



Susan Podziba & Associates

PUBLIC POLICY MEDIATION AND CONSENSUS BUILDING

Final Report of the Facilitators

on the

**Negotiated Rulemaking to Develop
Proposed Revisions to**

**Worker Safety Standards for the Use of
Cranes and Derricks in Construction
29 CFR 1926.550 Subpart N**

for the

**Directorate of Construction
Occupational Safety and Health Administration
U.S. Department of Labor**

**Submitted by
Susan L. Podziba and Alexis L. Gensberg
Facilitators
Susan Podziba & Associates**

September 27, 2004

**Final Report of the Facilitators on the Negotiated Rulemaking to Develop
Proposed Revisions to Worker Safety Standards for the
Use of Cranes and Derricks in Construction (29 CFR 1926.550 Subpart N)**

Table of Contents

Introduction	1
Background	1
Project Duration	2
Negotiated Rulemaking Committee Participants	2
Products and Outcomes	3
Summary of Negotiated Rulemaking Process for Subpart N	3
Pre-Negotiation Activities	3
C-DAC Negotiations	5
Meetings	5
Expert Presentations	6
Work Groups	6
On-Going Communications	6
Public Input	7
Benefits of Negotiated Rulemaking	7
Technical Expertise Provided to OSHA	8
Cooperative Relations among OSHA, the Regulated Community, Labor	9
Public Education	9
Conclusion	9
Appendices:	
A. Notice of Intent to Establish Negotiated Rulemaking Committee; Request for Nominees and Comments, July 16, 2002	
B. Notice of Proposed Negotiated Rulemaking Committee Membership; Request for Comments, February 27, 2003	
C. Notice of Establishment of Negotiated Rulemaking Advisory Committee, June 12, 2003	
D. Notice of Final Membership List for Negotiated Rulemaking Advisory Committee, July 3, 2003	
E. Overview of Negotiated Rulemaking	
F. Ground Rules	

G. Schedule of Meetings

H. List of Issues to be Negotiated

I. Federal Register Meeting Notices

1. Meeting 1 – July 2003
2. Meeting 2 – September 2003
3. Meeting 3 – October 2003
4. Meeting 4 – November 2003
5. Meeting 5 – December 2003
6. Meeting 6 – January 2004
7. Meeting 7 – February 2004
8. Meeting 8 – March 2004
9. Meeting 9 – May 2004
10. Meeting 10 – June 2004
11. Meeting 11 – July 2004

J. Meeting Agendas

1. Meeting 1 – July 2003
2. Meeting 2 – September 2003
3. Meeting 3 – October 2003
4. Meeting 4 – November 2003
5. Meeting 5 – December 2003
6. Meeting 6 – January 2004
7. Meeting 7 – February 2004
8. Meeting 8 – March 2004
9. Meeting 9 – May 2004
10. Meeting 10 – June 2004
11. Meeting 11 – July 2004

K. Meeting Summaries

1. Meeting 1 – July 2003
2. Meeting 2 – September 2003
3. Meeting 3 – October 2003
4. Meeting 4 – November 2003
5. Meeting 5 – December 2003
6. Meeting 6 – January 2004
7. Meeting 7 – February 2004
8. Meeting 8 – March 2004
9. Meeting 9 – May 2004
10. Meeting 10 – June 2004
11. Meeting 11 – July 2004

L. Cranes and Derricks Advisory Committee Members

M. C-DAC Consensus Regulatory Text of Proposed Revisions to Worker Safety Standards for the Use of Cranes and Derricks in Construction 29 CFR 1926.550 Subpart N

N. Process Map

**FINAL REPORT of the Facilitators on the
Negotiated Rulemaking to Develop Proposed Revisions to
Worker Safety Standards for the Use of Cranes and Derricks in Construction
29 CFR 1926.550 Subpart N**

INTRODUCTION

The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor initiated a negotiated rulemaking to develop a proposed revision of the existing construction safety standards for the cranes and derricks portion of 29 CFR part 1926 Subpart N – Cranes, Derricks, Hoists, Elevators, and Conveyors (Subpart N).

In July 2004, after one year of negotiations, the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) reached final consensus on the text of a proposed revision of the Subpart N requirements for cranes and derricks, which concern worker safety during the use of cranes and derricks in construction. OSHA formally chartered C-DAC under the Federal Advisory Committee Act (FACA)¹ and the Negotiated Rulemaking Act. C-DAC membership was drawn from OSHA and various interests that will be significantly affected by revisions to Subpart N.

OSHA determined the use of the negotiated rulemaking procedure to be in the public's interest and stated in its Federal Register Notice of July 16, 2002, Notice of Intent to Establish a Negotiated Rulemaking Committee, that "The Agency believes that by updating the existing standard, it can limit or reduce the number of deaths and injuries to employees associated with cranes and derricks used in construction. The Agency, therefore, is committed to publishing a consensus proposal that is consistent with OSHA's legal mandates." (See Appendix A.)

OSHA retained Susan Podziba & Associates to provide facilitation services for the negotiated rulemaking process.

BACKGROUND

The existing rule for cranes and derricks in construction, codified in volume 29 of the Code of Federal Regulations (CFR), Sec. 1926.550, Subpart N – Cranes and Derricks, was created in 1971 and is based in part on industry consensus standards developed between 1967 and 1969. Since 1971, the Subpart N cranes and derricks requirements have been amended only with regard to the issues of hoisting personnel with cranes

¹ In accordance with FACA, the Cranes and Derricks Negotiated Rulemaking Advisory Committee membership was "fairly balanced in terms of points of view," all committee meetings were open to the public, all meeting materials were available for public review, and time was set aside at each meeting for public comment.

and keeping employees clear of suspended loads. Industry stakeholders urged OSHA to revise Subpart N because changes in work processes and crane and derrick technology made much of the current Subpart N obsolete.

In 1998, the Advisory Committee on Construction Safety and Health (ACCSH) formed a Crane Work Group to review Subpart N. ACCSH passed a motion, submitted by the Crane Work Group, recommending that OSHA consider a negotiated rulemaking process to develop proposed revisions to Subpart N. In addition, the Crane Work Group issued a draft report in December 2002, which outlined and addressed some of the key issues of Subpart N that needed to be updated to reflect modern safety procedures. C-DAC deliberations were aided by the December 2002 Crane Work Group Draft Report.

C-DAC's consensus proposed revision to Subpart N will undergo an economic analysis and a review by the Office of Management and Budget (OMB). In addition, a determination will be made as to whether a Small Business Regulatory Enforcement Fairness Act (SBREFA) review will be required. Upon completion of these reviews, the proposed standard will be published in the Federal Register. Following publication, there will be a public comment period and possibly a public hearing. The final step will be publication of a final rule in the Federal Register.

PROJECT DURATION

OSHA initiated the Cranes and Derricks Negotiated Rulemaking process on July 16, 2002 with publication of a Federal Register Notice of Intent to Establish a Negotiated Rulemaking Committee (Appendix A). The Federal Register Notice of Establishment of the Cranes and Derricks Negotiated Rulemaking Advisory Committee was published on June 12, 2003 (Appendix C). The first C-DAC meeting was held July 30 – August 1, 2003.

