

Authority: 19 U.S.C. 81c; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5061, 5081, 5111, 5112, 5114, 5121, 5122, 5124, 5131-5134, 5141, 5146, 5207, 5232, 5271, 5276, 5301, 5314, 5555, 6001, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 27 U.S.C. 203, 205; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 250.11 [Amended]

2. The definition of "Chief, Puerto Rico Operations" in § 250.11 is amended by replacing the words "Room 329" with the words "Room 659".

3. The definition of "Eligible article" in § 250.11 is amended by replacing the words "flavor or flavoring extract" with the words "flavor, flavoring extract or perfume".

§ 250.51 [Amended]

4. Paragraph (a) of § 250.51 is amended by replacing the words "part 197" with the words "part 17".

5. Paragraph (c) of § 250.51 is amended by replacing the words "5530.5 (1678)" with the words "5154.1 (formerly 1678)".

§ 250.171 [Amended]

6. The second sentence of § 250.171 is amended by replacing the words "part 197" with the words "part 17".

7. Section 250.172 is revised to read as follows:

§ 250.172 Bonds.

(a) *General.* Persons bringing eligible articles into the United States from Puerto Rico and intending to file monthly claims for drawback under the provisions of this subpart shall obtain a bond on Form 5154.3. When the limit of liability under a bond given in less than the maximum amount has been reached, further drawback on monthly claims may be suspended until a strengthening or superseding bond in a sufficient amount has been furnished. For provisions relating to bonding requirements, subpart E of part 17 of this chapter is incorporated in this part, but references therein to a regional director (compliance) shall apply, for purposes of this part, to the Chief, Puerto Rico Operations.

(b) *Approval required.* No person bringing eligible articles into the United States from Puerto Rico may file monthly claims for drawback under the provisions of this subpart until bond on Form 5154.3 has been approved by the Chief, Puerto Rico Operations. Bonds approved by a regional director (compliance) prior to the effective date of this provision shall remain in effect.

8. In § 250.173, the first sentence of paragraph (a), the introductory text of paragraph (c), and the first sentence of paragraph (d) are revised to read as follows:

§ 250.173 Claims for drawback.

(a) *General.* Persons bringing eligible articles into the United States from Puerto Rico shall file claim for drawback on Form 2635 (5620.8) with the Chief, Puerto Rico Operations. * * *

(c) *Supporting data.* Each claim shall be accompanied by supporting data as specified in this paragraph. ATF Form 5154.2, Supporting Data for Nonbeverage Drawback Claims, may be used, or the claimant may use any suitable format that provides the following information: * * *

(d) *Date of filing claim.* Quarterly claims for drawback shall be filed with the Chief, Puerto Rico Operations, within the 6 months next succeeding the quarter in which the eligible products covered by the claim were brought into the United States. * * *

§ 250.221 [Amended]

9. Paragraph (a) of § 250.221 is amended by replacing the words "part 197" with the words "part 17".

10. Paragraph (c) of § 250.221 is amended by replacing the words "5530.5 (1678)" with the words "5154.1 (formerly 1678)".

§ 250.307 [Amended]

11. The second sentence of § 250.307 is amended by replacing the words "Part 197", wherever they occur, with the words "part 17".

12. Section 250.308 is revised to read as follows:

§ 250.308 Bonds.

(a) *General.* Persons bringing eligible articles into the United States from the Virgin Islands and intending to file monthly claims for drawback under the provisions of this subpart shall obtain a bond on Form 5154.3. When the limit of liability under a bond given in less than the maximum amount has been reached, further drawback on monthly claims may be suspended until a strengthening or superseding bond in a sufficient amount has been furnished. For provisions relating to bonding requirements, subpart E of part 17 of this chapter is incorporated in this part, but references therein to a regional director (compliance) shall apply, for purposes of this part, to the Chief, Puerto Rico Operations.

(b) *Approval required.* No person bringing eligible articles into the United States from the Virgin Islands may file monthly claims for drawback under the provisions of this subpart until bond on Form 5154.3 has been approved by the Chief, Puerto Rico Operations. Bonds

approved by a regional director (compliance) prior to the effective date of this provision shall remain in effect.

13. In § 250.309, the first sentence of paragraph (a), the introductory text of paragraph (c), paragraph (c)(1) in its entirety, and the first sentence of paragraph (d) are revised to read as follows:

§ 250.309 Claims for drawback.

