

at both the top and bottom of the belt/return slope so that the belt and return will be one slope for the purpose of return air and coal haulage; (3) a carbon monoxide monitoring system will be used on the belt at the top and bottom of the slope with monitoring via computer in the mine office and the mine dispatcher station on the surface; and (4) return air coursed up the slope will be routed to the return at the top of the slope and will not mix with belt air. The petitioner asserts that the proposed alternative method will at all times guarantee the same measure of protection and safety afforded the miners by the mandatory standard.

*Docket Number:* M-2008-001-C.

*Petitioner:* S & M Coal Company, 1744 E. Grand Avenue, Tower City, Pennsylvania 17980.

*Mine:* Buck Mountain Slope, MSHA I.D. No. 36-02022, located in Daupin County, Pennsylvania.

*Regulation Affected:* 30 CFR 75.1400 (Hoisting equipment; general).

*Modification Request:* The petitioner proposes to use the slope (gunboat) to transport persons in shafts and slopes using an increased rope strength/safety factor and secondary safety rope connection instead of using safety catches or other no less effective devices. The petitioner asserts that a functional safety catch capable of working properly in slopes with knuckles and curves has not been developed and that the proposed alternative method will not provide less than the same measure of protection afforded the miners under the current standard.

Dated: January 30, 2008.

**Jack Powasnik,**

*Deputy Director, Office of Standards, Regulations, and Variances.*

[FR Doc. E8-2229 Filed 2-6-08; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2006-0040]

#### SGS U.S. Testing Company, Inc.; Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Occupational Safety and Health Administration's final decision expanding the recognition of SGS U.S. Testing Company, Inc., (SGSUS) as a

Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**DATES:** The expansion of recognition becomes effective on February 7, 2008.

**FOR FURTHER INFORMATION CONTACT:** MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of SGS U.S. Testing Company, Inc., (SGSUS) as a Nationally Recognized Testing Laboratory (NRTL). The expansion covers the use of additional test standards. OSHA's current scope of recognition for SGSUS may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/sgs.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 approved 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 that details its scope of recognition. These pages can be accessed from our Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

SGSUS applied on September 28, 2005, for expansion of its recognition to add seven test standards to its scope (see Exhibit 18-2, as cited in the

preliminary notice). The NRTL Program staff determined that each of these standards is an "appropriate test standard" within the meaning of 29 CFR 1910.7(c). OSHA staff performed an on-site visit of the NRTL's Fairfield site in September 2005. Based on this visit, in February 2006, the staff recommended the expansion to include the seven additional test standards (see Exhibit 18-4, as cited in the preliminary notice). Therefore, OSHA is approving these test standards for the expansion.

The preliminary notice announcing the expansion application and the SGSUS renewal application was published in the **Federal Register** on October 6, 2006 (71 FR 59131). Comments were requested by October 23, 2006, but no comments were received in response to this notice. However, publication of the final notice has been delayed to address matters unrelated to the expansion, which OSHA is now granting through this final notice. The renewal application will be the subject of a future notice.

The most recent application processed by OSHA specifically related to the recognition of SGSUS granted an expansion, and the final notice for this expansion was published on May 12, 2000 (65 FR 30638).

You may obtain or review copies of all public documents pertaining to the SGSUS application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210. Docket No. OSHA-2006-0040 (formerly NRTL2-90) contains all materials in the record concerning the recognition of SGSUS.

The current address of the SGSUS facility (site) already recognized by OSHA is: SGS U.S. Testing Company, Inc., 291 Fairfield Avenue, Fairfield, New Jersey 07004.

#### Final Decision and Order

NRTL Program staff has examined the application, the assessor's recommendation, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that SGSUS has met the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of SGSUS, subject to this limitation and these conditions.

##### Limitation

OSHA limits the expansion of recognition of SGSUS to testing and

certification of products for demonstration of conformance to the following test standards, each of which OSHA has determined is an appropriate test standard, within the meaning of 29 CFR 1910.7(c):

UL 62 Flexible Cords and Cables  
 UL 355 Cord Reels  
 UL 498 Attachment Plugs and Receptacles  
 UL 498A Current Taps and Adapters  
 UL 817 Cord Sets and Power-Supply Cords  
 UL 1363 Relocatable Power Taps  
 UL 1581 Electrical Wires, Cables, and Flexible Cords

The designations and titles of the above test standards were current at the time of the preparation of this final notice.

OSHA's recognition of SGSUS, 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, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

A test standard listed above may be approved as an American National Standard 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.

#### Conditions

SGSUS must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

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

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

SGSUS must not engage in or permit others to engage in any

misrepresentation of the scope or conditions of its recognition. As part of this condition, SGSUS 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;

SGSUS must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

SGSUS will meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition; and

SGSUS will continue to meet the requirements for recognition in all areas where it has been recognized.

Signed at Washington, DC, this 30th day of January, 2008.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary for Occupational Safety and Health.*

[FR Doc. E8-2199 Filed 2-6-08; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2007-0043]

#### TUV America, Inc.; Application for Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of TUV America, Inc., (TUVAM) for expansion of its recognition and presents the Agency's preliminary finding to grant this request. 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: postmarked or sent by February 22, 2008.
- Electronic transmission or facsimile: sent by February 22, 2008.

**ADDRESSES:** You may submit comments by any of the following methods:

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the

Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

*Fax:* If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2007-0043 (formerly, NRTL2-2001), U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.-4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and the OSHA docket number for this notice (OSHA Docket No. OSHA-2007-0043). Submissions, including any personal information you provide, are placed in the public docket without change and may be made available online at <http://www.regulations.gov>.

*Docket:* To read or download submissions or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket are listed in the <http://www.regulations.gov> index, however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

*Extension of Comment Period:* Submit requests for extensions concerning this notice to the Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210. Or fax to (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3655, Washington, DC 20210, or phone (202) 693-2110. Our Web page includes information about the NRTL Program (see <http://www.osha.gov> and select "N" in the site index).

#### SUPPLEMENTARY INFORMATION:

##### Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives