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General Wage Determination Publication

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Signed at Washington, DC this 29th day of September 1995.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 95-24711 Filed 10-5-95; 8:45 am]

BILLING CODE 4510-27-M

Bureau of International Labor Affairs

U.S. National Administrative Office; National Advisory Committee for the North American Agreement on Labor Cooperation; Notice of Meeting

AGENCY: Office of the Secretary, Labor.
ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the U.S. National Administrative Office (NAO) gives notice of the first meeting of the National Advisory

Committee for the North American Agreement on Labor Cooperation (NAALC), which was established by the Secretary of Labor.

The Committee was established to provide advice to the U.S. Department of Labor on matters pertaining to the implementation and further elaboration of the labor side accord to the North American Free Trade Agreement (NAFTA). The Committee is authorized under Article 17 of the NAALC.

The Committee consists of a group of 12 independent representatives drawn from among labor organizations, business and industry, and educational institutions.

DATES: The Committee will meet on November 7, 1995 from 9:00 a.m. to 2:00 p.m.

ADDRESSES: U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-1011, Washington, D.C. 20210. The meeting is open to the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Irasema Garza, Designated Federal Officer, U.S. NAO, U.S. Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C-4327, Washington, D.C. 20210. Telephone: 202-501-6653 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Please refer to the notices published in the Federal Register on December 15, 1994 (59 FR 64713) and August 11, 1995 (60 FR 41118) for supplementary information.

Signed at Washington, D.C. on October 1, 1995.

Irasema T. Garza,
Secretary, U.S. National Administrative Office.

[FR Doc. 95-24856 Filed 10-5-95; 8:45 am]

BILLING CODE 4510-28-M

Occupational Safety and Health Administration

[Docket No. NRTL-2-94]

Electro-Test, Inc.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of recognition as a nationally recognized testing laboratory.

SUMMARY: this notice announces the Agency's final decision on the application of Electro-Test, Inc. for recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

EFFECTIVE DATE: This recognition will become effective on October 6, 1995 and

will be valid for a period of five years from that date, until October 6, 2000.

FOR FURTHER INFORMATION CONTACT: Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3653, Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

Notice is hereby given that Electro-Test, Inc. (ETI) which made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR 1910.7, for recognition as a Nationally Recognized Testing Laboratory, has been recognized as an NRTL for the equipment or material listed below.

The addresses of the laboratories covered by this application are:

Electro-Test, Inc., 5645 Gibraltar Drive, Pleasanton, California 94588
 Electro-Test, Inc., 5370 E. Hunter Avenue, Anaheim, California 92807

Background

Electro-Test, Inc. is a privately held organization incorporated in the State of California in 1971. It has two facilities in California, one in Pleasanton which it has owned since 1992, and the other smaller facility in Anaheim. Most of the testing at Anaheim is performed at the site of the installation by ETI test engineers.

On June 9, 1995, the Occupational Safety and Health Administration published a notice of application for recognition as a nationally recognized testing laboratory of Electro-Test, Inc. in the Federal Register (60 FR 30595), pursuant to 29 CFR 1910.7. The notice included a preliminary finding that Electro-Test, Inc. could meet the requirements for recognition detailed in 29 CFR 1910.7 and it invited public comment on the application by August 8, 1995.

On July 18, 1995, the Building Codes Division, Department of Consumer and Business Services of the State of Oregon submitted comments favoring ETI's recognition as an NRTL based upon their past experiences with the applicant. This was the only comment received in response to the Federal Register notice.

Capability

Section 1910.7(b)(1) states that for each specified item of equipment or material to be listed, labeled or accepted, the laboratory must have the

capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform appropriate testing.

The on-site review report indicates that ETI has facilities, personnel, and testing equipment which are appropriate for the area of recognition it seeks. The ETI Pleasanton, CA corporate headquarters' policies and procedures, operations manual, quality control manual, as well as the procedure manual for the ANSI/UL test standard are in effect at the Anaheim, CA facility. The laboratories have available all of the general test equipment necessary to perform the testing necessary for the area of recognition it seeks, with the possible exception of very specialized tests which may require equipment or facility leasing. Where it becomes necessary in the future, test equipment will be purchased or constructed.

The two ETI facilities have adequate equipment calibration procedures. The calibration laboratory manager at the Pleasanton facility is responsible for the calibration program. At the Anaheim facility a calibration specialist, who reports to the calibration laboratory manager in Pleasanton, is responsible for the calibration program. Calibration intervals are generally on a six-month basis and are typically shorter, never longer, than manufacturers' recommendations.

The general application and labeling processes are described in the ETI Operations Manual. This manual, together with the data sheets and national test standards, collectively specify the records that are to be maintained for an investigation. ETI has additional procedures that are applicable for specialized tests. The Manual also provides letter and report formats as well as the appeals procedure.

While ETI has a Quality Control and Audit Manual, quality aspects are also included in the Safety Manual, Compliance Labeling and Field Evaluation Manual (part of the ETI Operations Manual), Calibration Laboratory Quality Assurance and Operations Procedure Manual, and the General Policy Manual. The department/division managers are responsible for maintaining quality assurance, while the Vice President of Operations has the responsibility to verify compliance with procedures.

ETI has developed a Quality Audit Plan for internal auditing. The Quality Assurance program includes a description of the quality system, frequency of audits, responsibilities,

method of reporting audit results, documenting deficiencies, a method of tracking corrective action, and audit content using an audit checklist for complete coverage.

