

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

OSHA's recognition of SWRI, 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).

Many UL test standards 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.

2. Supplemental Programs

The renewal is also limited to continued use by SWRI of the following supplemental programs, all of which are currently in its scope:

Program 2: Acceptance of testing data from independent organizations, other than NRTLs.

Program 3: Acceptance of product evaluations from independent organizations, other than NRTLs.

Program 4: Acceptance of witnessed testing data.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

In developing these programs, OSHA responded to industry requests and allowed certain of their ongoing practices to continue but in a manner controlled by OSHA criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, these programs help to define the scope of that recognition.

Conditions

SWRI 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 SWRI's facilities and records for

purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If SWRI 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;

SWRI 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, SWRI 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;

SWRI 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;

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

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

Signed at Washington, DC, this 21st day of February, 2007.

Edwin G. Foulke, Jr.,
Assistant Secretary of Labor.

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DEPARTMENT OF TRANSPORTATION

National Foundation for the Arts and the Humanities

National Endowment for the Arts; National Council on the Arts 160th Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on March 22 and March 23, 2007 in Rooms 527 and M-09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

The Council will meet in closed session on March 22nd, from 12 p.m. to 2 p.m., in Room 527 for discussion of National Medal of Arts nominations. In accordance with the determination of

the Chairman of February 16, 2007, this session will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

The March 23rd meeting, from 9 a.m. to 11:45 a.m. (ending time is approximate), will be open to the public on a space available basis. Opening remarks and announcements will include introduction of new Council members and viewing of a clip from the *Operation Homecoming* film. This will be followed by an update on Congressional/White House activities. The meeting will include two presentations: One on 40 years of NEA support for Theater and Musical Theater and one on Artist Communities, highlighting the MacDowell Colony and including guest speakers and a performance (participants not yet determined). This will be followed by review and voting on applications and guidelines. The meeting will conclude with general discussion.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682-5532, TTY-TDD 202/682-5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682-5570.

Dated: February 22, 2007.

Kathy Plowitz-Worden,
Panel Coordinator, Office of Guidelines and Panel Operations.

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