

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

[Docket No. NRTL-2-92]

Canadian Standards Association, Expansion of Recognition**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Notice.

SUMMARY: This notice announces the Agency's final decision on the application of the Canadian Standards Association (CSA) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

EFFECTIVE DATE: This recognition becomes effective on November 4, 1999 and, unless modified in accordance with 29 CFR 1910.7, continues in effect while CSA remains recognized by OSHA as an NRTL.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, 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, D.C. 20210, or phone (202) 693-2110.

SUPPLEMENTARY INFORMATION:**Notice of Final Decision**

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of the Canadian Standards Association (CSA) as a Nationally Recognized Testing Laboratory (NRTL). CSA's expansion request covers the use of an additional test standard. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in Section 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 its final decision on an application.

CSA submitted a request, dated December 23, 1998 (see Exhibit 22A), to expand its recognition as an NRTL to include one: (1) Additional test standard, and provided some additional information relative to its request on January 5, 1999 (see Exhibit 22B). OSHA published the required notice of preliminary finding in the **Federal Register** (64 FR 38926, 7/20/99) to announce the application. The notice included a preliminary finding that CSA could meet the requirements for expansion of its recognition, and OSHA invited public comment on the

application by September 20, 1999. OSHA received no comments concerning this application.

In the July 20 notice, OSHA also noted several changes that it would make to its records on the CSA recognition. As mentioned in the notice, CSA requested these changes and, although it has no requirements to give public notice of such changes, OSHA did so because some changes related to information that the Agency had previously made public. We also mentioned that we would not repeat, and we are not repeating, any details of the changes in the notice of our final decision, i.e., in this current notice. In the notice of preliminary finding, OSHA also announced the voluntary withdrawal of recognition by the American Gas Association (AGA) and, in accordance with our regulations, this withdrawal became effective on July 20, 1999.

CSA's previous application as an NRTL covered its expansion of recognition for additional programs (60 FR 36763, 7/12/96), which OSHA granted on November 20, 1996 (61 FR 59110).

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2625, Washington, D.C. 20210, telephone: (202) 693-2350. You should refer to Docket No. NRTL-2-92, the permanent records of public information on the CSA recognition.

The current addresses of the testing facilities (sites) that OSHA recognizes for CSA are:

Canadian Standards Association,
Etobicoke (Toronto), 178 Rexdale
Boulevard, Etobicoke, Ontario, M9W
1R3

CSA International, Pointe-Claire
(Montreal), 865 Ellingham Street,
Pointe-Claire, Quebec H9R 5E8

CSA International, Richmond
(Vancouver), 13799 Commerce
Parkway, Richmond, British Columbia
V6V 2N9

CSA International, Edmonton, 1707-
94th Street, Edmonton, Alberta T6N
1E6

CSA International, Cleveland,
8501 East Pleasant Valley Road,
Cleveland, Ohio 44131 (formerly part
of the American Gas Association)

CSA International, Irvine, 2805 Barranca
Parkway, Irvine, California 92606
(formerly part of the American Gas
Association)

Final Decision and Order

The NRTL Program staff has examined the application and other

pertinent information, and the assessment staff recommended, in a memo dated February 10, 1999 (see Exhibit 23), expansion of CSA's recognition to include the additional test standard listed below. Based upon this examination and recommendation, OSHA finds that CSA has met the requirements of 29 CFR 1910.7 for expansion of its recognition to use the additional test standard, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of CSA, subject to these limitations and conditions. As in the case for any NRTL, CSA's recognition is further limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace.

Limitations

OSHA hereby expands the recognition of CSA for testing and certification of products to demonstrate compliance to the following test standard: UL 6500 Audio/Visual and Musical Instrument Apparatus for Household, Commercial, and Similar General Use. OSHA has determined this standard meets the requirements for an appropriate test standard prescribed in 29 CFR 1910.7(c). The designation and title of the test standard were current at the time of the preparation of this notice.