Negotiations were conducted over 11 multiple-day meetings between July 2003 and July 2004. On July 9, 2004, final consensus was reached on regulatory text for all issues discussed. On August 20, 2004, the Committee approved its July 6-9, 2004 meeting summary, which documented the Committee's final consensus on all issues.

NEGOTIATED RULEMAKING COMMITTEE PARTICIPANTS

The Cranes and Derricks Negotiated Rulemaking Advisory Committee included 23 members drawn from the following categories of significantly affected interests: Crane Manufacturers and Suppliers; Lessors and Maintenance; Users – Employers; Users – Labor Organizations; Operators – Labor Organizations; Government/Public Entities; Training and Operator Testing; Power Line Owners; and Insurance. (See Appendix D

for the Federal Register Notice of Final Membership List for Negotiated Rulemaking Advisory Committee² and Appendix L for C-DAC members' contact information.)

PRODUCTS AND OUTCOMES

The ultimate product and outcome of the negotiated rulemaking is the Cranes and Derricks Negotiated Rulemaking Advisory Committee's consensus document, which contains regulatory text for proposed revisions of 29 CFR 1926.550 Subpart N (See Appendix M).

Additional products developed as part of the negotiated rulemaking process include the meeting summaries and agendas for each of the 11 C-DAC meetings and the Committee's ground rules. These documents are included in the appendices of this final report and are available, along with all other documents related to the negotiated rulemaking at <http://dockets.osha.gov>. The docket name is Safety Standards for Cranes and Derrick, and the docket number is S030.

SUMMARY OF NEGOTIATED RULEMAKING PROCESS FOR SUBPART N

The Negotiation Rulemaking process to develop proposed revisions to Subpart N consisted of two parts: 1) pre-negotiation activities and 2) C-DAC negotiations.

Pre-Negotiation Activities

The pre-negotiation activities included a determination of feasibility for the use of a negotiated rulemaking procedure, a process for determining membership of the Cranes and Derricks Negotiated Rulemaking Advisory Committee, and the selection of a facilitator.

In response to industry stakeholder requests, the Crane Work Group discussions, and the ACCSH recommendation, OSHA considered the use of negotiated rulemaking (reg neg) to develop proposed revisions to Subpart N. In applying the selection criteria for candidate rules outlined in the Negotiated Rulemaking Act (NRA), OSHA determined the use of the negotiated rulemaking procedure to be in the public interest.³

The NRA rule selection criteria (§563) are:

- (1) there is a need for a rule;

² Mr. Wallace Vega, III, of Entergy Corporation, Inc., replaced Michael Hyland of the American Public Power Association (APPA), who resigned from C-DAC in August 2003, as a result of a change in his responsibilities at APPA.

³ Previously, OSHA had successfully implemented reg neg processes to develop its health standards for Methyleneedianiline (MDA) and worker safety standards for steel erection (29 CFR 1926 Subpart R).

- (2) there are a limited number of identifiable interests that will be significantly affected by the rule;
- (3) there is a reasonable likelihood that a committee can be convened with a balanced representation of persons who
 - a. can adequately represent the interests identified under paragraph (2) and
 - b. are willing to negotiate in good faith to reach consensus on the proposed rule;
- (4) there is a reasonable likelihood that a committee will reach a consensus on the proposed rule within a fixed period of time;
- (5) the negotiated rulemaking procedure will not unreasonably delay the notice of proposed rulemaking and the issuance of the final rule;
- (6) the agency has adequate resources and is willing to commit such resources, including technical assistance, to the committee; and
- (7) the agency, to the maximum extent possible consistent with the legal obligations of the agency, will use the consensus of the committee with respect to the proposed rule as the basis for the rule proposed by the agency for notice and comment.

In its July 16, 2002 Federal Register Notice of Intent to Establish a Negotiated Rulemaking Committee and Request for Committee Nominees and Comments, OSHA requested comments on the proposed use of negotiated rulemaking and nominations for C-DAC membership from those who would be significantly affected by revisions to Subpart N. In response, OSHA received broad support for the use of a negotiated rulemaking process and 55 nominations for committee membership.

OSHA then proposed a 20-member committee in a February 27, 2003 Federal Register Notice of Proposed Negotiated Rulemaking Committee Membership and Request for Comments (Appendix B). In response, OSHA received 29 comments, of which 13 supported the proposed membership and 16 identified additional individuals for membership on the committee. As a result of the comments received, OSHA added three additional members to C-DAC. In its July 3, 2003 Federal Register Notice, OSHA published the final membership of C-DAC and its response to comments received (Appendix D).

OSHA retained Susan Podziba & Associates (SP&A) to provide facilitation services for the negotiated rulemaking. Susan Podziba, Public Policy Mediator, served as the facilitator. She was assisted by Alexis Gensberg, Associate Mediator, SP&A.

Prior to the first C-DAC meeting, Susan Podziba conducted in-depth telephone interviews with each C-DAC member to discuss his or her key issues and concerns relative to Subpart N, relevant history of past efforts to revise Subpart N, past experiences with negotiated rulemaking, relevant dynamics among stakeholders, and hopes and concerns for the reg neg process.

C-DAC Negotiations

C-DAC negotiations occurred between July 30, 2003 and July 9, 2004, and included 11 C-DAC meetings, expert presentations, work groups, caucuses and on-going communications among parties, and intensive public input.

Meetings

The C-DAC meetings provided the forum for rich discussions and deliberations among the Committee members, who held a broad range of viewpoints and opinions. Each meeting followed a formal agenda that was prepared and distributed prior to the meeting. (See Appendix J for Meeting Agendas.) Of the 11 C-DAC meetings, nine were held in Washington, D.C., one in Phoenix, Arizona, and one in Las Vegas, Nevada. (See Appendix G for Schedule of Meetings.)

The negotiations provided for iterative discussions of worker safety issues related to the use of cranes and derricks during construction activities. Each issue was intensively discussed in an effort to reach conceptual agreements. (See Appendix H for the C-DAC List of Issues to be Negotiated.) OSHA drafted regulatory language to reflect agreements in concept. The draft regulatory language was then thoroughly reviewed and revised until the Committee reached tentative agreements on each section of the text of the proposed standard. The most difficult and controversial issues -- for example, operator qualifications, operating near power lines, and prototype testing verification criteria -- were discussed and tabled at numerous meetings to allow for off-line discussions with constituents and among C-DAC members. Such issues typically required work group conference calls, caucuses, and the creation of proposals and counter-proposals between meetings until draft regulatory text could be written to reflect the prevailing sentiments of most Committee members. C-DAC then revised the draft regulatory text until members reached tentative agreements for each issue.

The facilitation team drafted meeting summaries after each meeting, which were reviewed and approved by C-DAC members. The summaries served as records of agreements, identified key discussion points for tentative agreements and outstanding issues, and recorded public comments. (See Appendix K for meeting summaries.)