Follow-Up and Field Inspection Procedures

Section 1910.7(b)(2) requires that the NRTL provide certain follow-up procedures, to the extent necessary, for the particular equipment or material to be listed, labeled, or accepted. These include implementation of control procedures for identifying the listed or labeled equipment or materials, inspecting the production run at factories to assure conformance with test standards, and conducting field inspections to monitor and assure the proper use of the label.

ETI has a written Follow-Up Inspection program which includes a written agreement, manufacturer participation requirements, certification, record keeping, continued conformance, and site inspection intervals and review procedures. In addition, before use of the ETI certification mark is permitted, ETI will inspect the manufacturer's record system, quality system, and production testing.

Independence

Section 1910.7(b)(3) requires that the NRTL be completely independent of employers subject to the tested equipment requirements, and for any manufacturers or vendors of equipment or materials being tested for these purposes.

OSHA believes, based upon an examination of the application, that Electro-Test, Inc. is independent of employers subject to the tested equipment requirements and of any manufacturers or vendors of equipment or materials being tested for these purposes, within the meaning of 29 CFR 1910.7(b)(3).

Creditable Reports/Complaint Handling

Section 1910.7(b)(4) provides that an OSHA recognized NRTL must maintain effective procedures for producing creditable findings and reports that are objective and without bias, as well as for handling complaints and disputes under a fair and reasonable system.

ETI's application as well as the on-site review report indicate that ETI does maintain effective procedures for producing creditable findings and reports that are objective.

The various manuals describe in detail the procedures for testing and for all written reports, as well as record keeping requirements, including retention times.

With regard to the handling of complaints or contested results, if clients, ETI personnel, users, or others file a complaint or disagree with a decision relating to the test standard, engineering, use, or inspection, they can present and discuss their views with various administrative levels of ETI personnel, up to and including the Chief Operating Officer in an attempt to resolve any disagreement.

Test Standards

Section 1910.7 requires that an NRTL use "appropriate test standards", which are defined, in part, to include any standard that is currently designated or an American Society for Testing and Materials (ASTM) test standard used for evaluation of products or materials. The standard for which ETI applied is an American National Standards Institute (ANSI) safety designated product standard.

Programs and Procedures

ETI administers two operational programs and procedures which have been examined and found to be acceptable to OSHA on the basis of the procedures and specific criteria as detailed in 60 FR 12980, March 9, 1995, pertaining to the types and programs and procedures that NRTLs may engage in under the OSHA/NRTL program.

Basic Program—This program is one in which ETI performs all of the necessary product testing and evaluation in-house prior to issuing a certification.

Witnessed Test Data Program—This program is utilized when characteristics such as the size, complexity, or uniqueness of a product require testing at the manufacturer's facility. The tests are in accordance with the appropriate recognized standard and are witnessed by an ETI compliance engineer. Specific minimum conditions will be followed to assure equivalency with tests conducted by ETI personnel, and the results will be recorded.

Final Decision and Order

Based upon a preponderance of the evidence resulting from an examination of the complete application, the supporting documentation, and the OSHA staff finding including the on-site report, OSHA finds that Electro-Test, Inc. has met the requirements of 29 CFR 1910.7 to be recognized by OSHA as a Nationally Recognized Testing Laboratory to test and certify certain equipment or materials.

Pursuant to the authority in 29 CFR 1910.7, Electro-Test, Inc. is recognized as a Nationally Recognized Testing

Laboratory subject to the limitations and conditions listed below:

Limitations

This recognition is limited to equipment or materials which, under 29 CFR Part 1910, require testing, listing, labeling, approval, acceptance, or certification, by a Nationally Recognized Testing Laboratory. This recognition is limited to the use of the following test standard for the testing and certification of equipment or materials included within the scope of this standard:

- ETI has stated that the standard is utilized to test equipment or materials which may be used in environments under OSHA's jurisdiction. This standard is considered appropriate under 29 CFR 1910.07(c): ANSI/UL 508—Industrial Control Equipment.

Conditions

Electro-Test, Inc. shall also abide by the following conditions of its recognition, in addition to those already required by 29 CFR 1910.7:

- The Occupational Safety and Health Administration shall be allowed access to ETI's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

- If ETI has reason to doubt the efficacy of any test standard it is using under this program, it shall 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;

- ETI shall not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, ETI agrees that it will allow no representation that it is either a recognized or 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;

- ETI shall inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, including details;

- ETI shall continue to meet the requirements for recognition in all areas where it has been recognized; and

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

Effective Date: This recognition will become effective on October 6, 1995 and will be valid for a period of five years from that

date, until October 6, 2000, unless terminated prior to that date, in accordance with 29 CFR 1910.7.

Signed at Washington, D.C. this 2nd day of October 1995.

Joseph A. Dear,
Assistant Secretary.

[FR Doc. 95-24941 Filed 10-5-95; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefits Administration

[Application No. D-10096, et al.]

Proposed Exemptions; Profit Sharing Plan of NEBCO, Inc.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

WRITTEN COMMENTS AND HEARING REQUESTS:

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this Federal Register Notice. Comments and request for a hearing should state: (1) the name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N-5649, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits

Administration, U.S. Department of Labor, Room N-5507, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTICE TO INTERESTED PERSONS: Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of proposed exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Profit Sharing Plan of NEBCO, Inc. (the Plan) Located in Lincoln, Nebraska

[Application No. D-10096]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the proposed extensions of credit in the form of guarantees and advances of funds (the Advances) to the Plan by NEBCO, Inc. (the Employer), the sponsor of the Plan, with respect to the Guaranteed Investment Contract No. 64238 (the GIC) issued by Confederation Life Insurance Company of Canada (Confederation);