



**BILLING CODE: 4510-26-P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**[Docket No. OSHA-2013-0016]**

**Nemko North America, Inc.: Application for Expansion of Recognition**

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

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the application of Nemko North America, Inc. (NNA) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

**DATES:** Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Comments may be submitted as follows:

*Electronically:* You may submit comments, including attachments, electronically at <https://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

*Instructions:* All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA-2013-0016). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

*Docket:* To read or download comments or other material in the docket, go to <https://www.regulations.gov>. Documents in the docket (including this *Federal Register* notice) are listed in the <https://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

*Extension of comment period:* Submit requests for an extension of the comment period on or before [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-3653, Washington, DC 20210, or by fax to (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone: (202) 693-1999 or email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone: (202) 693-1911 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of the Application for Expansion**

OSHA is providing notice that Nemko North America, Inc. (NNA) is applying for expansion of the current recognition as a NRTL. NNA requests the addition of nineteen

recognized testing standards and one recognized testing site to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 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. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 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. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational webpage for each NRTL, including NNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

NNA currently has two facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: Nemko North America, Inc., 2210 Faraday Avenue, Suite 150, Carlsbad, California 92008. A complete list of NNA's scope of

recognition (including sites recognized by OSHA) is available at:

*<https://www.osha.gov/nationally-recognized-testing-laboratory-program>*.

## **II. General Background on the Application**

NNA submitted an application to OSHA for expansion of the NRTL scope of recognition. The application, dated October 24, 2023 (OSHA-2013-0016-0026), requested the expansion of the NRTL scope of recognition to include one additional test site located at: 1601 N. A.W. Grimes Blvd, Suite B, Round Rock, Texas 78665 and nineteen additional test standards. OSHA staff performed an on-site review of NNA's testing facilities at NNA Austin, Texas on January 23-24, 2024, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. NNA has addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the application.

Table 1 below lists the appropriate test standards found in NNA's application for expansion for testing and certification of products under the NRTL Program.

**Table 1**

**Proposed List of Appropriate Test Standards for Inclusion in  
NNA’s NRTL Scope of Recognition**

<b>Test Standard</b>	<b>Test Standard Title</b>
UL 60079-0	Explosive Atmospheres – Part 0: Equipment – General Requirements
UL 60079-1	Explosive Atmospheres – Part 1: Equipment Protection by Flameproof Enclosures “d”
UL 60079-2	Explosive Atmospheres – Part 2: Equipment Protection by Pressurized Enclosures “p”
UL 60079-5	Explosive Atmospheres – Part 5: Equipment Protection by Powder Filling “q”
UL 60079-6	Explosive Atmospheres – Part 6: Equipment Protection by Oil Immersion “o”
UL 60079-7	Explosive Atmospheres – Part 7: Equipment Protection by Increased Safety “e”
UL 60079-11	Explosive Atmospheres – Part 11: Equipment Protection by Intrinsic Safety “i”
UL 60079-15	Explosive Atmospheres – Part 15: Equipment Protection by Type of Protection “n”
UL 60079-18	Explosive Atmospheres – Part 18: Equipment Protection by Encapsulation “m”
UL 60079-25	Explosive Atmospheres – Part 25: Intrinsically Safe Electrical Systems
UL 60079-28	Standard for Explosive Atmospheres – Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation
UL 60079-31	Standard for Explosive Atmospheres – Part 31: Equipment Dust Ignition Protection Enclosure “t”
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment
UL 913	Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II and III, Division I, Hazardous (Classified) Locations
UL 121201	Nonincendive Electrical Equipment for Use in Class I and II, Division 2 and Class III, Division 1 and 2 Hazardous (Classified) Locations
TIA 4950	Requirements for Battery-Powered, Portable Land Mobile Radio Applications in Class I, II, and III, Division I, Hazardous (Classified) Locations
UL 1203	Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations
UL 674	Electric Motors and Generators for Use in Hazardous (Classified) Locations
UL 698A	Industrial Control Panels Relating to Hazardous (Classified) Locations

**III. Preliminary Findings on the Application**

NNA submitted acceptable application for expansion of the NRTL scope of recognition. OSHA's review of the application files, and pertinent documentation, indicate that NNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include the addition of nineteen additional testing standards and one additional testing site for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of NNA's application. OSHA seeks comment on this preliminary determination.

#### **IV. Public Participation**

OSHA welcomes public comment as to whether NNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA-2013-0016 (for further information, see the "*Docket*" heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant NNA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this

decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the *Federal Register*.

#### **V. Authority and Signature**

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8-2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on May 20, 2024.

**James S. Frederick,**  
*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

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