

TA-W No.	Subject firm	Location	Impact date
72,493 .....	Ananke, Inc .....	Providence, RI	
74,291 .....	South Central Workforce Investment Board, Ozark Action, Inc .....	West Plains, MO	

### Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and

on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA-W No.	Subject firm	Location	Impact date
74,544 .....	3M IMTEC .....	Ardmore, OK	
74,616 .....	Orbotech, Inc., A workers working on-site at TTM Technologies .....	Redmond, WA	

The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed

by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under Section 223(b), and

therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

TA-W No.	Subject firm	Location	Impact date
74,488 .....	Computer Sciences Corporation (CSC) .....	Newark, DE	
74,496 .....	Hallmark Cards, Inc .....	Kansas City, MO	

The following determinations terminating investigations were issued because the petitioning groups of

workers are covered by active certifications. Consequently, further investigation in these cases would serve

no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

TA-W No.	Subject firm	Location	Impact date
74,103 .....	WellPoint, Inc., Doing business as Blue Cross/Blue Shield .....	Denver, CO	

I hereby certify that the aforementioned determinations were issued during the period of October 4, 2010 through October 8, 2010. Copies of these determinations may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or [tofoiarequest@dol.gov](mailto:tofoiarequest@dol.gov). These determinations also are available on the Department's Web site at <http://www.doleta.gov/tradeact> under the searchable listing of determinations.

Dated: October 15, 2010.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 2010-26768 Filed 10-22-10; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2007-0041]

### FM Approvals; 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 FM Approvals LLC as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**DATES:** The expansion of recognition becomes effective on October 25, 2010.

**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 that it is expanding the recognition of FM Approvals LLC (FM) as a Nationally Recognized Testing Laboratory (NRTL). FM's expansion covers the use of additional test standards. OSHA's current scope of recognition for FM may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/fm.html>.

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 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 are available from the Web site at <http://www.osha.gov/dts/otpc/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.

FM submitted an application, dated July 18, 2007, to expand its recognition to include 31 additional test standards. The NRTL Program staff deferred action on 20 of these standards pending resolution of technical issues. The staff determined that ten of the remaining 11 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 FM's recognized sites. The staff only performed a comparability analysis,<sup>1</sup> which determined that FM has the capabilities to perform the testing related to the ten standards (*see list below*). The Agency subsequently accepted this recommendation, and published a preliminary notice announcing the expansion application in the **Federal Register** on March 2, 2010 (75 FR 9439). Comments were requested by March 17, 2010, but OSHA received no comments in response to this notice. OSHA is now proceeding

<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.

with this final notice to grant FM's expansion application.

All public documents pertaining to the FM application are available for review 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. These materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2007-0041.

#### Final Decision and Order

NRTL Program staff examined FM's application, the comparability analysis, and other pertinent information. Based on this examination and the analysis, OSHA finds that FM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions specified below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of FM, subject to this limitation and these conditions.

#### Limitation

OSHA limits the expansion of FM's recognition to testing and certification of products for demonstration of conformance to the following test standards, each of which OSHA determines is an appropriate test standard, within the meaning of 29 CFR 1910.7(c):

- UL 153 Portable Electric Luminaires<sup>2</sup>
- UL 268A Smoke Detectors for Duct Application
- UL 484 Room Air Conditioners
- UL 521 Heat Detectors for Fire Protective Signaling Systems
- UL 1480 Speakers for Fire Alarm, Emergency, and Commercial and Professional Use
- UL 1638 Visual Signaling Appliances—Private Mode Emergency and General Utility Signaling
- FM 3210 Heat Detectors for Automatic Fire Alarm Signaling
- FM 7260 Electrostatic Finishing Equipment
- UL 61010A-1 Electrical Equipment for Laboratory Use; Part 1: General Requirements
- UL 61010B-1 Electrical Measuring and Test Equipment; Part 1: General Requirements

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

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require

<sup>2</sup> FM requested recognition for UL 298—Portable Electric Hand Lamps, but this standard has been withdrawn and was superseded by UL 153.

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 American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. 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.

#### Conditions

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

1. FM must allow OSHA access to its facilities and records to ascertain continuing compliance with the terms of its recognition, and to perform investigations as OSHA deems necessary;

2. If FM 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 concern, and provide that organization with appropriate relevant information upon which its concern is based;

3. FM 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, FM 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 applies and that its recognition is limited to certain products;

4. FM 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 of these changes;

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

6. FM will continue to meet the requirements for recognition in all areas to which this recognition applies.

**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. 4-2010 (75 FR 55355), and 29 CFR part 1911.

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

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010-26894 Filed 10-22-10; 8:45 am]

**BILLING CODE 4510-26-P**

**DEPARTMENT OF LABOR****Employment and Training Administration****Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 4, 2010.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 4, 2010. Copies of these petitions may be requested under the Freedom of Information Act. Requests may be submitted by fax, courier services, or mail, to FOIA Disclosure Officer, Office of Trade Adjustment Assistance (ETA), U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 or to [foiarequest@dol.gov](mailto:foiarequest@dol.gov).

Signed at Washington, DC, this 14th of October 2010.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

**APPENDIX**

[TAA petitions instituted between 10/4/10 and 10/8/10]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
74691	Smurfit Stone Corporated (State/One-Stop)	Jacksonville, FL	10/06/10	09/29/10
74692	Bank of America (Workers)	Charlotte, NC	10/06/10	09/24/10
74693	UFE, Inc. (Workers)	El Paso, TX	10/06/10	09/20/10
74694	IAC Greencastle (Union)	Greencastle, IN	10/06/10	10/05/10
74695	Vico Company (Company)	Sumter, SC	10/06/10	10/04/10
74696	Motorola, Inc. (State/One-Stop)	Arlington Heights, IL	10/06/10	09/22/10
74697	Bank of America (Workers)	State College, PA	10/06/10	09/15/10
74698	Fraser, NH, LLC (Union)	Gorham, NH	10/06/10	09/28/10
74699	LabCorp (Workers)	Richardson, TX	10/06/10	09/29/10
74700	AT&T (Workers)	Reynoldsburg, OH	10/06/10	09/29/10
74701	Avaya, Inc. (State/One-Stop)	Prior Lake, MN	10/06/10	10/05/10
74702	Sperry and Rice Manufacturing Company, LLC (Workers)	Killbuck, OH	10/08/10	10/04/10
74703	Aviat, U.S., Inc. (Company)	Santa Clara, CA	10/08/10	10/06/10
74704	SuperValu, Inc. (State/One-Stop)	Hopkins, MN	10/08/10	10/06/10
74705	Moll Industries (Workers)	Seagrove, NC	10/08/10	10/04/10
74706	Busch Agricultural Resources, LLC (Workers)	Manitowoc, WI	10/08/10	09/01/10
74707	Biomet (Workers)	Parsippany, NJ	10/08/10	10/07/10

[FR Doc. 2010-26767 Filed 10-22-10; 8:45 am]

**BILLING CODE 4510-FN-P**

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-70,395]

**Dawson Metal Company, Inc., Industrial Division, Jamestown, NY; Notice of Negative Determination on Reconsideration**

On January 21, 2010, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The

Department's Notice of affirmative determination was published in the **Federal Register** on February 16, 2010 (75 FR 7030). The workers are engaged in employment related to precision sheet metal fabrication.

The initial negative determination based on the findings that the subject firm did not increase their imports of articles like or directly competitive with the articles produced by the workers during the relevant period and did not shift to a foreign country the production of like or directly competitive articles. Further, a survey of the major declining customer of the subject firm regarding