

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

Raleigh, NC

Chapter 7
Subchapter 7F

CFR Revision 181

Field Information System

**Rigging Equipment for Material Handling
29 CFR 1926.251**

Final rule; correction and technical amendment

A. Discussion.

On April 18, 2012, federal OSHA issued a final rule to correct its sling standard for construction titled “Rigging Equipment for Material Handling” by removing the rated capacity tables and making minor, non-substantive revisions to the regulatory text.

B. Action.

The N.C. Commissioner of Labor adopted this final rule with an effective date of June 11, 2012. Refer to the 4/18/2012 *Federal Register* (Vol. 77, No. 75) for the details related to these requirements.

Signed on Original
Allen McNeely
Director

6/18/2012
Date of Signature

NC Effective Date: June 11, 2012
NCAC Numbers: 13 NCAC 7F.0201

phrase “pursuant to 5 U.S.C. 552a(j)(2)” after the phrase “[t]he following system of records is exempt” to clarify the statutory reason for the exemption.

List of Subjects in 28 CFR Part 16

Administrative practices and procedures, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 2940–2008, 28 CFR part 16 is amended as follows:

PART 16—[AMENDED]

- 1. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

Subpart E—Exemption of Records Systems Under the Privacy Act

- 2. Section 16.134 is added to subpart E to read as follows:

§ 16.134 Exemption of Debt Collection Enforcement System, Justice/DOJ–016.

(a) The following system of records is exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G), (H) and (I), (5) and (8); (f) and (g) of the Privacy Act. In addition, the system is exempt pursuant to 5 U.S.C. 552a(k)(2) from subsections (c)(3); (d)(1), (2), (3), and (4); (e)(1); (4)(G), (H), and (I); and (f). These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) or (k)(2). Where compliance would not appear to interfere with or adversely affect the law enforcement purposes of this system, or the overall law enforcement process, the applicable exemption may be waived by the DOJ in its sole discretion.

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3), the requirement that an accounting be made available to the named subject of a record, because certain records in this system are exempt from the access provisions of subsection (d). Also, because making available to a record subject the accounting of disclosures from records concerning him/her would specifically reveal any investigative interest in the individual. Revealing this information may thus compromise ongoing law enforcement efforts. Revealing this information may also permit the record subject to take

measures to impede the investigation, such as destroying evidence, intimidating potential witnesses or fleeing the area to avoid the investigation.

(2) From subsection (c)(4) notification requirements because certain records in this system are exempt from the access and amendment provisions of subsection (d) as well as the access to accounting of disclosures provision of subsection (c)(3).

(3) From subsections (d)(1), (2), (3), and (4) because access to the records contained in this system might compromise ongoing investigations, reveal confidential informants, or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of the records would interfere with ongoing debt collection investigations or other law enforcement proceedings and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because it is not always possible to know in advance what information is relevant and necessary for law enforcement purposes.

(5) From subsection (e)(2) to avoid impeding law enforcement efforts associated with debt collection by putting the subject of an investigation on notice of that fact, thereby permitting the subject to engage in conduct intended to frustrate or impede that investigation.

(6) From subsection (e)(3) to avoid impeding law enforcement efforts in conjunction with debt collection by putting the subject of an investigation on notice of that fact, thereby permitting the subject to engage in conduct intended to frustrate or impede that investigation.

(7) From subsection (e)(4)(G), (H) and (I) because portions of this system are exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (e)(5) because many of the records in this system are records contributed by other agencies and the restrictions imposed by (e)(5) would limit the utility of the system.

(9) From subsection (e)(8), because to require individual notice of disclosure of information due to compulsory legal process would pose an impossible administrative burden on the DOJ and may alert the subjects of law enforcement investigations, who might be otherwise unaware, to the fact of those investigations.

(10) From subsections (f) and (g) to the extent that the system is exempt

from other specific subsections of the Privacy Act.

Dated: April 5, 2012.

Nancy C. Libin,

*Chief Privacy and Civil Liberties Officer,
United States Department of Justice.*

[FR Doc. 2012–9001 Filed 4–17–12; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

Rigging Equipment for Material Handling Construction Standard; Correction and Technical Amendment

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

ACTION: Final rule; correction and technical amendment.

SUMMARY: OSHA is correcting its sling standard for construction titled “Rigging Equipment for Material Handling” by removing the rated capacity tables and making minor, nonsubstantive revisions to the regulatory text.