After 30.5 meeting days (244 hours), C-DAC completed all of its work on July 9, 2004. At the final meeting, Committee members worked hard to reach consensus on all outstanding issues. C-DAC then reviewed all its tentative agreements, made additional revisions to address new concerns raised by some members, and reached final consensus on all issues to be included in the standard. As a result, and in accordance with the C-DAC Ground Rules, (Appendix F):

“... OSHA agrees to use the consensus-based language as its proposed standard, and C-DAC members will refrain from providing formal written negative comments on the consensus-based regulatory language published in the Federal Register...” (Section IV. Agreement, paragraph B)

All issues in the consensus document were agreed to unanimously except §1422, Operator Qualifications, from which two non-federal C-DAC members dissented. According to the C-DAC Ground Rules, C-DAC considered consensus to have been reached when not more than two non-federal C-DAC members dissented, meaning that the final proposal for §1422 met C-DAC's definition of consensus. In addition, C-DAC Ground Rules state that, as dissenters to an agreement, those Committee members may request that OSHA include their reasons for dissenting in the preamble to the proposed rule.

Expert Presentations

As part of the negotiations, OSHA organized expert panels for five issues: Drill Rigs, Structural Testing and Verification Criteria, Dedicated Pile Drivers, Floating Cranes & Cranes on Barges, and Crane Operator Physical Qualifications. In addition, experts provided presentations to C-DAC on the issues of Crane Fatality Statistics, Derricks, Overhead and Gantry Cranes, Boom Tip Attached Personnel Baskets, Crane Operator Physical Qualifications, and Controlled Substance Abuse and Testing. The panel and individual presentations provided C-DAC members with current information, expert opinions including differences among experts, and opportunities to ask questions to increase their understanding of the issues under discussion.

Work Groups

Throughout the year of negotiations, work groups were formed on an as-needed basis to develop proposals for particular issues. Workgroups were composed of the C-DAC members most interested in the particular issue and other experts and members of the public who provided additional information and experience.

Most work group meetings were conducted through facilitated conference calls; occasionally face-to-face meetings were held. Work groups were initiated for the following issues: Derricks; Floating Cranes & Cranes on Barges; Erecting and Dismantling -- Requirements for Employer Procedures; Assembly and Disassembly of Cranes; Operating near Power Lines; Transit near Power Lines; Power Line Safety – exclusion for work covered by Subpart V; Boatswain Chairs; and Limited Requirements for ≤2000 pound capacity, Pile Drivers, Overhead and Gantry Cranes. Work groups developed proposals to present to C-DAC for review, discussion, and revision; work groups were not authorized to make decisions on behalf of C-DAC.

On-Going Communications

All the parties involved in the negotiated rulemaking maintained on-going communications throughout the year of negotiations. For example, some parties held caucuses among C-DAC members with divergent opinions on particular issues to attempt to develop mutually acceptable proposals. The facilitators maintained contact with C-DAC members to discuss thoughts and ideas about controversial issues, assess

perceptions of progress, and to discuss Committee needs such as panel presentations, documents, and communications.

Public Input

The negotiated rulemaking process provided numerous mechanisms for public input including public comment at meetings, emails and letters sent to the OSHA docket, and contact with OSHA and the facilitators.

As required under FACA, all C-DAC meetings were open to the public, and each meeting included time set aside for public comment. Members of the public addressed C-DAC to offer recommendations and/or comment on issues under discussion. C-DAC members heard numerous public comments, particularly on the issues of operator certification, operating near power lines, use of land cranes on barges, inspections, and responsibility for ground conditions.

The Committee gave full consideration during its deliberations to input offered as verbal public comment as well as email and letter comments that were sent to the OSHA Docket and distributed to all C-DAC members.

In addition, members of the public frequently contacted OSHA staff and the facilitators, who provided information and clarification of the status of their issues of concern.

BENEFITS OF NEGOTIATED RULEMAKING

According to the Department of Labor Policy on Negotiated Rulemaking, the benefits of negotiated rulemaking compared with traditional rulemaking procedures may include:

- reduced time, money, and effort expended on developing, litigating, and enforcing rules;
- a final rule that is technically more accurate, clear, and specific;
- a final rule that results in earlier implementation and a higher compliance rate; and
- more cooperative relationships between the agency and regulated parties.

It is beyond the purview of the authors of this final report to estimate the time, money, and effort saved as a result of the negotiated rulemaking as well as its impact on implementation and compliance, though anecdotal evidence suggests that DOL will reap these benefits. On the other hand, there can be no question that the negotiated rulemaking process resulted in a rule that is far more technically accurate, clear, and specific than one that would have emerged from a traditional rulemaking process. In addition, the reg neg process enabled the creation of cooperative relationships among OSHA, the regulated parties, labor, and the public.

The proposed revisions to Subpart N, developed by C-DAC, reflect not only the best and most current knowledge of the crane industry stakeholders, but also the benefits of

their deliberations. C-DAC members talked through the complexities of seemingly disparate opinions to find consensus solutions that will provide increased protections for workers through sensible strategies designed to mitigate the actual hazards to which workers are exposed. The new rules are expected to save workers' lives and reduce injuries. Provisions that involve costs, such as operator certification and protections for workers operating near power lines, were, by and large, proposed and supported by the industry.

Thus, the Subpart N Negotiated Rulemaking conforms to the Congressional intent to promote the use of reg neg, as stated in §561.2 of the Negotiated Rulemaking Act:

"... (3) Adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties."

Technical Expertise Provided to OSHA

The negotiated rulemaking process enabled OSHA, and therefore, the public, to benefit from the technical expertise of the crane industry, labor organizations, the electrical power industry, and others.

Subpart N addresses a broad array of cranes and derricks including tower cranes, mobile and crawler cranes, lattice boom and hydraulic cranes, knuckleboom cranes, overhead and gantry cranes, dedicated pile drivers, land cranes on barges, and floating cranes. The standards cover procedures that range from assembly and disassembly of cranes, inspections, blind picks, multiple crane lifts, and operating near power lines. They also cover various components of the crane including design features and testing, wire rope, safety devices, and operational aids.

Cranes and derricks are powerful and complex machines. Every expertise required for developing comprehensive worker safety standards for cranes and derricks in construction resided within the collective wisdom and experience of C-DAC and the members of the public that participated on panels and in work groups, and/or provided public comments.

OSHA expends a great deal of staff time responding to requests for clarifications of regulations. Throughout the C-DAC deliberations, if a C-DAC member was confused by draft regulatory language, it was revised to ensure its intent was clear. It is expected that Subpart N will result in fewer clarification requests because C-DAC has already raised and addressed numerous potential questions.

Committee members volunteered their time (30.5 meeting days plus additional time for document review, work groups, caucuses, and ongoing communications with each other and constituents) and covered their own travel expenses. Within the context of

the negotiated rulemaking process, OSHA was able to efficiently harness this expertise in support of its statutory mission of worker safety.

Cooperative Relations among OSHA, the Regulated Community, and Labor

For many C-DAC members, interactions with OSHA officials are generally in the context of inspections and accident investigations. Often these interactions are frustrating and confrontational. It was a new experience for some to work closely with OSHA officials to develop clear, rational, reasonable, and enforceable regulations designed to provide worker safety protections with limited unintended costs and consequences to the industry.

