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Signed at Washington, DC, this 2nd day of June 1995.

Alan L. Moss,

Director, Division of Wage Determination.

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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 Application for Recognition as a Nationally Recognized Testing Laboratory, and Preliminary Finding.

SUMMARY: This notice announces the application of Electro-Test, Inc. for recognition as a National Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is August 8, 1995.

ADDRESSES: Send comments to: NRTL Recognition Program, Occupational Safety and Health Administration, U.S.

Department of Labor—Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210.

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

SUPPLEMENTARY INFORMATION:

Notice of Application

Notice is hereby given that Electro-Test, Inc. (ETI) has 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.

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., according to the applicant, is a privately held corporation incorporated in the State of California in 1971.

Regarding the merits of the application, the applicant contends that it meets the requirements of 29 CFR 1910.7 for recognition to certify products in the areas of testing which it has specified. See Exhibit 2A.

Electro-Test, Inc. states that its application documents demonstrate that for each specified item of equipment or material to be certified, it has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform testing and examination of equipment and materials for workplace safety purposes to determine conformance with appropriate product test standards.

The applicant states also that it shall provide, to the extent needed for the particular equipment or materials listed, labeled, or accepted, the following controls or services:

(i) Implementation of control procedures for identifying the listed and labeled equipment or materials.

(ii) Inspection of the run of such item at factories for product evaluation purposes to assure conformance with the test standards

(iii) Conduction of field inspections to monitor and to insure the proper use of

its identifying mark or labels on products.

ETI claims that it is completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes.

The applicant also claims that it maintains effective procedures for producing creditable findings or reports that are objective and without bias, and for handling complaints and disputes under a fair and reasonable system.

ETI states that it has the capability to perform field evaluations and code compliance inspections of unique and non-listed equipment or materials. It claims that it has a large inventory of portable test equipment that can support these activities at the customers' facilities. These services are supported by written procedures, quality control, and trained personnel.

In summary, Electro-Test, Inc. claims that it maintains the experience, expertise, personnel, organization, equipment, and facilities suitable for accreditation as an OSHA Nationally Recognized Testing Laboratory.

Facilities

ETI's Pleasanton facility consists of 33,000 square feet of space, consisting of a small testing area, storage, shipping/receiving, library, training room, personnel offices, calibration laboratory, and a forensic laboratory. All laboratories are temperature controlled, and supplied with necessary utilities. ETI has owned the facility since 1992.

The Anaheim facility contains some 9,500 square feet of space. The facility houses a small testing laboratory, shipping/receiving and storage areas, calibration laboratory, administrative offices, and conference room. Most of the testing at Anaheim is performed at the site of the installation rather than at the ETI facility. ETI test engineers perform site testing.

Standards

Electro-Test, Inc., desires recognition for testing and certification of products when tested for compliance with the following test standard, which is appropriate within the meaning of 29 CFR 1910.7(c): ANSI/UL 508—Industrial Control Equipment.

Preliminary Finding

Electro-Test, Inc. addressed all of the criteria which had to be met for recognition as an NRTL in its initial application and in its further correspondence. For example, the applicant submitted a list of its test equipment and instrumentation; a roster