(a) *General.* Persons bringing eligible articles into the United States from the Virgin Islands shall file claim for drawback on Form 2635 (5620.8) with the Chief, Puerto Rico Operations. * * *

(c) *Supporting data.* Each claim shall be accompanied by supporting data as specified in this paragraph. ATF Form 5154.2, Supporting Data for Nonbeverage Drawback Claims, may be used, or the claimant may use any suitable format that provides the following information:

(1) The control number of the Special Tax Stamp and the tax year for which issued;

(d) *Date of filing claim.* Quarterly claims for drawback shall be filed with the Chief, Puerto Rico Operations, within the 6 months next succeeding the quarter in which the eligible products covered by the claim were brought into the United States. * * *

Signed: April 5, 1996.
Bradley A. Buckles,
Acting Director.
Approved: May 9, 1996.
John P. Simpson,
Deputy Assistant Secretary, (Regulatory, Tariff and Trade Enforcement).
[FR Doc. 96-14881 Filed 6-19-96; 8:45 am]
BILLING CODE 4810-31-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

**29 CFR Parts 1910, 1915 and 1926
RIN 1218-AB53**

Consolidation of Repetitive Provisions; Technical Amendments

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

ACTION: Final rule; technical amendments and recodifications.

SUMMARY: As part of a line-by-line review of its standards, the Occupational Safety and Health Administration (OSHA) is consolidating

repetitious provisions, removing duplicative pages, making corrections, and clarifying and reorganizing various sections of its standards in the Code of Federal Regulations (CFR). This action is being taken in response to a Presidential initiative begun in March 1995 to streamline Federal regulatory efforts. In addition, OSHA is removing certain fire protection standards from the Safety and Health Regulations for Construction that had inadvertently been identified as applicable to construction work. The document being published today does not make any changes to the substantive requirements of the standards.

EFFECTIVE DATE: June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Cyr, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 219-8151.

SUPPLEMENTARY INFORMATION:

I. Background

In March 1995, the President directed Federal agencies to undertake a line-by-line review of their rules and regulations to determine where they could be simplified or clarified. OSHA initiated such a review and, as a result, completed a document on May 31, 1995, entitled "OSHA's Regulatory Reform Initiatives." That document delineated those rules and regulations that could be deleted or revised to improve compliance by employers and, consequently, provide enhanced occupational safety and health protection to employees. This regulatory improvement process involves revocation of outdated and obsolete provisions, consolidation of repetitious provisions, and clarification of ambiguous requirements.

The Agency began the process by issuing a final rule in the Federal Register on March 7, 1996 (61 FR 9228), which addressed minor clarifications, corrections, and technical amendments to OSHA standards. This notice is the second in a series of actions and is directed at consolidating repetitious provisions. More specifically, instead of repeating identical regulatory text in all three parts of the OSHA standards—general industry, shipyard employment, and construction standards (parts 1910, 1915, and 1926, respectively), OSHA will print the regulatory text that is common to all industries in its part 1910 volumes. OSHA has already accomplished this for its agricultural standards, which are codified in 29 CFR Part 1928, by publishing a Federal Register notice [61 FR 9228; March 7,

1996]. Appropriate references will be made in the construction and shipyard employment parts of the CFR to direct employers to the appropriate section of the part 1910 volumes.

To assist employers and employees in the construction industry who prefer to have a single source that includes all of the standards that apply to their work, OSHA will publish a booklet in the near future that will contain all of the standards applicable to the construction industry.

The Agency plans to undertake a number of additional regulatory reform initiatives. For example, OSHA is developing a proposed rule, which will be subject to public notice and comment, to make substantive changes in various standards to diminish regulatory burdens without reducing worker protections. OSHA also intends to take actions to reduce paperwork burdens, rewrite standards in "plain English," and simplify its standards.

II. Summary and Explanation of the Changes

In 1993, OSHA revised its part 1915 (shipyard) and part 1926 (construction) standards in the Code of Federal Regulations (CFR) by adding to part 1915 and part 1926, respectively, those standards applicable to shipyards or construction that had formerly only been printed in part 1910 of the CFR. The added standards included their own part 1915 and part 1926 designations and duplicated all of the regulatory text. This nearly doubled the number of CFR pages in part 1926 and added many CFR pages to part 1915 (see 58 FR 35076; June 30, 1993, and 58 FR 35512; July 1, 1993). The majority of the standards that were duplicated were standards relating to occupational health hazards. Most of the general industry standards incorporated through this action had long been applied to construction and shipyard employments, with only a few exceptions.

OSHA has found that printing the identical rules in three separate parts of its rules and regulations unnecessarily lengthens the CFR. As it eliminates these duplications, OSHA will provide taxpayers with a cost savings by reducing the number of pages in its CFR parts.