C-DAC members were highly impressed with the hard work and commitment of the OSHA team responsible for negotiating and staffing the reg neg. They developed an understanding and respect for the role government plays in working to balance the interests of a multitude of stakeholders as it seeks to develop, implement, and enforce regulations under complex, real-world conditions.

In addition, the relationships that formed among the C-DAC members, across stakeholder interests, are likely to “last lifetimes.” The industry, as a whole, is likely to benefit from these relationships. The individuals who helped to write the rule and are intimately knowledgeable of its requirements and the intent of those requirements will help educate their industry about the rule. Thus, these relationships will benefit the government and, therefore, the public.

Public Education

The C-DAC Negotiated Rulemaking process significantly contributed to public education concerning the Subpart N Cranes and Derricks requirements. The Committee included members of key trade associations, labor organizations, and training organizations that educate their members about government regulations. Additionally, members of the public attended meetings and obtained C-DAC documents through email and the internet.

As a result, the interested public is well versed in the proposed revisions to Subpart N Cranes and Derricks requirements and an infrastructure of knowledgeable individuals exists for ongoing public education of the standard.

CONCLUSION

As a result of the negotiated rulemaking process initiated by OSHA, the new Subpart N Cranes and Derricks requirements account for the interests, concerns, and nuances that were raised by each of the C-DAC members as well as members of the public who provided comments at meetings or sent emails or letters to OSHA and the Committee. The dedication, commitment, and hard work of every member of C-DAC, the breadth

of their discussions, and their constant striving for consensus solutions resulted in a proposed revision to Subpart N that is expected to increase protections and improve safety for workers operating in, on, around, or near cranes with limited unintended costs and consequences to the industry.

For more information: Contact Susan Podziba, Susan Podziba & Associates, (617) 738-5320, susan@podziba.com or Audrey Rollor, Occupational Safety and Health Administration, U.S. Department of Labor, (202) 693-2337, Rollor.Audrey@dol.gov.

Appendix A

Notice of Intent to Establish
Negotiated Rulemaking Committee; Request for
Nominees and Comments
July 16, 2002

Proposed Rules

Federal Register

Vol. 67, No. 136

Tuesday, July 16, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-102740-02]

RIN 1545-BA52

Loss Limitation Rules; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels the public hearing on proposed regulations that relate to the deductibility of losses recognized on dispositions of subsidiary stock by members of a consolidated group.

DATES: The public hearing originally scheduled for Friday, July 19, 2002, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: LaNita Van Dyke of the Regulations Unit, Associate Chief Counsel (Income Tax and Accounting), (202) 622-7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the *Federal Register* on Tuesday, March 12, 2002 (67 FR 11070), announced that a public hearing would be held on July 17, 2002. The date of the hearing changed and notice of the change was later published in the *Federal Register* on Friday, June 28, 2002 (67 FR 43574) announcing that a public hearing was scheduled for Friday, July 19, 2002, at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 337(d) and 1502 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Wednesday, June 26, 2002.

The notice of proposed rulemaking and notice of public hearing, instructed

those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Thursday, July 11, 2002, no one has requested to speak. Therefore, the public hearing scheduled for Friday, July 19, 2002, is cancelled.

Cynthia Grigsby,

Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02-17864 Filed 7-11-02; 3:09 pm]

BILLING CODE 4830-01-U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN No. 1218-AC01

Safety Standards for Cranes and Derricks

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

ACTION: Notice of intent to establish Negotiated Rulemaking Committee; request for nominees and comments.

SUMMARY: The Occupational Safety and Health Administration is announcing its intent to establish a Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) under the Negotiated Rulemaking Act (NRA) and the Federal Advisory Committee Act (FACA). The Committee will negotiate issues associated with the development of a proposed revision of the existing construction safety standards for the cranes and derricks portion ("1926.550) of 29 CFR part 1926 Subpart N-Cranes, Derricks, Hoists, Elevators, and Conveyors. The Committee will include representatives of parties who would be significantly affected by the final rule. OSHA solicits comments on the initiative and requests interested parties to nominate representatives for membership on C-DAC.

DATES: Written comments and requests for membership must be submitted by September 16, 2002. Comments and requests for membership submitted by mail must be postmarked not later than September 16, 2002. E-mailed or faxed comments or requests for nomination

must be received by September 16, 2002.

ADDRESSES: Written comments, including nominations for membership, may be submitted in any of three ways: by mail, by fax, or by e-mail. Please include "Docket No. S-030" on all submissions.

By mail, the address is: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments and nominations for membership that are 10 pages or fewer, may be transmitted to the OSHA Docket Office at telephone number (202) 693-1648.

By email, comments and nominations may be submitted through OSHA's Homepage at ecomments.osha.gov. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Nancy Ford, Office of Construction Standards and Compliance Assistance, Occupational Safety and Health Administration, U.S. Department of Labor, Room NB3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION:

I. Background

The existing rule for cranes and derricks in construction, codified in volume 29 of the Code of Federal Regulations (CFR), § 1926.550, which dates back to 1971, is based in part on industry consensus standards from 1967 to 1969. Since 1971, that section of subpart N has undergone only two amendments:

(1) In 1988, § 1926.550 was amended by adding a new paragraph (g) to establish clearly the conditions under which employees on personnel platforms may be hoisted by cranes or

derricks (see volume 53 of the **Federal Register**, pages 29116 to 29141).

(2) In 1993, § 1926.550 was amended by adding a new (a)(19), which states that *all employees shall be kept clear of loads about to be lifted and of suspended loads* (58 FR 35183).

There have been considerable technological changes since the consensus standards upon which the 1971 OSHA standard is based were developed. For example, hydraulic cranes were rare at that time but are now prevalent. The existing OSHA standard does not specifically address hydraulic cranes. In contrast, industry consensus standards for derricks were updated in 1995 and crawler, truck and locomotive cranes were updated as recently as 2000.

A cross-section of industry stakeholders has asked the Agency to update Subpart N's crane and derrick requirements. They have indicated that over the past 30 years, the considerable changes in both work processes and crane technology have made much of Subpart N obsolete.

For the past two years, a number of industry representatives have been working with a cranes workgroup of the Advisory Committee for Construction Safety and Health (ACCSH). That workgroup has been developing recommended changes to Subpart N with respect to the requirements for cranes.

Based on the Agency's review of the issues, the progress made by the ACCSH cranes workgroup, and the continued interest in using negotiated rulemaking for this standard, OSHA proposes to use the negotiated rulemaking process to develop a proposed revision of the requirements in Subpart N for cranes and derricks.

The negotiated rulemaking effort described in this notice will be conducted in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561 *et seq.*, and the Department of Labor's policy on negotiated rulemaking. Further detail on the Department's negotiated rulemaking policy is in the "Notice of Policy on Use of Negotiated Rulemaking Procedures by Agencies of the Department of Labor" (57 FR 61860).

A. The Concept of Negotiated Rulemaking

Usually, OSHA develops a proposed rule using staff and consultant resources. The concerns of affected parties are often identified through stakeholder meetings and an advance notice of proposed rulemaking (ANPR) published in the **Federal Register**. This is followed by formal consultation with

ACCSH (under the Construction Safety Act, OSHA is required to consult with ACCSH on all proposed construction standards). Affected parties do not generally have an opportunity to submit arguments and data supporting their positions until the proposed rule is published. In contrast, in a negotiated rulemaking, there is greater opportunity for face-to-face, back-and-forth communications during the process among parties representing different interests and with agency officials.

