

standards, none of which appears to cover primarily product-safety testing. These four standards are:

ANSI/NFPA 11 Low-, Medium-, and High-Expansion Foam

ANSI/NFPA 12 Carbon Dioxide Extinguishing Systems

ANSI/NFPA 12A Halon 1301 Fire Extinguishing Systems

ANSI/NFPA 17 Dry Chemical Extinguishing Systems

Accordingly, OSHA is proposing to remove NFPA 16 and the four similar test standards from these NRTLs' scopes of recognition. Before doing so, OSHA requests comment on whether this action would have adverse impact on the requirements for NRTL certification specified for products under its standards (such as preventing NRTLs from certifying fire-extinguishing agents or products). If commenters believe that adverse impact would occur, OSHA requests that they comment on whether the Agency should continue allowing NRTLs to use these test standards until it identifies appropriate standards for certifying the affected products.<sup>4</sup> If no adverse impacts would occur, OSHA is proposing to delete NFPA 16 and the four similar test standards from the scopes of the affected NRTLs. OSHA will issue its decision regarding these test standards in the subsequent **Federal Register** notice announcing the results of UL's expansion request.

#### **Preliminary Finding on the Application**

UL submitted an acceptable request for expansion of its recognition as an NRTL. OSHA's review of the application file and other pertinent documents indicates that UL can meet the requirements, as prescribed by 29 CFR 1910.7, for an expansion of its recognition to include 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 UL meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request, in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 15 days unless the requester justifies a longer period.

<sup>4</sup> If OSHA determines that adverse impact would occur, OSHA may add NFPA 16 to UL's scope of recognition until it identifies an appropriate substitute test standard.

OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of UL's request and other pertinent documents, and all submitted comments, as received, contact the Docket Office, Room N-2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2009-0025.

The NRTL Program staff will review all timely comments and, after addressing the issues raised by these comments, will recommend whether to grant UL's expansion request. The Assistant Secretary will make the final decision on granting the request, 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**.

#### **Authority and Signature**

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to Sections 6(b) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655 and 657), Secretary of Labor's Order No. 5-2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, on April 20, 2010.

**David Michaels,**

*Assistant Secretary for Occupational Safety and Health.*

[FR Doc. 2010-9545 Filed 4-23-10; 8:45 am]

**BILLING CODE 4510-26-P**

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

[Docket No. OSHA-2006-0042]

#### **Canadian Standards Association; Application for Expansion of Recognition**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of the Canadian Standards Association for expansion of its recognition and presents the Agency's preliminary finding to grant this request. OSHA also is seeking comment on the equivalency of the ANSI/AAMI

ES60601-1:2005 and UL 60601-1 product-safety test standards.

**DATES:** Submit information or comments, or any request for extension of the time to comment, on or before May 11, 2010. All submissions must bear a postmark or provide other evidence of the submission date.

**ADDRESSES:** Submit comments by any of the following methods:

*Electronically:* Submit comments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

*Fax:* If submissions, including attachments, are no longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, or messenger or courier service:* Submit one copy of the comments to the OSHA Docket Office, Docket No. OSHA-2006-0042, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, and 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 (*i.e.*, OSHA-2006-0042). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will 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 an extension of the comment period on or before May 11, 2010 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 by 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 N-3655, Washington, DC 20210; telephone: (202) 693-2110. For information about the NRTL Program, go to <http://www.osha.gov>, and select "N" in the site index.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Expansion Application

The Occupational Safety and Health Administration (OSHA) is providing notice that the Canadian Standards Association (CSA) applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). CSA's expansion request covers the use of additional test standards.

OSHA recognition of an NRTL signifies that the organization meets the legal requirements specified in 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 approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition, or for an 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. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages can be accessed from the Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>. Each NRTL's scope of recognition has three elements: (1) The type of products the NRTL may test, with each type specified by its applicable test standard; (2) the recognized site(s) that has/have the technical capability to perform the testing and certification activities for test standards within the NRTL's scope; and (3) the supplemental program(s) that the NRTL may use, each of which allows the NRTL to rely on other parties to perform activities necessary for product testing and certification.