Conditions

The Canadian Standards Association 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 CSA's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If CSA has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the organization that developed the test standard of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

CSA 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, CSA 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;

CSA 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;

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

CSA will continue to meet the requirements for recognition in all areas where it has been recognized; and

CSA will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, DC this 27th day of October 1999.

Charles N. Jeffress,

Assistant Secretary.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN-454, STN-455, STN-456 and STN 50-457]

Commonwealth Edison Company; Byron Station, Units 1 and 2; Braidwood Station, Units 1 and 2; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Commonwealth Edison Company (the licensee) to withdraw its May 29, 1998, application for proposed amendments to Facility Operating License Nos. NPF-37 and NPF-66 for the Byron Station, Units 1 and 2, located in Ogle County, Illinois; and Facility Operating License Nos. NPF-72 and NPF-77 for the Braidwood Station, Units 1 and 2, in Will County, Illinois.

The proposed amendments would have revised the technical specifications to credit the automatic function of the pressurizer power operated relief valves (PORVs) for providing mitigation for inadvertent safety injection at power accident. The limiting condition for operation and surveillance requirements for the PORVs would also have been revised.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a

Hearing published in the **Federal Register** on July 15, 1998 (63 FR 38199). However, by letter dated July 16, 1999, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 29, 1998, and the licensee's letter dated July 16, 1999, which withdrew the application for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms: for Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 29th day of October 1999.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482]

Kansas Gas and Electric Company Kansas City Power and Light Company, Wolf Creek Nuclear Operating Corporation (Wolf Creek Generating Station, Unit No. 1); Order Approving Transfer of License and Conforming Amendment

I

Wolf Creek Nuclear Operating Corporation (WCNOC) is authorized to act as agent for the three joint owners of the Wolf Creek Generating Station, Unit 1 (WCGS) and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility as reflected in Facility Operating License No. NPF-42. Kansas Gas and Electric Company (KGE) and Kansas City Power and Light Company (KCPL) each hold 47 percent possessory interests in WCGS. Kansas Electric Power Cooperative, Inc. (KEPCo) holds a 6 percent possessory interest. The Nuclear Regulatory Commission issued Facility Operating License No. NPF-42 on June 4, 1985, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR

Part 50). The facility is located in Coffey County, Kansas.

II

By letter dated October 27, 1998, WCNOC forwarded an application requesting approval of the proposed transfer of KGE's and KCPL's rights under the WCGS operating license, and requesting approval of a conforming license amendment to reflect the transfer. The initial application was supplemented on November 10, 1998 (collectively referred to as the application unless otherwise noted).

According to the application, KGE and KCPL have agreed to sell each of their 47 percent ownership interests (94 percent in total) in WCGS to Westar Energy, Inc., subject to obtaining all necessary regulatory approvals. WCNOC would remain as the Managing Agent for the joint owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of WCGS. The conforming amendment would remove KGE and KCPL from the facility operating license, including the antitrust license conditions, and would add Westar Energy, Inc. in their place.

Approval of the transfer and conforming license amendment was requested pursuant to 10 CFR 50.80 and 50.90. Notice of the application for approval and an opportunity for a hearing was published in the **Federal Register** on January 29, 1999 (64 FR 4726). A supplemental correction notice was published on February 8, 1999 (64 FR 6119), clarifying that hearing requests concerning the application were due by February 18, 1999. On that date, KEPCo filed a hearing request. The Commission denied the request on June 18, 1999. *Kansas Gas and Electric Company, et al.* (Wolf Creek Generating Station, Unit 1), CLI-99-19, 49 NRC 441 (1999).

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission give its consent in writing. Upon review of the information submitted in the application, and other information before the Commission, the NRC staff has determined that Westar Energy, Inc. is qualified to hold the license to the extent now held by KGE and KCPL, and that the transfer of the license, to the extent held by KGE and KCPL, to Westar Energy, Inc., is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the application for