Many times, effective regulations have resulted from traditional rulemaking. However, as Congress noted in the Negotiated Rulemaking Act (5 U.S.C. 561), current rulemaking procedures may discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions * * * (Sec. 2(2)). Congress also stated that "adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties." (Sec. 2(3)).

In negotiated rulemaking, a proposed rule is developed by a committee composed of representatives of government and the interests that will be significantly affected by the rule. Decisions are made by consensus. As defined in 5 U.S.C. 562 (2)(a)(b), 'consensus' means unanimous concurrence among the interests represented on a negotiated rulemaking committee established under this subchapter, unless such committee agrees to define such term to mean a general but not unanimous concurrence or agrees upon another specified definition.

The process is started by the Agency's careful identification of all interests potentially affected by the rulemaking under consideration. To help in this identification process, the Agency publishes a document such as this one in the **Federal Register**, which identifies a preliminary list of interests and requests public comment on that list.

Following receipt of the comments, the Agency establishes an advisory committee representing these various interests to negotiate a consensus on the provisions of a proposed rule. Representation on the committee may be direct, that is each member represents a specific interest, or indirect, through coalitions of parties formed to represent a specific sphere of interest. The Agency is a member of the

committee representing the Federal government's statutory mission.

The negotiated rulemaking advisory committee is chaired by a trained facilitator, who applies proven consensus building techniques to help the advisory committee work towards a consensus. The many functions that he or she will perform are discussed below.

Once the committee reaches consensus on the provisions of a proposed rule, the Agency, consistent with its legal obligations, uses that consensus as the basis for its proposed rule, to be published in the **Federal Register**. This provides the required public notice and allows for a public comment period. Members, other participants and other interested parties retain their rights under section 6(b) of the OSH Act to submit written comments and participate in an informal hearing (if requested). OSHA will then publish a final rule based on the record as a whole—the information that was received in the course of developing the proposed rule, together with the comments and information submitted after the proposal is published. OSHA anticipates that the pre-proposal consensus agreed upon by this Committee will effectively narrow the issues in the subsequent rulemaking and reduce the likelihood of litigation.

B. Selecting Part of Subpart N as a Candidate for Negotiated Rulemaking

The Agency may establish a negotiated rulemaking committee if it has determined that the use of the negotiated rulemaking procedure is in the public interest. As discussed above, OSHA has made that determination in this case.

The Agency bases this determination on prior experience with the negotiated rulemaking process. Even before the NRA was enacted, OSHA conducted negotiated rulemaking for its complex health standards for Methylenedianiline (MDA). This committee met seven times over a 10-month period (24 meeting days) and successfully negotiated standards for both general industry and construction. The final standards were ultimately based on the recommended proposed standards, and no litigation followed the standards' promulgation.

Also, the new Steel Erection Standard (29 CFR part 1926 subpart R) was based on a proposal that was developed by the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC). The new final rule was published on January 18, 2001, and became effective January 18, 2002. The standard addresses the hazards that have been identified as the major causes of injuries and fatalities in the steel erection industry.

OSHA believes that the cranes and derricks portion of subpart N is an appropriate subject for negotiated rulemaking. In 1998, the Advisory Committee on Construction Safety and Health (ACCSH) formed a workgroup to review subpart N. In December 1999, ACCSH passed a motion submitted by the workgroup, recommending that OSHA consider negotiated rulemaking as the mechanism to revise/update subpart N. The workgroup has made considerable progress in identifying and prioritizing areas in the current standard that should be updated to reflect modern safety procedures.

The Agency believes that the selection criteria listed in the NRA (5 U.S.C. 563(a)) have been met. Interests that will be affected by a revised subpart N are known, are limited in number, and to a significant degree are already organized in interest-based coalitions. There appears to be a good possibility of reaching consensus on a proposed rule. In addition, OSHA expects that persons likely to be significantly affected by such a rule will negotiate in good faith. The need for updating provisions is acknowledged by all known interests. As progress has already been made through the efforts of the ACCSH workgroup, OSHA believes that the negotiated rulemaking process will not unreasonably delay the proposal or issuance of a final rule.

C. Agency Commitment

In initiating this negotiated rulemaking process, OSHA is making a commitment on behalf of the Department of Labor that OSHA and all other participants within the Department will provide resources to ensure timely and successful completion of the process. This commitment includes making the negotiations a priority activity for all officials of the Department who need to be involved.

OSHA will take steps to ensure that the negotiated rulemaking committee has sufficient resources to complete its work in a timely fashion. These include the provision or procurement of such support services as: adequate and properly equipped space; logistical support and timely payment of participant travel and expenses where necessary as provided for under the NRA; word processing, communications and other information handling services required by the committee; the services of a facilitator; and such additional statistical, economic, safety, legal, or other technical assistance as may be necessary.

OSHA, to the maximum extent possible consistent with its statutory

mission and the legal obligations of the agency, will use the consensus of the committee as the basis for the rule proposed by the Agency for public notice and comment. The Agency believes that by updating the existing standard, it can limit or reduce the number of deaths and injuries to employees associated with cranes and derricks used in construction. The Agency, therefore, is committed to publishing a consensus proposal that is consistent with OSHA's legal mandates.

D. Negotiating Consensus

An important benefit of negotiated rulemaking is that it necessarily involves a mutual education of the parties on the practical concerns about the effect of different approaches to various issues. This stems from the fact that in negotiated rulemaking, agreement is by consensus of the interests. As noted above, the NRA defines consensus as the "unanimous concurrence among interests represented on a negotiated rulemaking committee * * * unless such committee agrees to (a different definition)." In addition, experience has demonstrated that using a trained facilitator to work with the Committee will assist all parties, including OSHA, to identify their real interests in the rule, and will enable them to reevaluate previously stated positions on issues involved in this rulemaking effort.

E. Some Key Issues for Negotiation

OSHA expects that the key issues to be addressed as part of these negotiations will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.

13. Blind pick procedures.

II. Proposed Negotiation Procedures

OSHA is proposing to use the following procedures and guidelines for this negotiated rulemaking. The Agency may modify them in response to comments received on this document or during the negotiation process.

A. Committee Formation

This Committee will be formed and operated in full compliance with the requirements of the Federal Advisory Committee Act (FACA) and the NRA, in a manner consistent with the standards-setting requirements of the OSH Act.

B. Interests Involved

The Agency intends to ensure full and adequate representation of those interests that are expected to be significantly affected by the proposed rule. Section 562 of the NRA defines the term "interest" as follows:

(5) "interest" means, with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.