Most of the changes being made occur in subpart Z of parts 1910, 1915 and 1926. For example, many of the occupational health standards in subpart Z of the general industry standards (part 1910) apply to both shipyard employment (part 1915) and the construction industry (part 1926). Rather than printing subpart Z standards that applied to more than one

industry in one place, OSHA printed the same standards in each of the three parts of its CFR. This has caused confusion when, for example, a construction employer who has projects in construction and general industry has employees who are exposed to a given air contaminant that is regulated both in subpart Z of the construction standards (part 1926) and in subpart Z of the general industry standards (part 1910). In such a case, an employer could mistakenly believe that two different permissible exposure limits apply to the same contaminant, since subpart Z of the construction standards and subpart Z of the general industry standards (part 1910) both have a limit for the contaminant. In this document, OSHA is eliminating such duplicative standards and replacing them with cross references to eliminate any possible confusion and to reduce the volume of the rules.

OSHA is eliminating duplicate health standards from the shipyard (part 1915) and construction (part 1926) parts of the CFR and is replacing them with cross references to the identical text in subpart Z of part 1910. This action does not in any way change the burden on employers or lessen employee protection because the same standards will continue to apply to shipyard employment and the construction industry.

For example, the requirements to protect workers from arsenic exposure in shipyards and construction are identical to those applying to general industry. Consequently, the regulatory text in § 1915.1018, the arsenic standard applying to shipyards, and the requirements in § 1926.1118, the arsenic standard applying to construction, are identical to the regulatory text in § 1910.1018, the arsenic standard in general industry.

The technical amendments issued today will retain the section number and heading for the arsenic standard in the shipyard standards (§ 1915.1018, Inorganic arsenic) and in the construction standards (§ 1926.1118, Inorganic arsenic) to remind employers searching for them of their new location, but will replace the duplicated regulatory text with a simple cross reference stating, "Note: The requirements applicable to construction work under this section are identical to those set forth at 29 CFR 1910.1018."

Where a health standard in subpart Z of the general industry standards (1910) differs from the standard addressing the same hazard in shipyard employment or in the construction industry, the entire text of that health standard will remain

in the shipyard and construction standards. In other words, where OSHA has developed a health standard for shipyards or construction that differs substantially from the general industry standard for the same hazard, the industry-specific standard will remain in the part of the CFR devoted to that industry. For example, in the case of cadmium, the regulatory text differs for general industry and construction; therefore, the complete regulatory text is printed both at § 1910.1017 and at 1926.1127, i.e., in the general industry and construction parts, respectively. However, the shipyard standard for cadmium, § 1915.1017, is identical to the general industry cadmium standard, § 1910.1017. The duplicative regulatory text is being deleted from part 1915 and replaced with an appropriate cross reference to § 1910.1017. Similarly, appendices A to F of the standard are identical for all three parts. Therefore, the duplicative appendices are being deleted from part 1915 (shipyards) and part 1926 (construction). These actions avoid the need to reprint 185 duplicative CFR pages.

Another change being made involves moving two standards currently in subpart C of the general industry standards (part 1910) to subpart Z of those standards in an effort to locate virtually all of OSHA's health standards in one subpart and in one volume of the CFR. OSHA is redesignating § 1910.20 (Access to employee exposure and medical records) as § 1910.1020 and § 1910.96 (Ionizing radiation) as § 1910.1096. This will place virtually all of OSHA's general industry health standards in subpart Z of part 1910.

Another change applies to OSHA's Commercial Diving Standard, which is currently codified both in the general industry and the construction standards. OSHA has received requests from industry representatives to locate the diving standard in one location, preferably in part 1910 (general industry). Most diving contractors operate in all three industry areas (i.e., general industry, construction, and maritime), moving from one industry to another to perform their work. The Association of Diving Contractors (ADC) members and others, such as Seaward Marine Services, Inc., one of the largest diving companies in the Nation, have asked OSHA to maintain the requirements for commercial diving in part 1910 only. The diving industry reports that multiple diving standards are causing confusion in the issuance of diving contract specifications. The Diving Standards in Subpart Y of the construction standards are identical to the Diving Standards in Subpart T of the

general industry standards. Rather than repeating the standards in both parts, OSHA is removing the regulatory text in its entirety from the construction standards and replacing that text with a cross reference to the Diving Standard in Subpart T of the general industry standards.

Also, in the shipyard employment standards, OSHA is redesignating § 1915.1120—Access to employee exposure and medical records, as § 1915.1020. The purpose of this change is, as much as possible, to keep the section number designations—in this case .1020—the same for each part if a standard addressing the same topic and having the same name is codified both in the general industry and shipyard standards. OSHA is unable to follow this numbering scheme in the case of the construction standards, however, because vacant section numbers are not available in the construction industry CFR volume.

