

**North Carolina Department of Labor  
Division of Occupational Safety and Health**

**Raleigh, NC**

Chapter 7  
Subchapter 7F

CFR Revision 182

Field Information System

**29 CFR 1910.134 - Respiratory Protection  
29 CFR 1910.217 - Mechanical Power Presses  
29 CFR 1926 Subpart L – Appendix A - Scaffold Specifications**

Final rule; correction and technical amendment

**A. Discussion.**

On August 7, 2012, federal OSHA issued a final rule to correct the medical evaluation questionnaire in Appendix C of its Respiratory Protection standard by removing the term “fits” in a question. OSHA also corrected its Mechanical Power Presses standard for general industry by restoring requirements that were removed inadvertently from the regulatory text. Finally, the agency corrected a cross reference made in two paragraphs in Appendix A to subpart L of its scaffold standards for construction.

**B. Action.**

The N.C. Commissioner of Labor adopted this final rule with an effective date of February 5, 2013. Refer to the 8/07/2012 *Federal Register* (Vol. 77, No. 152) for the details related to these requirements.

Signed on Original  
Allen McNeely  
Director

2/15/2013  
Date of Signature

NC Effective Date: February 5, 2013  
NCAC Numbers: 13 NCAC 7F.0101. 13 NCAC 7F.0201

(k) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) Airworthiness Directive 2011-0070, dated April 18, 2011; and Dassault Mandatory Service Bulletin 7X-174, dated March 10, 2011; for related information.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Dassault Mandatory Service Bulletin 7X-174, dated March 10, 2011.

(ii) Reserved.

(3) For Dassault service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606; telephone 201-440-6700; Internet http://www.dassaultfalcon.com.

(4) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(5) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at an NARA facility, call 202-741-6030, or go to http://www.archives.gov/federal\_register/code\_of\_federal\_regulations/ibr\_locations.html.

Issued in Renton, Washington, on July 20, 2012.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-18582 Filed 8-6-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

The Commerce Control List

CFR Correction

In Title 15 of the Code of Federal Regulations, Parts 300 to 799, revised as of January 1, 2012, in supplement no. 1 to part 774, make the following corrections:

■ 1. In Category 7:

■ A. On page 838, in 7A002, under the table in "Licensing Requirements", add a "License Requirements Note" as set forth below.

■ B. On page 839, in 7A005, above "License Requirements", remove the Note to 7A005.

■ C. On page 840, in 7A008, add "License Requirements" above "Reason for Control".

■ D. On page 843, in 7B101, in the heading, add a quotation mark before "Production".

■ E. On page 847, in 7E003, at the end of "Related Definition", add "for 'Maintenance Level I' or 'Maintenance Level II'".

■ 2. In Category 9, on page 870, in 9E003, below paragraph a.10, remove Note 1 and Note 2.

The text to be added is set forth below:

Supplement No. 1 to Part 774—The Commerce Control List

\* \* \* \* \*

Category 7

\* \* \* \* \*

7A002 Gyros or angular rate sensors, having any of the following see List of Items Controlled) and specially designed components therefor.

\* \* \* \* \*

License Requirement Note: For the purpose of MT controls only, the term 'stability' is defined as a measure of the ability of a specific mechanism or performance coefficient to remain invariant when continuously exposed to a fixed operating condition. (This definition does not refer to dynamic or servo stability.) (IEEE STD 528-2001 paragraph 2.247)

\* \* \* \* \*

[FR Doc. 2012-19389 Filed 8-6-12; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1926

[Docket No. OSHA-2006-0049]

Respiratory Protection; Mechanical Power Presses; Scaffold Specifications; Correction and Technical Amendment

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

ACTION: Final rule; correction and technical amendment.

SUMMARY: OSHA is correcting the medical evaluation questionnaire in Appendix C of its Respiratory Protection standard by removing the term "fits" in a question. OSHA also is correcting its Mechanical Power Presses standard for general industry by restoring requirements that were removed inadvertently from the regulatory text. Finally, the Agency is correcting a cross reference made in two paragraphs in

Appendix A to subpart L of its scaffold standards for construction.

DATES: The effective date for the corrections and technical amendment to the standards is August 7, 2012.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Frank Meilinger, Director, Office of Communications, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-1999; email:

meilinger.francis2@dol.gov.

