

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" 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 an application. These notices set forth the NRTL's scope of recognition or modifications of this scope.

ITSNA submitted its application to expand its recognition to use additional test standards and an additional site located in Lexington, Kentucky, on February 16, 2001 (*see* Exhibit 39). The NRTL Program staff performed the on-site review (assessment) of the facility on October 15–17, 2001, and provided a positive recommendation on the expansion in their report (*see* Exhibit 40). However, the Agency delayed processing of the applications pending resolution of certain findings made by OSHA during its audits of other ITSNA sites already recognized. The NRTL Program staff obtained information in October 2002, which resolved these findings, and determined that OSHA could proceed with processing the applications. OSHA published the notice of its preliminary findings on the expansion request in the **Federal Register** on January 6, 2003 (68 FR 583). The notice requested submission of any public comments by January 21, 2003. OSHA received one comment from the American National Standards Institute (ANSI), which corrected our reference to a link on their web site that provides information about ANSI-approved standards. That correction is reflected in this current notice.

The previous notice published by OSHA for ITSNA's recognition covered an expansion of recognition to include an additional site, which became effective on January 28, 2002 (67 FR 3912).

The current addresses of the ITSNA facilities already recognized by OSHA are:

ITSNA Antioch, 2200 Wymore Way,  
Antioch, California 94509;  
ITSNA Atlanta, 1950 Evergreen Blvd., Suite  
100, Duluth, Georgia 30096;  
ITSNA Boxborough, 70 Codman Hill Road,  
Boxborough, Massachusetts 01719;

ITSNA Cortland, 3933 U.S. Route 11,  
Cortland, New York 13045;  
ITSNA Los Angeles, 27611 LaPaz Road,  
Suite C, Laguna Niguel, California 92677;  
ITSNA Madison, 8431 Murphy Drive,  
Middleton, Wisconsin 53562;  
ITSNA Minneapolis, 2750 Hudson Blvd.,  
Suite 100, Oakdale, Minnesota 55128;  
ITSNA San Francisco, 1365 Adams Court,  
Menlo Park, CA 94025;  
ITSNA Sweden AB, Box 1103, S-164 #22,  
Kista, Stockholm, Sweden;  
ITSNA Totowa, 40 Commerce Way, Unit B,  
Totowa, New Jersey 07512;  
ITSNA Vancouver, 211 Schoolhouse Street,  
Coquitlam, British Columbia, V3K 4X9  
Canada;  
ITSNA Hong Kong, 2/F., Garment Centre,  
576 Castle Peak Road, Kowloon, Hong  
Kong;  
ITSNA Taiwan, 14/F., Huei Fung Building,  
27, Chung Shan North Road, Sec. 3, Taipei  
10451, Taiwan.

The current address of the additional ITSNA testing site covered by the expansion is:

ITSNA Lexington, 731 Enterprise Drive,  
Lexington, Kentucky 40510.

#### Existing Conditions

Currently, OSHA imposes conditions listed at the end of this notice on its recognition of ITSNA. These conditions would apply also to the recognition of the Lexington site. As mentioned in previous notices, these conditions apply solely to ITSNA's NRTL operations and are in addition to any other condition that OSHA normally imposes in its recognition of any organization as an NRTL.

#### Final Decision and Order

The NRTL Program staff has examined the applications, the assessor's report, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that Intertek Testing Services NA, Inc., has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional standards and the additional site subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of ITSNA, subject to these limitations and conditions.

#### Limitations

##### *Recognition of Facilities*

The application contains sufficient information demonstrating the testing capabilities of the Lexington, Kentucky, site listed above. Also, the application information shows that Lexington is wholly-owned and operated by ITSNA. OSHA's recognition of the additional site would not be limited to any

particular test standards. However, recognition of this site would be limited to performing product testing only to the test standards for which the site has the proper capability and programs, and for which OSHA has recognized ITSNA. This treatment is consistent with the recognition that OSHA has granted to other NRTLs that operate multiple sites. The Agency would not recognize the site to issue certifications under ITSNA's operations as an NRTL. Currently, ITSNA issues such certifications only at specific sites listed above, and OSHA must review and accept the Lexington site before ITSNA issues certifications there. In addition, OSHA would permit the site to use of all eight of the "supplemental" programs. OSHA has already recognized ITSNA for these programs and, as a result, we are not listing them again in this notice.

OSHA developed the programs to limit how an NRTL may perform certain aspects of its work and to permit the activities covered under the programs only when the NRTL meets certain 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.

##### *Expansion for Additional Standards*

OSHA limits the expansion to testing and certification of products for demonstration of conformance to the following 41 test standards, and OSHA has determined the standards are "appropriate," within the meaning of 29 CFR 1910.7(c).

ANSI A17.5 Elevators and Escalator  
Electrical Equipment;  
ANSI C37.23\* Metal Enclosed Bus and  
Calculating Losses in Isolated-Phase Bus;  
ANSI ICS 2 Industrial Control Devices,  
Controllers and Assemblies;  
ANSI S82.02.02 Electrical Equipment for  
Measurement, Control, and Laboratory Use;  
ANSI Z8.1 Commercial Laundry and Dry-  
cleaning Operations-Safety Requirements;  
ANSI Z21.1b Household Cooking Gas  
Appliances;  
ANSI Z21.19 Refrigerators Using Gas Fuel;  
ANSI Z21.22 Relief Valves and Automatic  
Gas Shutoff Devices for Hot Water Supply  
Systems;  
ANSI Z21.41 Quick-Disconnect Devices for  
Use with Gas Fuel;  
ANSI Z21.42 Gas-Fired Illuminating  
Appliances;  
ANSI Z21.45 Flexible Connectors of Other  
Than All-Metal Construction for Gas  
Appliances;  
ANSI Z21.54 Gas Hose Connectors for  
Portable Outdoor Gas-Fired Appliances;