In addition, in the 1993 recodification process described earlier, OSHA identified some provisions from its standards in Subpart L of Part 1910 *Fire Protection and Prevention* (§ 1910.156 to 1910.165) as applicable to the construction industry. However, on further examination, this was an incorrect identification because OSHA's general industry standards for Subpart L state at § 1910.155 *Scope, application and definitions applicable to this subpart*:

(b) Application. This subpart applies to all employments except for maritime, construction, and agriculture.

This final rule corrects this misidentification by removing the text of §§ 1926.97, 1926.98; 1926.150(c)(1)(xi) to (c)(1)(xiv); and 1926.156 through 1926.159, all of which were based on requirements in §§ 1910.156 to 1910.165.

Finally, as stated in the 1993 recodification, OSHA has made every effort to identify those standards published in part 1910, General Industry, which are most likely to be applicable to shipyard employment and construction work. OSHA notes, however, that other standards published in part 1910 may, under some circumstances, also be applicable.

III. Regulatory Flexibility Certification

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), as amended, requires that the Agency examine regulatory actions to determine if they would have a significant economic impact on a substantial number of small entities. The modifications being made in this final rule do not increase or reduce the regulatory burden on any

employer, large or small. For that reason, the Agency hereby certifies that these changes will not have a significant economic impact on a substantial number of small entities.

IV. Exemption From Notice and Comment Procedures

OSHA finds that there is good cause not to follow procedures for public notice and comment set forth in section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655 (b)) or under section 4 of the Administrative Procedure Act (5 U.S.C. 553). Notice is unnecessary pursuant to 5 U.S.C. 553 (b)(3)(B) because these actions are technical amendments that do not affect the substantive requirements or coverage of the standards themselves. This removal of duplicative provisions and reorganization of standards within the CFR does not modify or revoke existing rights or obligations, nor does it establish new ones.

For the same reasons, OSHA also finds that, in accordance with 29 CFR 1911.5, good cause exists for dispensing with the public notice and comment procedures prescribed in section 6(b) of the Occupational Safety and Health Act.

OSHA also finds for the same reasons that there is good cause for an effective date of less than 30 days after publication pursuant to 5 U.S.C. 553(d) and because the June 30, 1996, effective date will permit these changes to be reflected in the 1996 volumes of 29 CFR.

List of Subjects

29 CFR Part 1910

Occupational safety and health.

29 CFR Part 1915

Longshore and harbor workers, Occupational safety and health, Vessels.

29 CFR Part 1926

Construction industry, Occupational safety and health.

Signed at Washington, DC, this 10th day of June 1996.

Joseph A. Dear,

Assistant Secretary of Labor.

Accordingly, pursuant to sections 4, 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655 and 657); section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Sec. 41 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941), section 4 of the Administrative Procedure Act (5 U.S.C. 553); Secretary of Labor's Order 1-90 (55 FR 9033); and 29 CFR part 1911, 29 CFR parts 1910, 1915 and 1926 are amended as set forth below.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS**§ 1910.20 [Redesignated as § 1910.1020]**

1. Section 1910.20 is redesignated as new § 1910.1020.

Subpart C—[Removed and Reserved]

2. Subpart C is removed and reserved.

Subpart G—Occupational Health and Environmental Control

3. The authority citation for subpart G of part 1910 continues to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (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), or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

§ 1910.96 [Redesignated as § 1910.1096]

4. Section 1910.96 is redesignated as new § 1910.1096.

Subpart Z—Toxic and Hazardous Substances

5. The authority citation for subpart Z of part 1910 is revised to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), of 1-90 (55 FR 9033), as applicable; and 29 CFR part 1911.

All of subpart Z issued under sec. 6(b) of the Occupational Safety and Health Act, except those substances that have exposure limits listed in Tables Z-1, Z-2, or Z-3 of 29 CFR 1910.1000. The latter were issued under sec. 6(a) (29 U.S.C. 655(a)).

Section 1910.1000, Tables Z-1, Z-2, and Z-3 also issued under 5 U.S.C. 553. Section 1910.1000, Tables Z-1, Z-2, and Z-3 not issued under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, and cotton dust listings.

Section 1910.1001 also issued under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and 5 U.S.C. 553.

Section 1910.1002 not issued under 29 U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 553.

Section 1910.1200 also issued under 5 U.S.C. 553.