The following interests have been tentatively identified as "significantly affected" by this rulemaking:

- Crane and derrick manufacturers, suppliers, and distributors
- Companies that repair and maintain cranes and derricks
- Crane and derrick leasing companies
- Owners of cranes and derricks
- Construction companies that use leased cranes and derricks
- General contractors
- Labor organizations representing construction employees who operate cranes and derricks and who work in conjunction with cranes and derricks
- Owners of electric power distribution lines
- Civil, structural and architectural engineering firms and engineering consultants involved with the use of cranes and derricks in construction
- Training organizations
- Crane and derrick operator testing organizations
- Insurance and safety organizations, and public interest groups
- Trade associations
- Government entities involved with construction safety and with construction operations involving cranes and derricks.

This list of potential interests is not presented as a complete or exclusive list from which committee members will be selected. The list merely indicates interests that OSHA has tentatively identified as being significantly affected by the outcome of the Subpart N

negotiated rulemaking process. One purpose of this document is to obtain public comment about whether an updated crane standard would significantly affect interests that are not listed above. OSHA invites comment and suggestions on this list of "significantly affected" interests.

C. Members

The negotiating group should not exceed 25 members, and 15 would be preferable. The Agency believes that the more members there are over 15, the more difficult it is to conduct effective negotiations.

OSHA is aware that there may be more interests, whether they are listed here or not, than membership slots on the Committee. In order to have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, these coalitions must agree to support, both financially and technically, a member on the Committee whom they will choose to represent their interest.

It is important to recognize that interested parties who are not selected to membership on the Committee can make valuable contributions to a negotiated rulemaking in any of several ways:

- Asking to be placed on the Committee mailing list and making written comments;
- Attending the Committee meetings, which are open to the public, caucusing with his or her interest's member on the Committee, or even addressing the Committee (often allowed at the end of an issue's discussion or the end of the session, as time permits); and/or
- Assisting in the work of a Committee workgroup.

Informal workgroups are usually established by an advisory committee to help it address technical issues or other particular matters. They might also help analyze costs and compliance data, help draft regulatory text, or initially address novel issues that arise during negotiations. Workgroup members usually have expertise or a particular interest in the technical matter(s) being studied. Because of the importance of this work on technical details, OSHA will also provide appropriate technical expertise for such workgroups, as needed.

D. Request for Nominations

OSHA solicits requests for appointment to membership on the Committee. Members can be individuals

or representatives of organizations. However, an organization that requests membership should identify the individual who will be its representative. If the negotiation is to be successful, members must be able to fully and adequately represent the viewpoints of their respective interests. Those individuals or representatives of organizations who wish to be appointed as members of the Committee should submit a request to OSHA, in accordance with the "Public Participation" part of this document.

This document gives notice of the selection process to all potential participants and affords them an opportunity to request representation in the negotiations. The procedure for requesting such representation is set out under the Public Participation part of this document, below.

E. Good Faith Negotiation

Committee members need to have authorization to negotiate on behalf of their interests and be willing to negotiate in good faith. First, each member needs to have good communications with his or her constituencies. An "intra-interest" network of communication should be established to channel information between the member and his/her organization and interest coalition. Second, in nominating a member to represent it, each organization or coalition should designate a person with credibility and authority to insure that information is shared and decisions are made in a timely manner. Negotiated rulemaking efforts can require a very significant contribution of time by the appointed members, which must be sustained for a year or more.

Certain considerations are central to negotiating in good faith. One is the willingness to bring all issues to the table in an attempt to reach a consensus, instead of keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from the type of adversarial positions often taken in rulemaking proceedings, and instead to explore openly with other parties all relevant and productive ideas that may emerge from the discussions of the committee.

F. Facilitator

The facilitator will not be a party to the substantive development of the standard. Rather, the facilitator's role will generally include:

- (1) Chairing the meeting of the committee in an impartial manner;

- (2) Impartially assisting the members of the committee in conducting discussions and negotiations, and

- (3) Supervising the taking of minutes and keeping of records and other relevant responsibilities.

G. OSHA Representative

The OSHA representative, as a full member of the Committee, will participate fully with the other members in the negotiations. The OSHA representative will meet regularly with various senior OSHA officials, briefing them on the negotiations and receiving their suggestions and advice, in order to effectively represent the Agency's views regarding the issues before the Committee. OSHA's representative will also inform the Office of Management and Budget of the status of the negotiations. OSHA's representative will also communicate with ACCSH on a regular basis, informing it of the status and content of the negotiations.

In addition, the OSHA representative will present the negotiators with the available evidence that the Agency has gathered on an issue-by-issue basis for their consideration. The Committee may also consult OSHA's representative to obtain technical information, and to discuss issues associated with setting and administering standards (such as jurisdiction, scope, enforceability, costs and feasibility concerns, and paperwork burden issues). The OSHA representative, together with the Facilitator, will also be responsible for coordinating the administrative and committee support functions to be performed by OSHA's support team.

H. Plain Language

OSHA intends to write its standards in plain language. This means that the provisions must be clear, logically organized, and written with a minimum of industry jargon. It is important to avoid the use of ambiguous regulatory language. It often takes significant effort to express complex and technical concepts in language that can be understood by non-experts. Agency staff will assist the Committee in its drafting efforts.

I. Additional Members

During the course of the Committee's negotiations, an unanticipated issue significantly affecting one or more unanticipated, unrepresented interests may arise. The Committee may decide that it is necessary for that issue to be addressed in the proposed rule. If so, the Agency will publish in the **Federal Register** a request for additional nominations to represent such interests. The Secretary may then select one or

more additional representatives, who will be added as Committee members.

The additional members will not be entitled to revisit any issue that has already been negotiated, unless the Committee agrees by consensus to do so.

J. Replacement Members

In the event an appointed member becomes unavailable or otherwise unable to serve, the Secretary will select a replacement member to represent the interest the original member had represented.

K. Tentative Schedule

When OSHA publishes a notice establishing the Committee and appointing its members, the Agency will include a proposed schedule of committee meetings. The first meeting will focus largely on procedural matters, including the proposed ground rules. The Committee will agree on dates, times, and locations of future meetings, and will identify and determine how best to address principal issues for resolution.

To prevent delays that might postpone timely issuance of the proposal, OSHA intends to terminate the Committee's activities if it does not reach consensus on a proposed rule within 18 months of the first meeting. The process may end earlier if the Facilitator or the committee itself so recommends.

L. Record of Meetings

In accordance with FACA's requirements, the Facilitator will supervise the keeping of minutes and a record of all committee meetings. These materials will be placed in the public docket No. S-030. Committee meetings will be announced in the **Federal Register** and will be open to the public.

M. Agency Action

As set forth in the NRA, "the Agency, to the maximum extent possible consistent with the legal obligations of the agency, will use the consensus of the committee with respect to the proposed rule as the basis for the rule proposed by the agency for notice and comment."

N. Committee Procedures

Under the general guidance and direction of the Facilitator, and subject to any applicable legal requirements, appropriate detailed procedures for committee meetings will be established.

III. Public Participation

In a negotiated rulemaking, there are many opportunities for an individual who is interested in the outcome of the

rule to participate. As a first step in response to this notice of intent to negotiate, OSHA recommends that potential participants take a close look at the list of significantly affected interests. They should analyze the list for completeness or over- or under-inclusiveness, and for the purpose of coalition-building. Parties should try to identify others who share a similar viewpoint and who would be affected in a similar way by the rule. They should then communicate with these parties of similar interest and begin organizing coalitions to support their shared interests. Once the coalitions are formed, the parties can discuss which individuals should represent their interests and in what capacities.