General and technical information:

Kenneth Stevanus, OSHA Office of Engineering Safety, OSHA, Room N-3621, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693 2260; email: stevanus.ken@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Appendix C (Mandatory) to § 1910.134 (Respiratory Protection)

In the Standards Improvement Project-Phase III (SIP-III) final rule, published on June 8, 2011 (76 FR 33590), OSHA revised question 2.a in the OSHA Respirator Medical Evaluation Questionnaire, Appendix C, Part A, Section 2, of its Respiratory Protection standard (§ 1910.134) by deleting the word "fits," leaving only the word "seizures" to describe the applicable medical condition. OSHA received no public comment on this revision in the proposed SIP-III rule (75 FR 38646, 38650). Therefore, in the final SIP-III rule, OSHA determined that (1) use of the term "fits" is outdated, unnecessary, and offensive, and (2) this revision would have no effect on administration of, or responses to, the questionnaire (76 FR 33590, 33595). Subsequent to publication of the SIP-III final rule, OSHA found an additional use of the term "fits" in Appendix C of § 1910.134: namely, question 7.d. This Federal Register notice will remove the term "fits" from question 7.d.

In addition, when OSHA promulgated the revised Respiratory Protection standard on January 8, 1998 (63 FR 1152), the introductory language of Appendix C included the following prefatory question to the employee: "Can you read (circle one): Yes/No." Because this question is illogical (i.e., employees who cannot read cannot respond validly to the question), this Federal Register notice will remove this question from Appendix C of § 1910.134.

B. Mechanical Power Presses (§ 1910.21)

On December 27, 2011, OSHA published a Federal Register notice

making corrections and technical amendments to 16 OSHA standards (76 FR 80735). One of the standards involved the Mechanical Power Presses standard for general industry (§ 1910.217); paragraph (g)(1) of this standard requires employers to submit to OSHA reports of employees injured while operating such presses. Specifically, paragraph (g)(1) requires that employers submit the reports to federal OSHA or, for state-plan states, the state agency administering the plan. The purpose of revising this paragraph was to include the new title of the federal OSHA office designated to receive the reports, and to provide an electronic address for submitting the reports, consistent with the recommendations of the Paperwork Reduction Act and associated regulations (44 U.S.C. chapter 35; 5 CFR 1320.8(a)(5)). However, the requirements in paragraph (g)(1) specifying what information to include in the report were missing from the subsequent Code of Federal Regulations generated by the Office of the Federal Register. This **Federal Register** notice will restore these missing requirements.

*C. Appendix A (Non-mandatory) to 29 CFR 1926, Subpart L (Scaffolds)*

On August 30, 1996, OSHA published the Scaffold standard for construction at 29 CFR 1926, subpart L (61 FR 46026). Paragraphs (z)(3) and (z)(5) in Appendix A of that standard, which address tank builders' scaffolds, incorrectly refer to the guardrail requirements at § 1926.451(e)(4). The requirements at § 1926.451(e)(4) contain provisions for stair towers, which are not applicable to tank building scaffolds. The reference cited in paragraphs (z)(3) and (z)(5) should be to paragraph § 1926.451(g)(4), which addresses guardrail systems for tank building scaffolds. Accordingly, this **Federal Register** notice will revise paragraphs (z)(3) and (z)(5) of Appendix A to refer to § 1926.451(g)(4) instead of § 1926.451(e)(4).

**II. Exemption from Notice-and-Comment Procedures**

OSHA determined that this rulemaking is not subject to the procedures for public notice and comment specified in Section 4 of the Administrative Procedures Act (5 U.S.C. 553), Section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)), and 29 CFR 1911.5. This rulemaking does not affect or change any existing rights or obligations, and no stakeholder is likely to object to them. Therefore, the Agency finds good cause that public notice and comment are unnecessary within the meaning of

5 U.S.C. 553(b)(3)(B), 29 U.S.C. 655(b), and 29 CFR 1911.5.

**List of Subjects**

*29 CFR Part 1910*

Mechanical power presses, Occupational safety and health, Respiratory protection.

*29 CFR Part 1926*

Scaffolds, Occupational safety and health.

**Authority and Signature**

David Michaels, MPH, Ph.D., Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this document. Accordingly, pursuant to Section 6 of 29 U.S.C. 655, Section 4 of 5 U.S.C. 553, Secretary of Labor's Order No. 1–2012 (77 FR 3912), and 29 CFR 1911.5.

Signed at Washington, DC on July 27, 2012.  
**David Michaels,**  
*Assistant Secretary of Labor for Occupational Safety and Health.*

Accordingly, OSHA is amending 29 CFR parts 1910 and 1926 by making the following corrections and technical amendments:

**PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

**Subpart I—[Amended]**

■ 1. Revise the authority citation for subpart I to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable; and 29 CFR 1911.