6. In § 1910.1003, the heading is revised to read "13 Carcinogens (4-Nitrobiphenyl, etc.)."

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

1. The authority citation of part 1915 is revised to read as follows:

Authority: Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941);

secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (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) or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

Section 1915.100 also issued under Section 29, Hazardous Materials Transportation Uniform Safety Act of 1990 (49 U.S.C. 1801-1819 and 5 U.S.C. 553).

Subpart Z—Toxic and Hazardous Substances

2. Section 1915.1002 is revised to read as follows:

§ 1915.1002 Coal tar pitch volatiles; interpretation of term.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1002 of this chapter.

3. Section 1915.1003 is revised to read as follows:

§ 1915.1003 13 carcinogens (4-Nitrobiphenyl, etc.).

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

4. Section 1915.1004 is revised to read as follows:

§ 1915.1004 alpha-Naphthylamine.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

5. Section 1915.1006 is revised to read as follows:

§ 1915.1006 Methyl chloromethyl ether.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

6. Section 1915.1007 is revised to read as follows:

§ 1915.1007 3,3'-Dichlorobenzidene (and its salts).

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

7. Section 1915.1008 is revised to read as follows:

§ 1915.1008 bis-Chloromethyl ether.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

8. Section 1915.1009 is revised to read as follows:

§ 1915.1009 beta-Naphthylamine.

Note: The requirements applicable to shipyard employment under this section are

identical to those set forth at § 1910.1003 of this chapter.

9. Section 1915.1010 is revised to read as follows:

§ 1915.1010 Benzidine.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

10. Section 1915.1011 is revised to read as follows:

§ 1915.1011 4-Aminodiphenyl.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

11. Section 1915.1012 is revised to read as follows:

§ 1915.1012 Ethyleneimine.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

12. Section 1915.1013 is revised to read as follows:

§ 1915.1013 beta-Propiolactone.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

13. Section 1915.1014 is revised to read as follows:

§ 1915.1014 2-Acetylaminofluorene.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

14. Section 1915.1015 is revised to read as follows:

§ 1915.1015 4-Dimethylaminoazobenzene.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

15. Section 1915.1016 is revised to read as follows:

§ 1915.1016 N-Nitrosodimethylamine.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1003 of this chapter.

16. Section 1915.1017 is revised to read as follows:

§ 1915.1017 Vinyl chloride.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1017 of this chapter.

17. Section 1915.1018 is revised to read as follows:

§ 1915.1018 Inorganic arsenic.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1018 of this chapter.

18. Section 1915.1025 is revised to read as follows:

§ 1915.1025 Lead.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1025 of this chapter.

19. Section 1915.1027 is revised to read as follows:

§ 1915.1027 Cadmium.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1027 of this chapter.

20. Section 1915.1028 is revised to read as follows:

§ 1915.1028 Benzene.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1028 of this chapter.

21. Section 1915.1030 is revised to read as follows:

§ 1915.1030 Bloodborne pathogens.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1030 of this chapter.

22. Section 1915.1044 is revised to read as follows:

§ 1915.1044 1,2-dibromo-3-chloropropane.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1044 of this chapter.

23. Section 1915.1045 is revised to read as follows:

§ 1915.1045 Acrylonitrile.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1045 of this chapter.

24. Section 1915.1047 is revised to read as follows:

§ 1915.1047 Ethylene oxide.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1047 of this chapter.

25. Section 1915.1048 is revised to read as follows:

§ 1915.1048 Formaldehyde.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1048 of this chapter.

26. Section 1915.1050 is revised to read as follows:

§ 1915.1050 Methylenedianiline.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1050 of this chapter.

§ 1915.1120 [Redesignated as § 1915.1020]

27. Section 1915.1120 is redesignated as § 1915.1020 and revised to read as follows:

§ 1915.1020 Access to employee exposure and medical records.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1020 of this chapter.

28. Section 1915.1200 is revised to read as follows:

§ 1915.1200 Hazard communication.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1200 of this chapter.

29. Section 1915.1450 is revised to read as follows:

§ 1915.1450 Occupational exposure to hazardous chemicals in laboratories.

Note: The requirements applicable to shipyard employment under this section are identical to those set forth at § 1910.1450 of this chapter.

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart C—General Safety and Health Provisions

1. The authority citation for Subpart C of part 1926 is revised to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

2. Section 1926.33 is revised to read as follows:

§ 1926.33 Access to employee exposure and medical records.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1020 of this chapter.

Subpart D—Occupational Health and Environmental Controls

3. The general authority citation for subpart D of part 1926 is revised to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction

Safety Act) (40 U.S.C. 333); secs. 4, 6, and 8, Occupational Safety and Health Act of 1970 (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), or 1-90 (55 FR 9033), as applicable.

