

*Docket No.:* M-2004-046-C.

*FR Notice:* 70 FR 42102.

*Petitioner:* Genwal Resources, Inc.

*Regulation Affected:* 30 CFR 75.1100-2(e)(2).

*Summary of Findings:* The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR 75.1100-1(e). This is considered an acceptable alternative method for the Crandall Canyon Mine MSHA I.D. No. 42-01715). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the Crandall Canyon Mine with conditions.

*Docket No.:* M-2005-047-C.

*FR Notice:* 70 FR 42102.

*Petitioner:* West Ridge Resources, Inc.

*Regulation Affected:* 30 CFR 75.1100-2(e)(2).

*Summary of Findings:* The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR 75.1100-1(e). This is considered an acceptable alternative method for the West Ridge Mine (MSHA I.D. No. 42-02233). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the West Ridge Mine with conditions.

*Docket No.:* M-2005-048-C.

*FR Notice:* 70 FR 42102.

*Petitioner:* Genwal Resources, Inc.

*Regulation Affected:* 30 CFR 75.1100-2(e)(2).

*Summary of Findings:* The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR

75.1100-1(e). This is considered an acceptable alternative method for the South Crandall Canyon Mine (MSHA I.D. No. 42-02356). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the South Crandall Canyon Mine with conditions.

*Docket No.:* M-2005-049-C.

*FR Notice:* 70 FR 42102.

*Petitioner:* Andalex Resources, Inc.

*Regulation Affected:* 30 CFR 75.1100-2(e)(2).

*Summary of Findings:* The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR 75.1100-1(e). This is considered an acceptable alternative method for the Pinnacle Mine (MSHA I.D. No. 42-01474). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the Pinnacle Mine with conditions.

[FR Doc. E5-6832 Filed 12-2-05; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL1-88]

#### MET Laboratories, 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 MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**DATES:** The expansion of recognition becomes effective on December 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** 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-3653, 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 MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory (NRTL). MET's expansion covers the use of additional test standards. OSHA's current scope of recognition for MET may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/met.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"<sup>1</sup> 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.gov/dts/otpca/nrtl/index.html>.

<sup>1</sup> Properly certified means, in part, that the product is labeled or marked with the NRTL's "registered" certification mark (i.e., the mark the NRTL uses for its NRTL work) and that the product certification falls within the scope of recognition of the NRTL.

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.*

[FR Doc. E5-6822 Filed 12-2-05; 8:45 am]

**BILLING CODE 4510-26-P**

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#### 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.

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