

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

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-3462 Filed 2-27-07; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Renewal of the Advisory Committee on Apprenticeship (ACA) Charter

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Renewal of the Advisory Committee on Apprenticeship (ACA) Charter.

**SUMMARY:** Notice is hereby given that after consultation with the General Services Administration, it has been determined that the renewal of a national advisory committee on apprenticeship is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Employment and Training Administration has renewed the Advisory Committee on Apprenticeship (ACA) Charter with several minor revisions. The revisions are not intended to change the purpose or the Committee's original intent. The revisions are intended as a routine updating to align with the Department's strategic goals and existing procedures.

#### SUPPLEMENTARY INFORMATION:

##### Background

The current ACA charter expires March 2, 2007. The ACA's charter is required to be renewed every two years from the date of the Secretary of Labor's signature. During the renewal process several revisions were made to align the charter with the Department's strategic goals and existing procedures. These proposed revisions were not intended to change the purpose or the Committee's original intent. The revisions were intended as a routine updating to align with the Department's goals and procedures. The revisions are found in the following five sections of the charter: Objectives and the Scope, Membership, official name change for the Office of Apprenticeship, Panel of Experts, and the Annual Operating Cost.

##### Summary of Revisions

- The objectives were slightly modified to ensure that they are aligned with the Department's Strategic Goals.
- The membership was altered slightly to make official the long

standing practice of inviting the current President of the National Association of State and Territorial Apprenticeship Directors (NASTAD) and the National Association of Government Labor Officials (NAGLO) to represent his or her respective organization on the Committee.

- All appropriate entries were modified to reflect the name change from the Office of Apprenticeship Training, Employer and Labor Services (OATELS) to the Office of Apprenticeship (OA).

- The current ACA recommended the U.S. Department of Agriculture be added to the Panel of Experts. The charter states that the Secretary can establish a non-voting Panel of Experts consisting of representatives from a variety of Departments to assist the Committee in carrying out its responsibilities.

- The budget was increased from \$220,000 to \$250,000 to accommodate the cost of providing logistical and conference support for the annual ACA meetings, and key regulatory workgroup meetings.

The ACA provides advice and recommendations to the Secretary of Labor in four key areas:

(1) In the development and implementation of policies, legislation and regulations affecting the National Apprenticeship System;

(2) On the preparation of the American workforce for sustained employment through employment and training programs for new and incumbent workers, as well as quality economic and labor market information;

(3) On measures that will foster quality work places that are safe, healthy, and fair;

(4) On strategies to meet the competitive labor demands of a global economy, as well as the development of workforce systems that assist workers and employers in meeting the challenges of global competition.

The Committee is composed of approximately 30 individuals appointed by the Secretary. The membership of the Committee shall include equal representation of employers, labor organizations, and the public sectors. NASTAD and NAGLO will both be represented by their current President on the public group of the Committee. Since the term for the NASTAD and the NAGLO presidency may not coincide with the ACA's two-year term, as the presidency changes, so will the representatives from these respective organizations. The Secretary shall appoint one of the public members as Chairperson to the Committee. A representative of the U.S. Department of

Education and the U.S. Department of Commerce will be invited to serve as non-voting members of the Committee ex-officio. The Assistant Secretary for Employment and Training shall be a member ex-officio. The Administrator of the Office of Apprenticeship shall be the designated Federal official to the Committee.

Terms of members shall be 1 or 2-years, as designated by the Secretary, provided that all Committee members shall serve at the pleasure of the Secretary. Appointments to vacancies occurring during the terms of such appointments shall be for the unexpired portions of the terms. The expiration date for the 2-year terms shall coincide with the termination of the charter, and the 1-year terms shall expire one month prior to the termination of the charter.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Swoope, Administrator, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, Room N-5311, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-2796, (this is not a toll-free number).

Signed at Washington, DC, this 22nd day of February, 2007.

