



**State of Alaska  
Department of Labor and Workforce Development  
Division of Labor Standards and Safety**

**AKOSH Program Directive 10-09**

Date: May 26, 2010

To: Distribution List

From: Grey R. Mitchell, Director

Subject: **Safety Standards for Steel Erection – Technical Amendment**

This Program Directive, PD 10-09, is formal notice that the Alaska Department of Labor and Workforce Development, Division of Labor Standards and Safety recognizes and will implement the Safety Standards for Steel Erection – Technical Amendment.

This directive will become effective May 17, 2010. This technical amendment adds a non-mandatory note to the steel erection standard that provides information regarding existing Federal Highway Administration regulations that may apply to employers engaged in activities covered by the standards. Although this final rule does not impose any additional or more stringent requirements, it provides information that will enhance employee safety.

Please ensure that all members of your staff receive a copy of this program directive.

Attachment: Federal Register Vol 75, No 94

Distribution List

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cc: Richard S. Terrill, Regional Administrator, USDOL, Region X, OSHA  
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Scott Ketcham, Alaska Area Administrator, USDOL Region X OSHA - Anchorage

document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends a Jet Route in Alaska.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is to be amended as follows:

Paragraph 2004—Jet Routes

\* \* \* \* \*

#### J-120 [Revised]

From Mt. Moffett, AK, NDB, via St. Paul Island, AK, NDB; Bethel, AK; McGrath, AK; Fairbanks, AK; to Fort Yukon, AK.

Issued in Washington, DC, on May 6, 2010.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. 2010–11495 Filed 5–14–10; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1926

#### Safety Standards for Steel Erection

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; technical amendment.

**SUMMARY:** This technical amendment adds a nonmandatory note to the OSHA standards governing steel erection. The note provides information regarding existing Federal Highway Administration regulations that may apply to employers engaged in activities covered by OSHA's steel erection standards.

**DATES:** *Effective date:* May 17, 2010.

**FOR FURTHER INFORMATION CONTACT:** *General information and press inquiries:* Ms. Jennifer Ashley, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1999.

*Technical inquiries:* Contact Mr. Levon Schlichter, Directorate of Construction, Room N–3468, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington,

DC 20210; telephone (202) 693–2020 or fax (202) 693–1689.

*Electronic copies of this Federal Register notice:* Go to OSHA's Web site (<http://www.osha.gov>), and select "Federal Register," "Date of Publication," and then "2010."

#### SUPPLEMENTARY INFORMATION:

**Background.** On May 15, 2004, a fatal highway accident occurred on an interstate highway in Colorado as a passenger vehicle passed under an overpass that was being widened. The bracing used to temporarily support a partially installed steel girder on the overpass collapsed, causing the girder to fall to the highway below, shearing off the top of the vehicle and killing the three occupants inside. The National Transportation Safety Board (NTSB) subsequently investigated the accident and determined that the probable cause was insufficient design and installation of the girder's temporary bracing system. NTSB also found that a Registered Engineer did not approve the bracing-system design, which violates Federal Highway Administration (FHWA) regulations (*See discussion in the following paragraph*).<sup>1</sup>

FHWA regulations generally require employers involved in National Highway System construction projects to comply with a number of standards, policies, and standard specifications published by the American Association of State Highway and Transportation Officials ("AASHTO"), among other organizations (*See 23 CFR 625.3, 625.4*). FHWA also encourages compliance with AASHTO Specifications that the FHWA regulations do not currently incorporate by reference. (*See <http://www.fhwa.dot.gov/bridge/lrfd/index.htm>*.)

For projects involving bridge construction (*e.g.*, temporary bracing systems), the FHWA regulations incorporate by reference AASHTO's Standard Specifications for Highway Bridges, 15th edition, 1992 (*See 23 CFR 625.4*). The 1992 Specifications provide that a Registered Engineer must prepare and seal working drawings for falsework in many cases.

OSHA believes that knowledge of these requirements will enhance the safety of employees operating on or near structural steel elements used in highway construction, including bridges and other structures. Therefore, OSHA is adding a note to 29 CFR 1926.754(a) to inform construction employers of the FHWA requirements.

<sup>1</sup> The NTSB published the findings of this investigation in NTSB Safety Recommendation H-06-23, June 29, 2006; *see* "Technical Inquiries" mentioned earlier to obtain a copy of this document.

**Public participation.** OSHA determined that this technical amendment is not subject to the procedures for public notice and comment specified by 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 technical amendment of 29 CFR 1926.754(a) merely notifies the regulated community of existing Federal regulations; it is nonmandatory and disseminated for informational purposes only, and does not increase regulatory burden. Therefore, this technical amendment does not affect or change any existing rights or obligations, and no member of the regulated community is likely to object to it. In conclusion, OSHA finds good cause that the opportunity for public comment is 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 in 29 CFR Part 1926

Structural steel erection, Construction industry, Construction safety, Occupational Safety and Health Administration, Occupational safety and health.

#### Authority and Signature

This document was prepared under the authority of David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to Sections 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order 5-2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, on May 4, 2010.

David Michaels,

*Assistant Secretary of Labor for Occupational Safety and Health.*

■ For the reasons set forth above in the preamble, OSHA is amending 29 CFR part 1926 as follows:

## PART 1926—[AMENDED]

### Subpart R—[Amended]

■ 1. The authority citation for subpart R 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 Nos. 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), and 5-2007 (72 FR 31160); and 29 CFR part 1911.

■ 2. Amend § 1926.754 by adding a note after paragraph (a) to read as follows:

#### § 1926.754 Structural steel assembly.

(a) \* \* \*

**Note to paragraph (a):** Federal Highway Administration (FHWA) regulations incorporate by reference a number of standards, policies, and standard specifications published by the American Association of State Highway and Transportation Officials (AASHTO) and other organizations. (See 23 CFR 625.4). Many of these incorporated provisions may be relevant to maintaining structural stability during the erection process. For instance, as of May 17, 2010, in many cases FHWA requires a Registered Engineer to prepare and seal working drawings for falsework used in highway bridge construction. (See AASHTO Specifications for Highway Bridges, Div. II, § 3.2.1, 15th edition, 1992, which FHWA incorporates by reference in 23 CFR 625.4). FHWA also encourages compliance with AASHTO Specifications that the FHWA regulations do not currently incorporate by reference. (See <http://www.fhwa.dot.gov/bridge/lfd/index.htm>.)

\* \* \* \* \*

[FR Doc. 2010-10983 Filed 5-14-10; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Correction

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Correcting amendments.

**SUMMARY:** The Department of the Navy published a document in the **Federal Register** (69 FR 61312) of October 18, 2004, concerning certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). The document contained an incorrect ship name and information concerning Annex I, section 2(k).

**DATES:** Effective May 17, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Ted Cook, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, *telephone number:* 202-685-5040.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy published a document in the **Federal Register** (69 FR 61312) of October 18, 2004, on page 61312, in Table Three concerning certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). The document contained an incorrect ship name and information concerning Annex I, section 2(k).

#### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ Accordingly, 32 CFR Part 706 is corrected pursuant to the authority granted in 33 U.S.C. 1605 by making the following correcting amendments:

#### PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

■ 2. Section 706.2 is amended in Table Three by revising the entry for USS VIRGINIA (SSN 774), to read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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