DATES: The effective date for the corrections and technical amendment to the standards is April 18, 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.

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.

SUPPLEMENTARY INFORMATION:

Background

In OSHA’s Standards Improvement Project-Phase III final rule, published on June 8, 2011, the Agency stated that it was amending its standards regulating slings for general industry, shipyard employment, and construction by removing outdated tables that specify safe working loads, and revising other provisions that referenced the outdated tables (see 76 FR at 33591 and 33597). To replace these tables, OSHA added requirements that prohibit employers from loading slings in excess of the recommended safe working load prescribed on identification markings located on, or attached to, each sling; these requirements also prohibit the use

of slings that do not have such markings.

While OSHA removed the load-capacity tables for slings from § 1910.184 (general industry; tables N-184-1, and N-184-3 through N-184-22) and § 1915.118 (shipyard employment; tables G-1 through G-5, G-7 through G-8, and G-10), including references to these tables in § 1915.112 and § 1915.113, the Agency failed to include in the regulatory text provisions to remove the tables in § 1926.251 (construction; tables H-1, and H-3 through H-19), and redesignate Table H-2 to H-1 and Table H-20 to H-2. This notice, therefore, amends § 1926.251 by removing most of the existing tables (H-1, and H-3 through H-19), redesignating Table H-2 as Table H-1 and Table H-20 as Table H-2, and revising paragraphs (b)(5) and (c)(5) to indicate the new table number.

List of Subjects in 29 CFR Part 1926

Occupational safety and health,
Construction, Shackles, Slings.

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 April 9,
2012.

David Michaels,

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

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

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart H—Materials Handling, Storage, Use, and Disposal

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

Authority: 40 U.S.C. 3701; 29 U.S.C. 653, 655, 657; and 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), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable. Section 1926.250 also issued under 29 CFR part 1911.

- 2. Amend § 1926.251 as follows:

- a. Revise paragraph (b)(5) and (c)(5) introductory text;
- b. Add a reserved paragraph (c)(5)(ii);

- c. Remove Tables H-1 and H-3 through H-19; and

- d. Redesignate Table H-2 as Table H-1 and Table H-20 as Table H-2.

The revisions read as follows:

§ 1926.251 Rigging equipment for material handling.

* * * * *

(b) * * *

(5) Whenever wear at any point of any chain link exceeds that shown in Table H-1, the assembly shall be removed from service.

* * * * *

(c) * * *

(5) When U-bolt wire rope clips are used to form eyes, Table H-2 shall be used to determine the number and spacing of clips.

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[FR Doc. 2012-8881 Filed 4-17-12; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2012-0249]

Annual Marine Events in the Eighth Coast Guard District, Blessing of the Fleet; Bayou La Batre; Bayou La Batre, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce Special Local Regulations for the Blessing of the Fleet in Bayou La Batre, AL from 2 p.m. until 4 p.m. on May 6, 2012. This action is necessary for the safety of participants and spectators, including all crews, vessels, and persons on navigable waters during the Blessing of the Fleet, Bayou La Batre. During the enforcement period, entry into, transiting or anchoring in the regulated area is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port (COTP) Mobile or the designated Coast Guard Patrol Commander.

DATES: The regulations in 33 CFR 100.801 will be enforced from 2 p.m. until 4 p.m. on May 6, 2012.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email LT Lenell J. Carson, Coast Guard Sector Mobile, Waterways Division; telephone 251-

441-5940 or email *Lenell.J.Carson@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Special Local Regulations for the annual Blessing of the Fleet, Bayou La Batre event listed in 33 CFR 100.801 (Table 1, VII. Sector Mobile, #158) on May 6, 2012 from 2 p.m. until 4 p.m.

Under the provisions of 33 CFR 100.801, all persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol vessels" consist of any Coast Guard, state or local law enforcement and sponsor provided vessels assigned or approved by the Commander, Eighth Coast Guard District, to patrol the event. Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer and will be operated at slowest safe speed in a manner which will not endanger participants in the event or any other craft. No spectator shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel. The Patrol Commander may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both. Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property. The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the event.

This notice is issued under authority of 33 CFR 100.35, 33 U.S.C. 1233, and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Local Notice to Mariners and Marine Information Broadcasts.

If the Captain of the Port Mobile or Patrol Commander determines that the regulated area need not be enforced for the full duration stated in this notice of enforcement, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.