

OCCUPATIONAL SAFETY STANDARDS COMMISSION
Adoption by Reference
Bulletin #12-03

Indiana Code 22-8-1.1-16.2 provides that a United States Occupational Safety and Health Administration (OSHA) standard lawfully adopted by OSHA under federal law may be enforced by the Indiana Department of Labor not earlier than sixty (60) days after the final standard by federal OSHA becomes effective. The Indiana Department of Labor shall publish a statement describing a standard enforceable under this section and making reference to the federal regulation. The statement must be published under Indiana Code 4-22-7-7(b).

The Indiana Department of Labor incorporates by reference the U.S. Department of Labor, Occupational Safety and Health Administration provisions that amend 29 CFR Part 1910, the final rule on Bloodborne Pathogens Standard; Corrections and Technical Amendment. The Indiana Department of Labor incorporates by reference the standard 29 CFR Part 1910, as published in the Federal Register, April 3, 2012, Volume 77, pages 19933 through 19934.

Federal effective dates: April 3, 2012.

Indiana effective dates: June 2, 2012

Lori A. Torres
Commissioner

Also, the court noted that the plaintiff, a federal inmate, had “never acted, requested to act or has been requested to act as a reporter,” and therefore chose to restrict its decision to the “byline” language without addressing the “reporter” language. In footnote 25, the court stated that the reporter “portion of the regulation is not before the Court.” Further, when the Bureau attempted to justify the “byline” language by indicating that publishing under a byline amounts to unauthorized conducting of a business, the court stated as follows:

[T]his argument would carry more weight if the Court were addressing the portion of the Byline Regulation prohibiting inmates from acting as reporters. The role of a reporter envisions a relationship between the news media and the inmate, for which the inmate is compensated. But the scope of this lawsuit does not include the reporter portion of the regulation, and the danger of an inmate conducting a business simply because the inmate publishes a writing under a byline in the news media is much more remote.

Id. at 1123.

The court’s recognition of the distinction between “publishing under a byline” and “acting as a reporter” is clear from the language of the *Jordan* opinion. Likewise, the court’s recognition of this distinction is clear in its holding invalidating *only* the “byline” portion of the regulation but not the “reporter” portion. We therefore decline to remove the provision in the regulation prohibiting acting as a reporter.

For the aforementioned reasons, the interim rule published on April 23, 2010 (75 FR 21163), is hereby finalized without change.

Executive Order 12866

This regulation does not fall within a category of actions that the Office of Management and Budget (OMB) has determined to constitute “significant regulatory actions” under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

The Bureau of Prisons has assessed the costs and benefits of this regulation as required by Executive Order 12866 Section 1(b)(6) and has made a reasoned determination that the benefits of this regulation justify its costs. There will be no new costs associated with this regulation.

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and

responsibilities among the various levels of government. Therefore, under Executive Order 13132, we determine that this regulation does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and by approving it certifies that it will not have a significant economic impact upon a substantial number of small entities for the following reasons: This regulation pertains to the correctional management of offenders and immigration detainees committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau’s appropriated funds.

Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This regulation is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This regulation will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 28 CFR Part 540

Prisoners.

For the aforementioned reasons, the interim rule published on April 23, 2010 (75 FR 21163), is hereby finalized without change.

Charles E. Samuels, Jr.,
Director, Bureau of Prisons.

[FR Doc. 2012–7971 Filed 4–2–12; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Bloodborne Pathogens Standard; Corrections and Technical Amendment

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

ACTION: Final rule; corrections and technical amendment.

SUMMARY: OSHA is making a technical amendment to its Bloodborne Pathogens Standard by moving the rule’s paragraph on sharps injury log requirements from paragraph (i), entitled “Dates,” to paragraph (h), entitled “Recordkeeping.”

DATES: The effective date for the corrections and technical amendment to the standard is April 3, 2012.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Frank Meillinger, 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: Andrew Levinson, Director, OSHA Office of Biological Hazards, OSHA, Room N–3718, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1950.

SUPPLEMENTARY INFORMATION:

I. Background

On January 18, 2001, OSHA revised the Bloodborne Pathogens Standard (29 CFR 1910.1030) to include requirements of the Needlestick Safety and Prevention Act, November 6, 2000 (Pub. L. 106–430). These revisions included adding a fifth subparagraph, entitled “Sharps injury log,” to paragraph (h) of § 1910.1030 (66 FR 5325). However, in the July 1, 2001, publication of the CFR, subparagraph (5) was under paragraph (i) (“Dates”). These corrections and technical amendment relocate subparagraph (5) under paragraph (h) (“Recordkeeping”).

List of Subjects in 29 CFR Part 1910

Hazardous substances, Occupational safety and health, Reporting and recordkeeping requirements.

III. 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 the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Section 4 of the Administrative Procedures Act (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 March 27, 2012.

David Michaels,
Assistant Secretary of Labor for Occupational Safety and Health.

Accordingly, revise 29 CFR part 1910 by making the following correcting amendments:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

■ 1. The authority citation for part 1910.1030 Subpart Z is revised to read as follows:

Authority: 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), 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.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, except those substances that have exposure limits listed in Tables Z-1, Z-2, and Z-3 of 29 CFR 1910.1000. The latter were issued under section 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, but not under 29 CFR 1911, except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

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

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Pub. L. 106-430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 533.

■ 2. In § 1910.1030, add paragraph (h)(5) and revise paragraph (i) to read as follows:

§ 1910.1030 Bloodborne pathogens.

* * * * *

(h) * * *

(5) *Sharps injury log.* (i) The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

(A) The type and brand of device involved in the incident,

(B) The department or work area where the exposure incident occurred, and

(C) An explanation of how the incident occurred.

(ii) The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses under 29 CFR part 1904.

(iii) The sharps injury log shall be maintained for the period required by 29 CFR 1904.33.

(i) *Dates—(1) Effective Date.* The standard shall become effective on March 6, 1992.

(2) The Exposure Control Plan required by paragraph (c) of this section shall be completed on or before May 5, 1992.

(3) Paragraphs (g)(2) Information and Training and (h) Recordkeeping of this section shall take effect on or before June 4, 1992.

(4) Paragraphs (d)(2) Engineering and Work Practice Controls, (d)(3) Personal Protective Equipment, (d)(4) Housekeeping, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, and (g)(1) Labels and Signs of this section, shall take effect July 6, 1992.

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[FR Doc. 2012-7715 Filed 4-2-12; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2012-0020]

RIN 1625-AA08

Special Local Regulations; Charleston Race Week, Charleston Harbor, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations on the waters of Charleston Harbor in Charleston, South Carolina during Charleston Race Week, a series of sailboat races. The races are scheduled to take place on Friday, April 20, 2012, through Sunday, April 22, 2012. Approximately 170 sailboats are anticipated to participate in the races, and approximately 40 spectator vessels

are expected to attend the event. These special local regulations are necessary to provide for the safety of life on navigable waters of the United States during the races. The special local regulations consist of three race areas. Except for those person and vessels participating in the sailboat races, persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race areas unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective from 9 a.m. on April 20, 2012, through 4:30 p.m. on April 22, 2012. This rule will be enforced daily from 9 a.m. until 4:30 p.m. on April 20, 2012, through April 22, 2012.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2012-0020 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0020 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call or email Ensign John Santorum, Sector Charleston Waterways Management Division, Coast Guard; telephone (843) 740-3184, email John.R.Santorum@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive necessary information about the event until February 11, 2012. As a result, the Coast