Sections 1910.132, 1910.134, and 1910.138 of 29 CFR also issued under 29 CFR 1911.

Sections 1910.133, 1910.135, and 1910.136 of 29 CFR also issued under 29 CFR 1911 and 5 U.S.C. 553.

■ 2. In § 1910.134:

■ a. In the introductory text of Appendix C to § 1910.134, remove “Can you read (circle one): Yes/No”.

■ b. Revise question 7.d. in Part A, Section 2 (Mandatory) of Appendix C, to read as follows:

**§ 1910.134 Respiratory protection.**

\* \* \* \* \*

**Appendix C to § 1910.134: \* \* \***

\* \* \* \* \*

Part A. Section 2. \* \* \*  
7. \* \* \*

d. Seizures: Yes/No

\* \* \* \* \*

**Subpart O—[AMENDED]**

■ 3. Revise the authority citation for subpart O to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable; and 29 CFR 1911.

Sections 1910.176, 1910.177, 1910.178, 1910.179, 1910.180, 1910.181, and 1910.184 also issued under 29 CFR part 1911.

■ 4. Amend § 1910.217 by revising paragraph (g) to read as follows:

**§ 1910.217 Mechanical power presses.**

\* \* \* \* \*

(g) *Reports of injuries to employees operating mechanical power presses.* (1) The employer shall report, within 30 days of the occurrence, all point-of-operation injuries to operators or other employees to either the Director of the Directorate of Standards and Guidance at OSHA, U.S. Department of Labor, Washington, DC 20210 or electronically at <http://www.osha.gov/pls/oshaweb/mechanical.html>; or to the State Agency administering a plan approved by the Assistant Secretary of Labor for Occupational Safety and Health.

(2) The report shall include the following information:

(i) Employer's name, address and location of the workplace (establishment).

(ii) Employee's name, injury sustained, and the task being performed (operation, set-up, maintenance, or other).

(iii) Type of clutch used on the press (full revolution, part revolution, or direct drive).

(iv) Type of safeguard(s) being used (two hand control, two hand trip, pullouts, sweeps, or other). If the safeguard is not described in this section, give a complete description.

(v) Cause of the accident (repeat of press, safeguard failure, removing stuck part or scrap, no safeguard provided, no safeguard in use, or other).

(vi) Type of feeding (manual with hands in dies or with hands out of dies, semiautomatic, automatic, or other).

(vii) Means used to actuate press stroke (foot trip, foot control, hand trip, hand control, or other).

(viii) Number of operators required for the operation and the number of operators provided with controls and safeguards.

\* \* \* \* \*

**PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION**

**Subpart L—[AMENDED]**

■ 5. Revise the authority citation for subpart L to read as follows:

**Authority:** 40 U.S.C. 333; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order Nos. 1–90 (55 FR 9033), 5–2007 (72 FR 31159), or 1–2012 (77 FR 3912); and 29 CFR part 1911.

■ 6. Revise paragraphs (z)(3) and (z)(5) of Appendix A to subpart L to read as follows:

\* \* \* \* \*

**(Non-Mandatory) Appendix A to Subpart L of Part 1926—Scaffold Specifications.**

\* \* \* \* \*

(z) \* \* \*

(3) A taut wire or synthetic rope supported on the scaffold brackets shall be installed at the scaffold plank level between the innermost edge of the scaffold platform and the curved plate structure of the tank shell to serve as a safety line in lieu of an inner guardrail assembly where the space between the scaffold platform and the tank exceeds 12 inches (30.48 cm). In the event the open space on either side of the rope exceeds 12 inches (30.48 cm), a second wire or synthetic rope appropriately placed, or guardrails in accordance with § 1926.451(g)(4), shall be installed in order to reduce that open space to less than 12 inches (30.48 cm).

\* \* \* \* \*

(5) Guardrails shall be constructed of a taut wire or synthetic rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall comply with § 1926.451(g)(4). Guardrail supports shall be located at no greater than 10 feet 6 inch intervals.

\* \* \* \* \*

[FR Doc. 2012–19077 Filed 8–6–12; 8:45 am]

**BILLING CODE 4510–26–P**

**POSTAL SERVICE**

**39 CFR Part 241**

**Post Office Organization and Administration: Establishment, Classification, and Discontinuance**

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the provisions concerning the discontinuance of USPS®-operated retail facilities to incorporate conforming changes in Post Office™ classification and terminology.