* * * * *

4. In § 1926.53, paragraphs (c) through (r) are removed and reserved and a note is added at the end of the section to read as follows:

§ 1926.53 Ionizing radiation.

* * * * *

(c) through (r) [Reserved]

Note: The requirements applicable to construction work under paragraphs (c) through (r) of this section are identical to those set forth at paragraphs (a) through (p) of § 1910.1096 of this chapter.

5. Section 1926.59 is revised to read as follows:

§ 1926.59 Hazard communication.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1200 of this chapter.

6. In § 1926.60, Appendix A is revised to read as follows:

§ 1926.60 Methylenedianiline.

* * * * *

Appendix A to § 1926.60—Substance Data Sheet, for 4-4' Methylenedianiline

Note: The requirements applicable to construction work under this Appendix A are identical to those set forth in Appendix A to § 1910.1050 of this chapter.

* * * * *

7. In § 1926.60, Appendix B is revised to read as follows:

* * * * *

Appendix B to § 1926.60—Substance Technical Guidelines, MDA

Note: The requirements applicable to construction work under this Appendix B are identical to those set forth in Appendix B to § 1910.1050 of this chapter.

* * * * *

8. In § 1926.60, Appendix C is revised to read as follows:

* * * * *

Appendix C to § 1926.60—Medical Surveillance Guidelines for MDA

Note: The requirements applicable to construction work under this Appendix C are identical to those set forth in Appendix C to § 1910.1050 of this chapter.

* * * * *

9. In § 1926.60, Appendix D is revised to read as follows:

* * * * *

Appendix D to § 1926.60—Sampling and Analytical Methods for MDA Monitoring and Measurement Procedures

Note: The requirements applicable to construction work under this Appendix D are identical to those set forth in Appendix D to § 1910.1050 of this chapter.

* * * * *

10. In § 1926.60, Appendix E is revised to read as follows:

* * * * *

Appendix E to § 1926.60—Qualitative and Quantitative Fit Testing Procedures

Note: The requirements applicable to construction work under this Appendix E are identical to those set forth in Appendix E to § 1910.1050 of this chapter.

11. Section 1926.61 is revised to read as follows:

§ 1926.61 Retention of DOT markings, placards and labels.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1201 of this chapter.

Subpart E—Personal Protective and Lifesaving Equipment

12. The authority citation for subpart E of part 1926 continues to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, and 8, Occupational Safety and Health Act of 1970 (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), or 1-90 (55 FR 9033), as applicable; and 29 CFR part 1911.

§ 1926.97 and 1926.98 [Removed and Reserved]

14. Sections 1926.97 and 1926.98 are removed and reserved.

Subpart F—Fire Protection and Prevention

15. The authority citation for subpart F of part 1926 continues to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

§ 1926.150 [Amended]

16. In § 1926.150, paragraphs (c)(1)(xi) through (c)(1)(xiv) are removed.

§§ 1926.156 through 1926.159 [Removed]

17. The undesignated centerheadings preceding §§ 1926.156 and 1926.158 and §§ 1926.156 through 1926.159 are removed.

Subpart Y—Diving

18. The authority citation of subpart Y of part 1926 continues to read as follows:

Authority: Sections 4, 6, and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); sec. 107, Contract Work Hours and Safety Standards Act (the Construction Safety Act) (40 U.S.C. 333); sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

19. Section 1926.1071 is revised to read as follows:

§ 1926.1071 Scope and application.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.401 of this chapter.

20. Section 1926.1072 is revised to read as follows:

§ 1926.1072 Definitions.

Note: The provisions applicable to construction work under this section are identical to those set forth at § 1910.402 of this chapter.

21. Section 1926.1076 is revised to read as follows:

§ 1926.1076 Qualifications of dive team.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.410 of this chapter.

22. Section 1926.1080 is revised to read as follows:

§ 1926.1080 Safe practices manual.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.420 of this chapter.

23. Section 1926.1081 is revised to read as follows:

§ 1926.1081 Pre-dive procedures.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.421 of this chapter.

24. Section 1926.1082 is revised to read as follows:

§ 1926.1082 Procedures during dive.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.422 of this chapter.

25. Section 1926.1083 is revised to read as follows:

§ 1926.1083 Post-dive procedures.

Note: The requirements applicable to construction work under this section are

identical to those set forth at § 1910.423 of this chapter.

26. Section 1926.1084 is revised to read as follows:

§ 1926.1084 SCUBA diving.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.424 of this chapter.

27. Section 1926.1085 is revised to read as follows:

§ 1926.1085 Surface-supplied air diving.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.425 of this chapter.

