuvpsg.html>.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (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 certified" by the NRTL to meet OSHA standards that require testing and certification.

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. We maintain an informational Web page for each NRTL, which details its scope of recognition. These pages can be accessed from our Web site at <http://www.osha-slc.gov/dts/otpca/nrtl/index.html>.

The most recent notice published by OSHA for TUVPSG's recognition covered an expansion of recognition, which became effective on April 22, 2003 (68 FR 19856).

The current address of the TUVPSG facility already recognized by OSHA is: TUV Product Services GmbH, Ridlerstrasse 65, D-80339, Munich, Germany.

General Background on the Application

TUVPSG has submitted an application, dated September 18, 2003 (see Exhibit 10) to expand its recognition to include 5 additional test standards. The NRTL Program staff has determined that each of these standards is an "appropriate test standard" within the meaning of 29 CFR 1910.7(c). Therefore, OSHA would approve these five test standards for the expansion. Following review of the application, OSHA requested certain additional information from TUVPSG and deferred action on the application pending receipt of this information. The NRTL adequately responded recently to that request, permitting OSHA to resume processing of the application.

TUVPSG seeks recognition for testing and certification of products for demonstration of conformance to the following five test standards:

- UL 201 Garage Equipment
- UL 325 Door, Drapery, Gate, Louver and Window Operator and Systems
- UL 696 Electric Toys
- UL 697 Toy Transformers
- UL 1029 High-Intensity-Discharge Lamp Ballasts

OSHA's recognition of TUVPSG, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third party testing and certification before use in the workplace. Consequently, any NRTL's scope of recognition excludes any product(s) that fall within the scope of a test standard, but for which OSHA standards do not require NRTL testing and certification.

A few of the UL test standards listed above also are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed

to the ANSI designation. Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

Preliminary Finding on the Application

TUVPSG has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with this request, OSHA evaluated the NRTL's capability for the standards during an on-site review of TUVPSG's NRTL facilities, and the assessor has recommended the expansion for the additional standards (see Exhibit 11). Our review of the application file, the assessor's recommendation, and other pertinent documents indicate that TUVPSG can meet the requirements, as prescribed by 29 CFR 1910.7, for the expansion for the additional test standards listed above. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether TUVPSG has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comments should consist of pertinent written documents and exhibits. Should you need more time to comment, you must request it in writing, including reasons for the request. OSHA must receive your written request for extension at the address provided above no later than the last date for comments. OSHA will limit any extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is not adequately justified. You may obtain or review copies of TUVPSG'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. Docket No. NRTL1-2001 contains all materials in the record concerning TUVPSG's application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant TUVPSG's expansion request. The Agency 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 Section 1910.7. OSHA will publish a public notice of

this final decision in the **Federal Register**.

Signed in Washington, DC this 9th day of May, 2005.

Jonathan L. Snare,

Acting Assistant Secretary.

[FR Doc. 05-9869 Filed 5-17-05; 8:45 am]

BILLING CODE 4510-26-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (05-090)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Turfgrass Management, Inc., a Nevada corporation, has applied for a partially exclusive license to practice the inventions described and claimed in U.S. Patent Numbers 5,433,766 ("Slow-Release Fertilizer") and 5,451,242 ("Active Synthetic Soil"). These patents are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to the Johnson Space Center.

DATES: Responses to this Notice must be received within 15 days from date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Theodore Ro, Patent Attorney, NASA Johnson Space Center, Mail Stop AL, Houston, TX 77058-8452; telephone (281) 244-7148.

Dated: May 5, 2005.

Keith T. Sefton,

Deputy General Counsel, Administration and Management.

[FR Doc. 05-9937 Filed 5-17-05; 8:45 am]

BILLING CODE 7510-13-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-33802, License No. 50-23220-02, and EA-05-023]

In the Matter of R&M Engineering Consultants, Fairbanks, AK; Confirmatory Order Modifying License (Effective Immediately)

R&M Engineering Consultants (R&M or Licensee) is the holder of NRC License No. 50-23220-02 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part

30. The license authorizes the Licensee to possess portable nuclear density gauges containing sealed sources of byproduct material and maintain them in storage until termination of the license. The possession and storage-only license was originally issued March 24, 1995, was last modified on September 21, 1999, with an expiration date of February 28, 2005.

An inspection conducted by NRC Region IV in June 2004 identified an apparent failure on the part of R&M to leak-test two portable nuclear density gauges in accordance with the conditions of the license. License Condition 12.D. requires, in part, that no sealed source or detector cell shall be stored for a period of more than three (3) years without being tested for leakage and/or contamination. This requirement was proposed by R&M in information submitted to the NRC with the 1995 license amendment request to modify the license to possess and store byproduct material. In addition, the inspection identified an apparent failure on the part of R&M to provide accurate information to the NRC in accordance with the requirements of 10 CFR 30.9.

Specifically, Mr. James Wellman, R&M's President, informed the NRC in a September 17, 2002, e-mail that he had performed leak tests of the gauges and had sent swabs to Radiation Detection Company in Sunnyvale, California for evaluation. The inspection found no evidence that R&M's portable nuclear gauges had been leak-tested since the possession and storage-only license was issued in 1995. A follow-up investigation by the NRC's Office of Investigations (OI) concluded in December 2004 that Mr. Wellman willfully failed to leak-test the portable gauges in accordance with the requirements of the license. In addition, based on a review of the information in the investigation report, it appears that Mr. Wellman willfully failed to provide NRC accurate information in his September 2002 e-mail.

On February 8, 2005, representatives of NRC Region IV contacted Mr. Wellman by telephone to discuss the results of the inspection and investigation. NRC Region IV informed Mr. Wellman that the NRC was considering escalated enforcement action, including possible monetary civil penalties for the apparent violations described above. Mr. Wellman has previously stated his intent to transfer the gauges and terminate the license. During the telephonic discussion, NRC Region IV asked Mr. Wellman if he would agree to take prompt action to transfer the gauges and request termination of R&M's NRC

license in lieu of NRC pursuing escalated enforcement action. Mr. Wellman agreed to these actions during the telephone call, and subsequently consented to these actions in response to a letter and a copy of the Confirmatory Order containing the proposed conditions that the NRC sent to Mr. Wellman on February 25, 2005.

In a consent form signed on March 16, 2005, R&M Engineering Consultants agreed to all of the commitments described in Section IV below. The Licensee further agreed that this Order would be effective upon issuance and that R&M waived its right to a hearing on this Order. Implementation of these commitments will ensure that licensed material is appropriately handled and disposed of.

I find that the Licensee's commitments as described in Section IV below are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that the Licensee's commitments be confirmed by this Order. Based on the above and Licensee's consent, this Order is immediately effective upon issuance. Accordingly, pursuant to Sections 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 30, it is hereby ordered, effective immediately, that license No. 50-23220-02 is modified as follows:

1. Within 30 days of the date of the Confirmatory Order, leak test and obtain the results of leak tests for all sealed sources contained in portable nuclear gauging devices possessed under the authority of License No. 50-23220-02.

2. Within 35 days of the date of the Confirmatory Order, provide the Director, Division of Nuclear Materials Safety, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, with a copy of the results of the leak tests.

3. Within 45 days of the date of the Confirmatory Order, complete the transfer of all portable nuclear gauging devices possessed under the authority of License No. 50-23220-02 to an authorized recipient.

4. Within 50 days of the date of the Confirmatory Order, provide the Director, Division of Nuclear Materials Safety, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, with copies of documents demonstrating that the transfer has taken place.

5. Within 60 days of the date of the Confirmatory Order, submit to the