**DATES:** *Effective date:* August 7, 2012.

**FOR FURTHER INFORMATION CONTACT:** Jim Boldt (202) 268–6799.

**SUPPLEMENTARY INFORMATION:** This final rule makes minor changes to 39 CFR

Part 241. Existing regulations provide that a change in the staffing of a Post Office such that it is staffed by another type of Postal Service employee is not a discontinuance. See 39 CFR 241.3(a)(1)(ii). Consistent with this provision, the final rule defines a remotely managed Post Office (RMPO) as a Post Office that offers part-time window service hours, is staffed by a Postal Service employee at the direction of a postmaster, and reports to an Administrative Post Office. The final rule also defines a part-time Post Office (PTPO) as a Post Office that offers part-time window service hours, is staffed by a Postal Service employee, and reports to a district office. In addition, the final rule replaces the term “lowest non-bargaining (EAS) employee grade” with “lowest level RMPO” in 39 CFR 241.3(a)(5)(i). This change is not substantive, because the hours of service of the lowest EAS grade for Post Offices previously in effect corresponds to window service hours offered by the lowest level RMPO. Last, the final rule no longer includes cost ascertainment grouping classifications in 39 CFR 241.1. The use of such classification systems is not needed in Part 241, in light of the introduction of RMPOs and PTPOs.

Although exempt from the notice and comment rulemaking requirements of Title 5 of the United States Code, the Postal Service hereby adopts the following changes to 39 CFR Part 241.

**List of Subjects in 39 CFR Part 241**

Organization and functions (government agencies), Postal Service.

Accordingly, 39 CFR Part 241 is amended as follows:

**PART 241—RETAIL ORGANIZATION AND ADMINISTRATION: ESTABLISHMENT, CLASSIFICATION, AND DISCONTINUANCE**

■ 1. The authority citation for 39 CFR part 241 continues to read as follows:

**Authority:** 39 U.S.C. 101, 401, 403, 404, 410, 1001.

■ 2. Revise § 241.1 to read as follows:

**§ 241.1 Post offices.**

Post Offices are established and maintained at locations deemed necessary to ensure that regular and effective postal services are available to all customers within specified geographic boundaries. A Post Office may be operated or staffed by a postmaster or by another type of postal employee at the direction of the postmaster, including when the postmaster is not physically present. A Remotely Managed Post Office (RMPO)

is a Post Office that offers part-time window service hours, is staffed by a Postal Service employee under the direction of a postmaster, and reports to an Administrative Post Office. A Part-Time Post Office (PTPO) is a Post Office that offers part-time window service hours, is staffed by a Postal Service employee, and reports to a district office. Unless otherwise specified, all references to “Post Office” include RMPOs and PTPOs.

■ 3. In § 241.3, revise paragraph (a) to read as follows:

**§ 241.3 Discontinuance of USPS-operated retail facilities.**

(a) *Introduction—(1) Coverage.* (i) This section establishes the rules governing the Postal Service’s consideration of whether an existing retail Post Office, station, or branch should be discontinued. The rules cover any proposal to:

(A) Replace a USPS-operated Post Office, station, or branch with a contractor-operated retail facility;

(B) Combine a USPS-operated Post Office, station, or branch with another USPS-operated retail facility; or

(C) Discontinue a USPS-operated Post Office, station, or branch without providing a replacement facility.

(ii) The conversion of a Post Office into, or the replacement of a Post Office with, another type of USPS-operated retail facility is not a discontinuance action subject to this section. A change in the staffing of a Post Office such that it is staffed only part-time by a postmaster, or not staffed at all by a postmaster, but rather by another type of USPS employee, is not a discontinuance action subject to this section.

(iii) The regulations in this section are mandatory only with respect to discontinuance actions for which initial feasibility studies have been initiated on or after July 14, 2011. Unless otherwise provided by responsible personnel, the rules under § 241.3 as in effect prior to July 14, 2011, shall apply to discontinuance actions for which initial feasibility studies have been initiated prior to July 14, 2011. Discontinuance actions pending as of December 1, 2011, that pertain to the conversion of a Post Office to another type of USPS-operated facility are no longer subject to these regulations.

(2) *Definitions.* As used in this section, the terms listed below are defined as follows:

(i) “USPS-operated retail facility” includes any Postal Service employee-operated Post Office, station, or branch, but does not include any station, branch, community Post Office, or other retail facility operated by a contractor.