28. Section 1926.1086 is revised to read as follows:

§ 1926.1086 Mixed-gas diving.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.426 of this chapter.

29. Section 1926.1087 is revised to read as follows:

§ 1926.1087 Liveboating.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.427 of this chapter.

30. Section 1926.1090 is revised to read as follows:

§ 1926.1090 Equipment.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.430 of this chapter.

31. Section 1926.1091 is revised to read as follows:

§ 1926.1091 Recordkeeping requirements.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.440 of this chapter.

32. Section 1926.1092 is revised to read as follows:

§ 1926.1092 Effective date.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.441 of this chapter.

33. Appendix A to Subpart Y is revised to read as follows:

Appendix A to Subpart Y—Examples of Conditions Which May Restrict or Limit Exposure to Hyperbaric Conditions

Note: The requirements applicable to construction work under this appendix A are identical to those set forth at Appendix A to Subpart T of part 1910 of this chapter.

34. Appendix B to Subpart Y is revised to read as follows:

Appendix B to Subpart Y—Guidelines for Scientific Diving

Note: The requirements applicable to construction work under this appendix B are identical to those set forth at Appendix B to Subpart T of part 1910 of this chapter.

Subpart Z—Toxic and Hazardous Substances

35. The authority citation for subpart Z of part 1926 is revised to read as follows:

Authority: Sections 4, 6 and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655 and 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 1-90 (55 FR 9033), as applicable, 29 CFR Part 1911.

Section 1926.1102 not issued under 29 U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 553.

36. Section 1926.1102 is revised to read as follows:

§ 1926.1102 Coal tar pitch volatiles; interpretation of term.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1002 of this chapter.

37. Section 1926.1103 is revised to read as follows:

§ 1926.1103 13 carcinogens (4-Nitrobiphenyl, etc.).

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

38. Section 1926.1104 is revised to read as follows:

§ 1926.1104 alpha-Naphthylamine.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

39. Section 1926.1106 is revised to read as follows:

§ 1926.1106 Methyl chloromethyl ether.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

40. Section 1926.1107 is revised to read as follows:

§ 1926.1107 3,3'-Dichlorobenzidene (and its salts).

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

41. Section 1926.1108 is revised to read as follows:

§ 1926.1108 bis-Chloromethyl ether.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

42. Section 1926.1109 is revised to read as follows:

§ 1926.1109 beta-Naphthylamine.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

43. Section 1926.1110 is revised to read as follows:

§ 1926.1110 Benzidine.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

44. Section 1926.1111 is revised to read as follows:

§ 1926.1111 4-Aminodiphenyl.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

45. Section 1926.1112 is revised to read as follows:

§ 1926.1112 Ethyleneimine.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

46. Section 1926.1113 is revised to read as follows:

§ 1926.1113 beta-Propiolactone.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

47. Section 1926.1114 is revised to read as follows:

§ 1926.1114 2-Acetylaminofluorene.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

48. Section 1926.1115 is revised to read as follows:

§ 1926.1115 4-Dimethylaminoazobenzene.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

49. Section 1926.1116 is revised to read as follows:

§ 1926.1116 N-Nitrosodimethylamine.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1003 of this chapter.

50. Section 1926.1117 is revised to read as follows:

§ 1926.1117 Vinyl chloride.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1017 of this chapter.

51. Section 1926.1118 is revised to read as follows:

§ 1926.1118 Inorganic arsenic.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1018 of this chapter.

52. In § 1926.1127, Appendix A is revised to read as follows:

§ 1926.1127 Cadmium.

* * * * *

Appendix A to § 1926.1127—Substance Safety Data Sheet

Note: The requirements applicable to construction work under this Appendix A are identical to those set forth in Appendix A to § 1910.1027 of this chapter.

* * * * *

53. In § 1926.1127, Appendix B is revised to read as follows:

* * * * *

Appendix B to § 1926.1127—Substance Technical Guidelines for Cadmium

Note: The requirements applicable to construction work under this Appendix B are identical to those set forth in Appendix B to § 1910.1027 of this chapter.

* * * * *

54. In § 1926.1127, Appendix C is revised to read as follows:

* * * * *

Appendix C to § 1926.1127—Qualitative and Quantitative Fit Testing Procedures

Note: The requirements applicable to construction work under this Appendix C are identical to those set forth in Appendix C to § 1910.1027 of this chapter.

* * * * *

55. In § 1926.1127, Appendix D is revised to read as follows:

* * * * *

Appendix D to § 1926.1127—Occupational Health History Interview With Reference to Cadmium Exposure

Note: The requirements applicable to construction work under this Appendix D are identical to those set forth in Appendix D to § 1910.1027 of this chapter.