##### General Background on the Application

CSA submitted an application, dated June 25, 2008, to expand its recognition to include five additional test standards. (Ex. 2—CSA expansion application dated 6/25/2008.) The NRTL Program staff determined that four of these standards are "appropriate test standards" within the meaning of 29 CFR 1910.7(c). In connection with this request, NRTL Program staff did not perform an onsite review of CSA's recognized sites. The staff only performed a comparability analysis,<sup>1</sup> which determined that CSA has the capabilities to perform the testing to the four standards, which are listed below. As a result, the Agency would approve these four test standards for the expansion.

CSA seeks expansion of its recognition for testing and certification of products to the following test standards:<sup>2</sup>

UL 498A Current Taps and Adapters.  
UL 515 Electrical Resistance Heat Tracing for Commercial and Industrial Applications.

UL 1673 Electric Space Heating Cables.

UL 1977 Component Connectors for Use in Data, Signal, Control and Power Applications.

CSA amended its application on October 20, 2009 (see Ex. 3—CSA amendment dated 10/20/2009), to request recognition for the following additional test standard based on its present recognition for UL 60601-1: ANSI/AAMI ES60601-1:2005 Medical Electrical Equipment—Part 1: General Requirements for Basic Safety and Essential Performance.

In its request, CSA explained that the AAMI standard will be replacing UL 60601-1, and that all NRTLs recognized for UL 60601-1 should have the AAMI standard added to their scope. OSHA requests comments on the equivalency of these two standards. If the comments or other information demonstrate that the standards are substantially equivalent, then OSHA will contact each NRTL that is currently recognized for UL 60601-1 to determine whether to add the AAMI standard to its scope.

OSHA's recognition of CSA, 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 for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product.

The test standards listed above may be approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy, any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI approved.

##### Preliminary Finding on the Application

CSA submitted an acceptable request for expansion of its recognition as an NRTL. OSHA's review of the application file and other pertinent documents indicates that CSA can meet the requirements, as prescribed by 29 CFR 1910.7, for an expansion of its recognition to include 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 CSA meets the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 15 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of CSA's request and other pertinent documents, and all submitted comments, as received, contact the Docket Office, Room N-2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2006-0042.

The NRTL Program staff will review all timely comments and, after addressing the issues raised by these comments, will recommend whether to

<sup>1</sup> This analysis involves determining whether the testing and evaluation requirements of test standards already in an NRTL's scope are comparable to the requirements in the standards requested by the NRTL.

<sup>2</sup> The designations and titles of these test standards were current at the time of the preparation of this notice.

grant CSA's expansion request. The Assistant Secretary will make the final decision on granting the request, 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**.

#### Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to Sections 6(b) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655 and 657), Secretary of Labor's Order No. 5-2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, on April 20, 2010.

#### David Michaels,

*Assistant Secretary for Occupational Safety and Health.*

[FR Doc. 2010-9546 Filed 4-23-10; 8:45 am]

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

[Prohibited Transaction Exemption 2010-12; Exemption Application No. L-11566]

#### Grant of Individual Exemption Involving Chrysler LLC, Located in Auburn Hills, MI

**AGENCY:** Employee Benefits Security Administration, U.S. Department of Labor.

**ACTION:** Grant of individual exemption.

This document contains an individual exemption issued by the Department of Labor (the Department) from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act or ERISA). The transactions involve the New Chrysler VEBA Plan and its associated UAW Retiree Medical Benefits Trust (the VEBA Trust) (collectively the VEBA).<sup>1</sup>

**DATES:** *Effective Date:* This exemption is effective as of June 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** Warren Blinder, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202)

<sup>1</sup> Because the New Chrysler VEBA Plan will not be qualified under section 401 of the Internal Revenue Code of 1986, as amended, there is no jurisdiction under Title II of the Act pursuant to section 4975 of the Code. However, there is jurisdiction under Title I of the Act.

693-8553. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On October 5, 2009, the Department published a notice of proposed individual exemption from the restrictions of sections 406(a)(1)(A), 406(a)(1)(B), 406(a)(1)(D), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2), and 407(a) of the Act (the Notice, or proposed exemption).<sup>2</sup> The proposed exemption was requested in an application filed by New Chrysler, the successor to the assets of Chrysler LLC, pursuant to section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR 2570, Subpart B (55 FR 32836, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury Department to issue exemptions of the type requested to the Secretary of Labor. Accordingly, this final exemption is being issued solely by the Department.

