

MET submitted an application, dated November 1, 2004, (see Exhibit 35-1) to expand its recognition to include 12 additional test standards. The NRTL Program staff determined that each of these standards is an "appropriate test standard" within the meaning of 29 CFR 1910.7(c). However, one standard was already included in MET's scope. Therefore, OSHA is approving eleven test standards for the expansion. In connection with this request, OSHA did not perform an on-site review of MET's NRTL testing facilities. However, NRTL Program assessment staff reviewed information pertinent to the request and recommended that MET's recognition be expanded to include the eleven additional test standards listed below (see Exhibit 35-2). The preliminary notice announcing the expansion application was published in the **Federal Register** on August 30, 2005 (70 FR 51370). Comments were requested by September 14, but no comments were received in response to this notice.

The previous notices published by OSHA for MET's recognition covered an expansion of recognition, which became effective on August 26, 2003 (68 FR 51304).

You may obtain or review copies of all public documents pertaining to the MET 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. NRTL1-88 contains all materials in the record concerning MET's recognition.

The current address of the MET facility already recognized by OSHA is: MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, Maryland 21230.

#### 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 MET 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 MET, subject to the following limitation and conditions.

#### Limitation

OSHA limits the expansion of MET's recognition to testing and certification of products for demonstration of conformance to the test standards listed below. OSHA has determined that the

standards meet the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c).

- UL 5A Nonmetallic Surface Raceways and Fittings.
- UL 291 Automated Teller Systems.
- UL 294 Access Control System Units.
- UL 508A Industrial Control Panels.
- UL 963 Sealing, Wrapping, and Marking Equipment.
- UL 1727 Commercial Electric Personal Grooming Appliances.
- UL 1863 Communication Circuit Accessories.
- UL 60065 Audio, Video and Similar Electronic Apparatus. \*\*
- UL 60335-1 Safety of Household and Similar Electrical Appliances, Part 1; General Requirements.
- UL 60335-2-34 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Motor Compressors.
- UL 61010C-1 Process Control Equipment.

**\*\*Note:** This standard is comparable to UL 6500 Audio/Video and Musical Instrument Apparatus for Household, Commercial, and Similar General Use. Since no NRTL is currently recognized for UL 60065, we plan to modify the scope of any NRTL currently recognized for UL 6500 to add UL 60065.

The designation and title of the above test standards were current at the time of the preparation of the notice of the preliminary finding.

OSHA's recognition of MET, 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, an NRTL's scope of recognition excludes any product(s) falling within the scope of a test standard for which OSHA has no NRTL testing and certification requirements.

Many UL test standards 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.

#### Conditions

MET 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 MET's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If MET 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;

MET 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, MET 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;

MET 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;

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

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

Signed at Washington, DC, this 28th day of November, 2005.

**Jonathan L. Snare,**

*Acting Assistant Secretary.*

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**BILLING CODE 4510-26-P**

#### LIBRARY OF CONGRESS

##### Copyright Royalty Board

[Docket No. 2005-5 CRB DTNSRA]

##### Digital Performance Right in Sound Recordings and Ephemeral Recordings for a New Subscription Service

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Notice announcing commencement of proceeding with request for Petitions to Participate.

**SUMMARY:** The Copyright Royalty Board of the Library of Congress is announcing the commencement of a proceeding to determine the reasonable rates and

terms for the transmission and ephemeral recording statutory licenses that would apply to a new type of service. This new type of subscription service performs sound recordings on digital audio channels programmed by the licensee for transmission by a satellite television distribution service to its residential customers, where the audio channels are bundled with television channels as part of a "basic" package of service and not for a separate fee. The Board is also announcing the date by which a party who wishes to participate in the new rate proceeding must file its Petition to Participate and the accompanying \$150 filing fee.