* * * * *

56. In § 1926.1127, Appendix E is revised to read as follows:

* * * * *

Appendix E to § 1926.1127—Cadmium in Workplace Atmospheres

Note: The requirements applicable to construction work under this Appendix E are identical to those set forth in Appendix E to § 1910.1027 of this chapter.

* * * * *

57. In § 1926.1127, Appendix F is revised to read as follows:

* * * * *

Appendix F to § 1926.1127—Nonmandatory Protocol for Biological Monitoring

Note: The requirements applicable to construction work under this Appendix F are identical to those set forth in Appendix F to § 1910.1027 of this chapter.

58. Section 1926.1128 is revised to read as follows:

§ 1926.1128 Benzene.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1028 of this chapter.

59. Section 1926.1129 is revised to read as follows:

§ 1926.1129 Coke oven emissions.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1029 of this chapter.

60. Section 1926.1144 is revised to read as follows:

§ 1926.1144 1,2-dibromo-3-chloropropane.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1044 of this chapter.

61. Section 1926.1145 is revised to read as follows:

§ 1926.1145 Acrylonitrile.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1045 of this chapter.

62. Section 1926.1147 is revised to read as follows:

§ 1926.1147 Ethylene oxide.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1047 of this chapter.

63. Section 1926.1148 is revised to read as follows:

§ 1926.1148 Formaldehyde.

Note: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1048 of this chapter.

[FR Doc. 96-15051 Filed 6-19-96; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-95-084]

RIN 2115-AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Sunset Beach, NC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the North Carolina Department of Transportation, the Coast Guard is changing the regulations that govern the operation of the drawbridge across the Atlantic Intracoastal Waterway, mile 337.9, at Sunset Beach, North Carolina, by extending the hours on weekends and holidays during the summer months during which the bridge may open only on the hour. This rule is intended to provide regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge while providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on July 22, 1996.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

SUPPLEMENTARY INFORMATION:

Regulatory History

On January 23, 1996, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled "Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Sunset Beach, North Carolina" in the Federal Register (61 FR 1725). In addition to publishing the NPRM, the Coast Guard also announced the proposed changes in Public Notice 5-881. The comment period ended March 8, 1996. One comment was received. A public hearing was not requested and one was not held.

Background and Purpose

The Sunset Beach drawbridge crosses the Atlantic Intracoastal Waterway at mile 337.9. The proposed changes were requested by the North Carolina Department of Transportation on behalf of the Town of Sunset Beach in order to alleviate delays to vehicle traffic caused by opening of the draw for passage of recreational vessels after 7 p.m. on the weekends and holidays.

Discussion of Comments and Changes

The NPRM proposed changes to 33 CFR 117.821(b)(6), regulations governing operation of a drawbridge across the Atlantic Intracoastal Waterway at Sunset Beach, North Carolina. The proposed changes include extending the hours on weekends and holidays to include 7 p.m. to 9 p.m. during the summer months when the bridge may open only on the hour.

One comment was received on the proposed change to 33 CFR 117.821(b)(6) from a recreational boater opposing the extension of the hourly openings during the weekends and holidays. The recreational boater stated that extending the hourly openings was an unreasonable burden to pleasure boaters and was particularly bad for those who are out on the water returning late in the day. He also stated that the present hourly openings of the bridge during weekends was an unreasonable burden to pleasure boats, and that North Carolina should consider increasing the number of openings for all its regulated bridges. The Coast Guard does not agree. All presently regulated bridges in North Carolina crossing the Atlantic Intracoastal Waterway have schedules which take into consideration the highway traffic volumes at those particular locations, keeping in mind the steady flow of vessel traffic on this waterway during the summer months. With respect to Sunset Beach, the North Carolina Department of Transportation has advised the Coast Guard that maintaining the existing hourly opening restrictions and extending them by hours in the evenings on the weekends and Federal holidays is critical in order to avoid severe traffic congestion to and from the island. Vehicular traffic is at its highest peak on the island during the summer season, and, in particular, on weekends and holidays. This increase in vehicular traffic is due to vacationers and residents of surrounding communities coming to Sunset Beach to enjoy the ocean and beaches. Those from the surrounding communities usually do not leave the island until sunset which extends the evening hours that SR 1172 is congested with cars. The increase in traffic also places a strain on the local streets in the Town of Sunset Beach. The need to free up traffic congestion coming from the island supports the request to extend hourly openings on weekends and holidays. Recreational boaters can plan their transits around the hourly schedule, as they do now. After 9 p.m., the drawbridge will revert back to opening on demand, so boaters may plan to