As indicated above, not every interested party will be able to serve as a member of the Committee. However, an interested party may participate in a variety of other ways. These include working within the interest coalitions (promoting communication, providing expert support in a workgroup or otherwise helping to develop internal ranges of acceptable alternatives, etc.), attending committee meetings in order to caucus with the interest's member, or submitting written comments or materials to the Committee or workgroups.

Persons who will be significantly affected by the revision in the crane and derricks portion of Subpart N, whether or not their interest is listed above in this document, may apply for or nominate another person for membership on the committee to represent such interests. Such requests must be received by the Docket Office (see instructions under **ADDRESSES** near the beginning of this Notice), no later than September 16, 2002. In general, under the NRA, members of the negotiated rulemaking committee shall be responsible for their own expenses, except in certain limited circumstances (see 5 U.S.C. section 588).

Each application or nomination must include:

- (1) The name of the applicant or nominee and a description of the interest(s) such person will represent;
- (2) evidence that the applicant or nominee is authorized to represent those interests that the person proposes to represent, and
- (3) a description of the person's qualifications and expertise regarding those interests. Each applicant must submit a written commitment to actively participate in good faith in the development of the rule.

All written comments, including comments on the appropriateness of using negotiated rulemaking to develop a proposed cranes and derricks

standard, and the topics to be covered regarding cranes and derricks, should be directed to Docket No. S-030, and sent to the OSHA Docket Office (see instructions under **ADDRESSES** near the beginning of this Notice).

IV. Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*), FACA (5 U.S.C. Appendix 2), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*), and Secretary of Labor's Order No. 3-2000 (65 FR 50017, Aug. 16, 2000).

Signed at Washington, DC, this 10th day of July, 2002.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 02-17768 Filed 7-15-02; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010-AC47

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Plans and Information

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Extension of comment period for proposed rule.

SUMMARY: This document extends to December 13, 2002, the previous deadline of August 15, 2002, for submitting comments on the proposed rule published May 17, 2002 (67 FR 35372), that describes plan submittals for oil and gas exploration, development and production on the Outer Continental Shelf (OCS).

DATES: We will consider all comments received by December 13, 2002, and we may not fully consider comments received after December 13, 2002.

ADDRESSES: Mail or hand-carry written comments (three copies) to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4024; Herndon, Virginia 20170-4817; Attention: Rules Processing Team. If you wish to e-mail comments, the e-mail address is: rules.comments@MMS.gov. Reference

Appendix B

Notice of Proposed Negotiated Rulemaking
Committee Membership; Request for Comments
February 27, 2003

action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 2001–NM–125–AD.

Applicability: All Model MD–90–30 airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the lanyards on the pressure relief door for the thrust reverser have adequate strength so that the door will not detach from the thrust reverser in the event that an engine bleed air duct bursts, which could result in the door striking and damaging the horizontal stabilizer, accomplish the following:

Replacement of Lanyards on the Thrust Reverser Pressure Relief Door

(a) Within 18 months after the effective date of the AD, replace the lanyards on the pressure relief door for the thrust reverser with new, improved lanyards, and accomplish associated modifications, per the Accomplishment Instructions of Boeing Service Bulletin MD90–78–048, excluding Evaluation Form, dated February 15, 2001. The associated modifications include removing the pressure relief door, modifying the pressure relief door (including replacing existing brackets with new brackets and reidentifying the door with a new part number), modifying the lower track beam (including removing terminals, replacing the aft quick-release pin with a new pin, and reidentifying the beam with a new part number), modifying the heat shield on the lanyard assembly attach lugs, and re-installing the pressure relief door.

Note 2: Boeing Service Bulletin MD90–78–048, excluding Evaluation Form, dated February 15, 2001, refers to International Aero Engines Service Bulletin V2500–NAC–78–0184, dated February 16, 2001, for instructions on replacing the lanyards on the pressure relief door for the thrust reverser.

Spares

(b) After the effective date of this AD, no person may install a lanyard having part number (01–250) or (01–255) on the pressure relief door for the thrust reverser on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add

comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 20, 2003.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 03–4587 Filed 2–26–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S–030]

RIN 1218–AC01

Safety Standards for Cranes and Derricks

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

ACTION: Notice of proposed Negotiated Rulemaking Committee membership; request for comments.

SUMMARY: The Occupational Safety and Health Administration is planning to establish a Crane and Derrick Negotiated Rulemaking Advisory Committee (C–DAC) under the Negotiated Rulemaking Act (NRA) and the Federal Advisory Committee Act (FACA). The Committee will negotiate issues associated with the development of a proposed revision of the existing construction safety standards for the cranes and derricks portion. The Committee will include representatives of parties who would be significantly affected by the final rule. The public may submit comments on the proposed list of members.

DATES: Comments submitted by mail must be postmarked not later than March 31, 2003. Emailed or faxed comments must be received by March 31, 2003.

ADDRESSES: Written comments may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S–030" on all submissions.

By mail, the address is: OSHA Docket Office, Docket No. S–030, U.S.

Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer, may be transmitted to the OSHA Docket Office at telephone number (202) 693-1648.

By email, comments may be submitted through OSHA's Homepage at ecommments.osha.gov. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT:

Mark Hagemann, Office of Construction Standards and Compliance Assistance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION: On July 16, 2002, OSHA published a **Federal Register** notice of intent to establish a negotiated rulemaking committee (67 FR 46612). The notice requested nominations for membership on the Committee and comments on the appropriateness of using negotiated rulemaking to develop a crane and derrick proposed rule. In addition, the notice described the negotiated rulemaking process and identified some key issues for negotiation.

Fifty-five nominations for membership on the Committee and several comments were received during the comment period. There was broad support for using negotiated rulemaking to update the standard. OSHA has decided to go forward with the negotiated rulemaking process. The Agency has developed the following proposed list of Committee members:

Manufacturers and Suppliers

Michael Brunet, Manitowoc Cranes, Inc., 2401 S. 30th Street, Manitowoc, WI 54220.

Peter Juhren, Morrow Equipment Company, L.L.C., 3218 Pringle Road, SE., Salem, OR 97302.

Larry Means, Wire Rope Technical Board, 801 North Fairfax Street, Suite 211, Alexandria, VA 22314.

Lessors/Maintenance

William Smith, Maxim Crane Works, 508-C DiGiulian Blvd., Glen Burnie, MD 21061.

Users—Employers

Joseph Collins, Zachry Construction Corporation, P.O. Box 240130, San Antonio, TX 78224.

Brian Murphy, Sundt Corporation, 4101 E Irvington Road, Tucson, AZ 85726.

George R. "Chip" Pocock, C.P. Buckner Steel Erection, P.O. Box 598, Graham, NC 27253.

Craig Steele, Schuck & Sons Construction Company, Inc., 8205 North 67th Avenue, Glendale, AZ 85302.

Darlaine Taylor, Century Steel Erectors, Inc., 210 Washington Avenue, Dravosburg, Pennsylvania 15034.