**DATES:** Petitions to Participate and the filing fee are due no later than January 4, 2006.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of a Petition to Participate along with the \$150 filing fee should be brought to Room LM-401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial carrier, an original and five copies of a Petition to Participate along with the \$150 filing fee must be delivered to the Congressional Courier Acceptance Site located at Second and D Street, NE., Monday through Friday between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, Room 403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a Petition to Participate along with the \$150 filing fee should be addressed to: Copyright Royalty Board, P.O. Box 70977, Southwest Station, Washington, DC 20024-0977. Petitions to Participate and the \$150 filing fee may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

**FOR FURTHER INFORMATION CONTACT:** William J. Roberts, Jr., Senior Attorney, or Abioye E. Oyewole, CRB Program Specialist. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 31, 2005, the Copyright Royalty Board ("Board") from XM

Satellite Radio, Inc. ("XM"), a Petition to Initiate and Schedule Proceeding for a New Type of Subscription Service pursuant to 17 U.S.C. 114(f)(2)(C). As characterized in the Petition, "This new type of subscription service performs sound recordings on digital audio channels programmed by the licensee for transmission by a satellite television distribution service to its residential customers, where the audio channels are bundled with television channels as part of a 'basic' package of service and not for a separate fee." XM Petition at 1.

As explained in the Petition, commencing on or about November 15, 2005, DirecTV, Inc., ("DirecTV"), a provider of television service to residential consumers by satellite, would begin to include a number of music and non-music audio channels, supplied by XM in its program lineup. The XM channels will be "a part of the DirecTV basic package of service, without requiring payment of a separate subscription fee." XM Petition at 2. This new service would utilize the statutory copyright licenses provided in 17 U.S.C. 114(d)(2) (for performance by means of subscription digital audio transmission) and 17 U.S.C. 112(e) (for ephemeral recordings solely for use in those transmissions). This Notice is issued, pursuant to 17 U.S.C. 804(b)(3)(C)(ii), to initiate the proceeding to determine the rates and terms for those licenses.

**Petitions To Participate**

Any party who wishes to participate in this proceeding must submit to the Board a Petition to Participate by no later than January 4, 2006. 17 U.S.C. 803(b)(1)(B). The single or joint Petition to Participate must provide all of the information required by 37 CFR 351.1(b). See, 70 FR 30906-7 (May 31, 2005). The Petition to Participate must be accompanied by a \$150 filing fee. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to "Copyright Royalty Board." If payment of the filing fee in the form of a check is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed.

Dated: November 29, 2005.

**Bruce G. Forrest,**

*Interim Chief Copyright Royalty Judge.*

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**BILLING CODE 1410-72-P**

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-336 and 50-423]

**Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Units 2 and 3; Notice of Issuance of Renewed Facility; Operating License Nos. DPR-65 And NPF-49; for an Additional 20-Year Period**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Renewed Facility Operating License Nos. DPR-65 and NPF-49 to Dominion Nuclear Connecticut, Inc. (licensee), the operator of Millstone Power Station (MPS), Units 2 and 3. Renewed Facility Operating License No. DPR-65 authorizes operation of MPS Unit 2 by the licensee at reactor core power levels not in excess of 2700 megawatts thermal, in accordance with the provisions of the MPS renewed license and its Technical Specifications. Renewed Facility Operating License No. NPF-49 authorizes operation of MPS Unit 3 by the licensee at reactor core power levels not in excess of 3411 megawatts thermal, in accordance with the provisions of the MPS renewed license and its Technical Specifications.

MPS Units 2 and 3 are pressurized water reactors located in Waterford, Connecticut. The licensee's applications for the renewed licenses complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter 1, the Commission has made appropriate findings, which are set forth in each license. Prior public notice of the action of issuing the proposed renewed licenses and of an opportunity for a hearing on the proposed issuance of the renewed licenses was published in the **Federal Register** on March 12, 2004 (69 FR 11897).

For further details about this action, see: (1) Dominion Nuclear Connecticut's license renewal applications for MPS Units 2 and 3, dated January 20, 2004, as supplemented by letters dated through July 21, 2005; (2) the Commission's safety evaluation report dated October 2005 (NUREG-1838); and (3) the Commission's final environmental impact statements (NUREG-1437, Supplement 22, for the Millstone Power Station, Units 2 and 3, dated July 2005). These documents are available at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, and can be viewed from the NRC Public