A. On page 838, in 7A002, under the heading, add a quotation mark before “Production”.

B. On page 839, in 7B101, in the heading, add a quotation mark before “License Requirements Note” as set forth below:

**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)

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)

**DEPARTMENT OF LABOR**

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**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:**


General and technical information:


**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) the 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 requirements 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.


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 O—[AMENDED]

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


2. 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 activate 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 241—RETAIL ORGANIZATION AND ADMINISTRATION:
ESTABLISHMENT, CLASSIFICATION, AND DISCONTINUANCE

§ 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.

§ 241.3 Discontinuance of USPS-operated retail facilities.

(a) Introduction—(1) Coverage.

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.

(b) 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.