**Emily Stover DeRocco,**

*Assistant Secretary for Employment and Training.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2006-0041]

#### Southwest Research Institute; Renewal and 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 renewing and expanding the recognition of Southwest Research Institute (SWRI) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

**DATES:** The renewal and expansion of recognition become effective on February 28, 2007.

**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 of the renewal and expansion of recognition of Southwest Research Institute (SWRI) as a Nationally Recognized Testing Laboratory (NRTL). SWRI's expansion covers the use of an additional test standard, while the SWRI renewal covers its existing scope of recognition. OSHA's current scope of recognition for SWRI may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/swri.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 approved 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 that details its scope of recognition. These pages can be accessed from our Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

SWRI initially received OSHA recognition as an NRTL on July 13, 1993 (58 FR 37752), for a five-year period ending on July 13, 1998. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. NRTLs submitting requests within this allotted time period retain

their recognition during OSHA's renewal process. SWRI submitted the required application and received its first renewal of recognition on March 9, 1999 (64 FR 11503), for the five-year period ending March 9, 2004. SWRI then submitted a request dated June 4, 2003 (see Exhibit 14), to renew its recognition again. This request fell within the allotted time period, and SWRI retained its recognition pending OSHA's final decision in the renewal process.

In its June 4, 2003, application, the NRTL included an earlier request to expand its recognition to include three additional test standards, but then eliminated two of these standards from its request. The NRTL Program staff determined that the remaining standard is an "appropriate test standard" within the meaning of 29 CFR 1910.7(c). Therefore, OSHA is approving this one additional test standard for the expansion. For the renewal, the Agency is approving the 11 test standards currently in SWRI's scope. In connection with the renewal, NRTL Program staff assessed the NRTL's facilities in April 2005 and recommended renewal of the SWRI recognition in a memo dated August 31, 2005 (see Exhibit 14-1). The assessor had previously recommended approval of the additional standard (also see Exhibit 14-1), but the expansion was deferred pending SWRI's decision regarding the two standards it eliminated.

The preliminary notice announcing the renewal/expansion application was published in the **Federal Register** on October 6, 2006 (71 FR 59133). Comments were requested by October 23, 2006, but no comments were received in response to this notice. OSHA is now proceeding with this final notice to grant SWRI's renewal/expansion application.

The most recent application processed by OSHA specifically related to SWRI's recognition granted an expansion, and the final notice for this expansion was published on November 22, 2000 (65 FR 70366). OSHA, however, issued a notice modifying the scope of a number of NRTLs to replace or delete withdrawn test standards (70 FR 11273, March 8, 2005). SWRI was one of those NRTLs.

You may obtain or review copies of all public documents pertaining to the SWRI 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. OSHA-2006-0041 (formerly, NRTL3-90) contains all

materials in the record concerning SWRI's recognition.

The current address of the SWRI facility already recognized by OSHA is: Southwest Research Institute, 6220 Culebra Road, Post Office Drawer 28510, San Antonio, TX 78228.

##### Final Decision and Order

NRTL Program staff has examined the application, the assessor's recommendations, and other pertinent information. Based upon this examination and the assessor's recommendations, OSHA finds that SWRI has met the requirements of 29 CFR 1910.7 for renewal and expansion of its recognition, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby renews and expands the recognition of SWRI, subject to these limitations and conditions.

##### Limitations

###### 1. Test Standards and Site

OSHA limits the renewal of SWRI's recognition to the one site listed above and to testing and certification of products for demonstration of conformance to the following test standards, each of which OSHA has determined is an appropriate test standard, within the meaning of 29 CFR 1910.7(c):

ASTM E2074	Standard Method for Fire Tests of Door Assemblies.
UL 10A	Tin-Clad Fire Doors.
UL 10B	Fire Tests of Door Assemblies.
UL 94	Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.
UL 155	Tests of Fire Resistance of Vault and File Room Doors.
UL 162	Foam Equipment and Liquid Concentrates.
UL 555	Fire Dampers.
UL 711	Rating and Fire Testing of Fire Extinguishers.
UL 1887	Fire Test of Plastic Sprinkler Pipe for Visible Flame and Smoke Characteristics.
UL 2085	Protected Aboveground Tanks for Flammable and Combustible Liquids.
UL 60950	Information Technology Equipment.

Additionally, OSHA limits the expansion of SWRI's recognition to testing and certification of products for demonstration of conformance to the following test standard, which also is an appropriate test standard, as previously noted: UL 525 Flame Arresters.

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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**BILLING CODE 4510-26-P**

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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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