

*Volume II*

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None

**General Wage Determination Publication**

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Signed at Washington, D.C. this 6th day of January 2000.

**Carl J. Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 00-717 Filed 1-13-00; 8:45 am]

**BILLING CODE 4510-27-M**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. NRTL-2-90]

**SGS U.S. Testing Company, Inc., Application for Expansion of Recognition**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of SGS U.S. Testing Company, Inc. (SGSUS), for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

**DATES:** Comments submitted by interested parties must be received no later than March 14, 2000.

**ADDRESS:** Send comments concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3653, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program at the above address, or phone (202) 693-2110.

**SUPPLEMENTARY INFORMATION:****Notice of Application**

The Occupational Safety and Health Administration (OSHA) hereby gives notice that SGS US Testing Company, Inc. (SGSUS), has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). The expansion request by SGSUS covers the use of additional test standards. SGSUS has also requested recognition to use additional supplemental programs. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this public notice of the preliminary finding on an application.

The most recent notice published by OSHA for the SGSUS recognition covered a correction of recognition (63 FR 69683, December 17, 1998). The correction pertained to the renewal and expansion of the SGSUS recognition,

which OSHA announced on May 19, 1998 (63 FR 27598) and granted on August 28, 1998 (63 FR 46084). In these notices, OSHA had imposed certain conditions on SGSUS, which we repeat in this notice and will include in any final notice on this expansion request.

The current address of the SGSUS facilities (sites) recognized by OSHA are: SGS U.S. Testing Company Inc., 291 Fairfield Avenue, Fairfield, New Jersey 07004, SGS U.S. Testing Company Inc., 5555 Telegraph Road, Los Angeles, California 90040.

**General Background on the Application**

SGSUS has submitted a request, dated August 9, 1999 (see Exhibit 14), to expand its recognition as an NRTL for the four (4) additional test standards listed below. In this letter, the NRTL also included a request for recognition to use the two (2) additional supplemental programs also listed below.

**Test Standards**

SGSUS seeks recognition for testing and certification of products to demonstrate compliance to the 4 test standards listed below and OSHA has determined the standards are appropriate, as prescribed by 29 CFR 1910.7(c). As is the case for any NRTL, the SGSUS recognition for a particular test standard is further limited to equipment or materials (i.e., products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements. In addition, testing or certification to these standards will be limited to those sites that have the proper capability and programs. In fact, this limitation applies to all test standards for which SGSUS is currently recognized. This treatment is consistent with the recognition that OSHA has granted to other NRTLs that operate or utilize multiple sites.

ANSI/UL 696 Electric Toys  
ANSI/UL 697 Toy Transformers  
ANSI/UL 1310 Class 2 Power Units  
ANSI/UL 6500 Audio/Visual and Musical Instrument Apparatus for Household, Commercial, and Similar General Use

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

**Programs and Procedures**

SGSUS also seeks to use the supplemental programs listed below, based upon the criteria detailed in the March 9, 1995 **Federal Register** notice

(60 FR 12980, 3/9/95). This notice lists nine (9) programs and procedures (collectively, programs), eight of which (called supplemental programs) an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. SGSUS has already received recognition for two of the supplemental programs, and the on-site review report indicates that SGSUS appears to meet the criteria for use of the following supplemental programs for which it has applied:

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

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

OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and to permit the activities covered under a program 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, OSHA does treat these programs as one of the three elements that defines an NRTL's scope of recognition.

#### *Conditions—Use of Programs*

As previously mentioned, OSHA included certain conditions in the **Federal Register** notice for the renewal of the SGSUS recognition, published on August 28, 1998 (63 FR 46084). The conditions applied to the recognition to use the additional programs listed in that notice, and also apply to the programs listed in this current notice of our preliminary finding. These conditions are in addition to the requirements detailed in the previously cited March 9, 1995 **Federal Register**:

a. SGS U.S. Testing Company, Inc., Fairfield, New Jersey, will review and approve the qualifications of all external organizations prior to SGS U.S. Testing Company, Inc., accepting test data from these organizations.

b. SGS U.S. Testing Company, Inc., Fairfield, New Jersey, will review and approve the qualifications of all external organizations prior to SGS U.S. Testing Company, Inc., using a site of any of these organizations for witnessed test data.

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

SGSUS has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with the request, OSHA performed an on-site review of the SGSUS facility in Fairfield, New Jersey, on June 7–8, 1999. Discrepancies noted by the assessor during the on-site review were addressed by SGSUS following the on-site evaluation and are factored into the recommendation in the on-site review report (see Exhibit 15).

Following a review of the application file, the on-site review report, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant, to the SGS U.S. Testing Company, Inc., facilities, listed above, the expansion of recognition to use the additional four (4) test standards, also listed above, with the limitations to be applied as noted. The staff also grants use of the two (2) supplemental programs, subject to the above conditions. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the SGS U.S. Testing Company, Inc., facilities listed above can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the expansion of recognition, subject to the above limitations and conditions. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether SGSUS has met the requirements of 29 CFR 1910.7 for the expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESS**), no later than the last date for comments (see **DATES** above). You may obtain or review copies of the SGSUS request, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL–2–90, the permanent record of public information on the SGSUS recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant the SGSUS expansion request. The Assistant Secretary will make the final

decision on granting the expansion and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 5th day of January, 2000.

**Charles N. Jeffress,**

*Assistant Secretary.*

[FR Doc. 00–916 Filed 1–13–00; 8:45 am]

**BILLING CODE 4510–26–P**

## **LIBRARY OF CONGRESS**

### **Copyright Office**

[Docket No. 2000–1 CARP]

### **Copyright Arbitration Royalty Panels; List of Arbitrators**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Publication of the 2000–2001 CARP arbitrator list.

**SUMMARY:** The Copyright Office is publishing the list of arbitrators eligible for service on a Copyright Arbitration Royalty Panel (“CARP”) during 2000 and 2001. This list will be used to select the arbitrators who will serve on panels initiated in 2000 and 2001 for determining the distribution of royalty fees or the adjustment of royalty rates.

**EFFECTIVE DATE:** January 14, 2000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney-Advisor, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

For royalty rate adjustments and distributions that are in controversy, the Copyright Act requires the selection of a Copyright Arbitration Royalty Panel (“CARP”) consisting of three arbitrators from “lists provided by professional arbitration associations.” See 17 U.S.C. 802(b). The Librarian of Congress selects two of the arbitrators for a CARP from a list of nominated arbitrators; those selected then choose a third arbitrator to serve as chairperson of the panel. If the two arbitrators cannot agree, the Librarian is instructed to select the third arbitrator.

On December 7, 1994, the Copyright Office issued final regulations implementing the CARP selection process. 59 FR 63025 (December 7, 1994). Subsequently, these rules were