#### Background

On March 30, 2008, Chrysler LLC and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (the UAW), along with respective class representatives (Class Counsel) of plaintiff class members in *UAW v. Chrysler LLC* (the English Case) entered into a Settlement Agreement (the English Settlement Agreement) providing, among other things, that Chrysler LLC transfer responsibility and funding for retiree health care benefits to a voluntary employees' beneficiary association (a VEBA).<sup>3</sup> The English Case had been brought to contest Chrysler LLC's asserted right to unilaterally modify the retiree health benefits under the Chrysler Health Care Program for Hourly Employees. Under the English Settlement Agreement, Chrysler LLC's obligation to provide post-retirement medical benefits to the "Class" and "Covered Group" would be terminated, and instead, Chrysler LLC would transfer certain assets to the VEBA Trust to provide the Class and Covered Group with post-retirement medical benefits under the New Chrysler VEBA Plan.<sup>4</sup>

<sup>2</sup> See Notice of Proposed Individual Exemption Involving Chrysler LLC, Located in Auburn Hills, MI, 74 FR 51182 (October 5, 2009).

<sup>3</sup> See, *International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, et al. v. Chrysler, LLC*, Civ. Act. No. 2:07-cv-14310 (E.D. Mich., complaint filed October 11, 2007).

<sup>4</sup> The New Chrysler VEBA Plan provides retiree medical benefits to members of the "Class" and the

As a result of deteriorating economic conditions and a growing liquidity crisis, on April 30, 2009, Chrysler LLC and 26 of its domestic direct and indirect subsidiaries filed a bankruptcy action under chapter 11 of Title 11 of the United States Code (the Bankruptcy Code) with the Bankruptcy Court and announced a plan for a partnership with Italian automaker Fiat S.p.A. (Fiat).<sup>5</sup> On June 10, 2009, Chrysler LLC completed the sale under Section 363 of the Bankruptcy Code (a Section 363 Sale) of substantially all of its assets to an entity called New Carco Acquisition LLC (later renamed Chrysler Group LLC, and hereinafter referred to as "New Chrysler"), a Delaware limited liability company formed by Fiat North America LLC, a subsidiary of Fiat.<sup>6</sup> As discussed in greater detail in the proposed exemption, Fiat will initially own a minority 20% stake of New Chrysler with the option of acquiring additional equity if certain milestones are met.

Through the Bankruptcy proceeding, New Chrysler acquired certain core assets from Chrysler LLC in exchange for the assumption of certain liabilities of Chrysler LLC and a cash payment to Chrysler LLC pursuant to the Master Transaction Agreement, dated as of April 30, 2009 as subsequently amended (collectively with other ancillary and supporting documents, the "MTA"). Following the Bankruptcy proceeding and the sale of the assets from Chrysler LLC to New Chrysler, initial ownership of New Chrysler will be broken into two classes of membership interests, Class A (800,000 interests) and Class B (200,000 interests). Fiat will initially own the 200,000 Class B membership interests, representing 20% of the voting and economic interest of New Chrysler; the United States Treasury Department (the Treasury Department) will own 98,461 Class A membership interests; the Canadian Government will together own 24,615 Class A membership interests, and the VEBA Trust will own 676,924 Class A membership interests (the Class A membership interests initially owned by the Trust are referred to herein as the "Shares"), in each case, subject to the applicable terms and conditions described below. In addition, after the Sale, New Chrysler became the new legal entity, Chrysler Group LLC.

The assets in the Section 363 Sale were sold free and clear of liens, claims,

"Covered Group" as defined in the Settlement Agreement and in Section VI. of this exemption.

<sup>5</sup> In light of the Bankruptcy Proceeding, the English Settlement Agreement is of no further force or effect.

<sup>6</sup> *In re Chrysler LLC, et al.*, Case No. 09B 50002 (Document 3073), slip op. (Bankr. S.D.N.Y. May 31, 2009).