William J. "Doc" Weaver, 8065 S. Overhill Circle, Salt Lake City, UT 84121.

Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., 53-20 44th Street, Maspeth NY 11378.

Stephen Wiltshire, Shirley Contracting Corporation, 6108 Waterman Drive, Fredericksburg, VA 22407.

Users—Labor Organizations

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, 1750 New York Ave., NW., Suite 400, Washington, DC 20006.

Dale Shoemaker, Carpenters International Training Center, 6801 Placid Street, Las Vegas, NV 89119.

Operators—Labor Organizations

Stephen Brown, International Union of Operating Engineers, 1125 17th Street, NW., Washington, DC 20036.

Emmett Russell, International Union of Operating Engineers, 1125 17th Street, NW., Washington, DC 20036.

Government/Public Entities

Noah Connell, U.S. Department of Labor/OSHA, 200 Constitution Ave., NW., Room N-3467, Washington, DC 20210.

Training and Operator Testing

David Ritchie, The St. Paul Companies, P.O. Box 1419, Bastrop, TX 78602.

Power line Owners

Michael Hyland, American Public Power Association, 2301 m Street, NW., Washington, DC 20037.

Insurance

Charles Yorio, Acordia, Two Gateway Center, 603 Stanwix Street, Suite 1900, Pittsburgh, PA 15222.

After evaluating the comments on the proposed list of Committee members,

OSHA will publish a notice of establishment of the Cranes and Derricks Negotiated Rulemaking Advisory Committee followed by a notice of the first Committee meeting and appointment of members.

Authority: This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*), FACA (5 U.S.C. Appendix 2), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*), and Secretary of Labor's Order No. 3-2000 (65 FR 50017, Aug. 16, 2000).

Signed in Washington, DC, this 19th day of February, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-4560 Filed 2-26-03; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05-03-013]

RIN 2115-AE46

Special Local Regulations for Marine Events; Delaware River, Pea Patch Island to Delaware City, DE

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish permanent special local regulations for marine events held on the waters of the Delaware River between Pea Patch Island and Delaware City, Delaware. These special local regulations are necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic in a portion of the Delaware River between Pea Patch Island and Delaware City during the events.

DATES: Comments and related material must reach the Coast Guard on or before April 28, 2003.

ADDRESSES: You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398-6203. The Auxiliary and Recreational Boating Safety Section,

Appendix C

Notice of Establishment of
Negotiated Rulemaking Advisory Committee
June 12, 2003

ivory cribbage boards, whalebone masks, elk horn purses, and clamshell gorgets.

§ 309.21 What are examples of dolls and toys that are Indian products?

Dolls, toys, and related items made by an Indian, including, but not limited to, no face dolls, corn husk dolls, patchwork and palmetto dolls, reindeer horn dolls, lacrosse sticks, stick game articles, gambling sticks, gaming dice, miniature cradle boards, and yo-yos, are Indian products.

§ 309.22 What are examples of painting and other fine art forms that are Indian products?

Painting and other fine art forms made by an Indian including but, not limited to, works on canvas, photography, sand painting, mural, computer generated art, graphic art, video art work, printmaking, drawing, bronze casting, glasswork, and art forms to be developed in the future, are Indian products.

§ 309.23 Does this part apply to products made before 1935?

The provisions of this part do not apply to any art or craft products made before 1935.

Dated: March 26, 2003.

Lynn Scarlett,

Assistant Secretary—Policy, Management, and Budget.

[FR Doc. 03-14827 Filed 6-11-03; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

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

ACTION: Notice of Establishment of Negotiated Rulemaking Advisory Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing its decision to establish a Crane and Derrick Negotiated Rulemaking Advisory Committee under the Negotiated Rulemaking Act (NRA), the Occupational Safety and Health Act (OSH Act) and the Federal Advisory Committee Act (FACA).

DATES: The Charter will be filed on June 27, 2003.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act (5 U.S.C. App. I), the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) and the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*) and after consultation with the General Services Administration (GSA), the Secretary of Labor has determined that the establishment of the Crane and Derrick Negotiated Rulemaking Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by the Occupational Safety and Health Act.

The Committee will function as a part of the Department's rulemaking on revising safety standards for cranes and derricks in construction. It will attempt, using face-to-face negotiations, to reach consensus on the coverage and the substance of these rules, which can be used as the basis of a Notice of Proposed Rulemaking. The Committee is responsible for identifying the key issues, gauging their importance, analyzing the information necessary to resolve the issues, attempting to arrive at a consensus, and submitting to the Secretary of Labor proposed regulatory text for an occupational safety standard governing worker safety for crane and derrick work in construction.

Meetings shall be held as necessary, however, no fewer than eight meetings shall be held over a two-year period. The Committee will terminate two years from the date of this charter or upon the publication of a proposed crane and derricks in construction rule, whichever is earlier.

The committee will be composed of no more than 25 members and a facilitator, appointed by the Secretary of Labor. Members may represent the following interests in appropriate balance: Crane and derrick manufacturers, suppliers, and distributors; companies that repair and maintain cranes and derricks; crane and derrick leasing companies; owners of cranes and derricks; construction companies that use leased cranes and derricks; general contractors; labor organizations representing construction employees who operate cranes and derricks and who work in conjunction

with cranes and derricks; owners of electric power distribution lines; civil, structural and architectural engineering firms and engineering consultants involved with the use of cranes and derricks in construction; training organizations; crane and derrick operator testing organizations; insurance and safety organizations, and public interest groups; trade associations; government entities involved with construction safety and with construction operations involving cranes and derricks, and other companies, organizations, and trade associations whose interests are affected by an occupational safety standard governing worker safety for crane and derrick work in construction. Also, the Agency is a member of this committee.

The Committee will report to the Assistant Secretary for Occupational Safety and Health in compliance with the applicable provisions of the FACA and the NRA. Its Charter will be filed under the FACA fifteen (15) days from the date of this publication.

OSHA published a **Federal Register** Notice requesting comments on the advisability of establishing this Negotiated Rulemaking Committee (67 FR 46612, July 16, 2002). Virtually all commenters agreed with the need to establish this committee.

Authority: This document was prepared under the direction of Elaine L. Chao, Secretary of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to section 6 and 7 of the Occupational Safety and Health Act (29 U.S.C. 655 and 656); the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 *et seq.*); the Federal Advisory Committee Act (5 U.S.C. Appendix 1); 41 FR parts 101-6 and 102-3 and 29 CFR part 1911.

Signed at Washington, DC, this 6th day of June 2003.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 03-14856 Filed 6-11-03; 8:45 am]

BILLING CODE 4510-26-U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05-02-099]

RIN 1625-AA11 (Formerly RIN 2115-AE84)

Regulated Navigation Area in Hampton Roads, VA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

Appendix D

Notice of Final Membership List for
Negotiated Rulemaking Advisory Committee
July 3, 2003

section shall be pasteurized or ultra-pasteurized prior to the addition of the microbial cultures.

(b) *Standard dairy ingredients.* Cream, milk, partially skimmed milk, skim milk, or the reconstituted versions of any of these standard dairy ingredients may be used. Whey protein concentrate (WPC), minimum protein concentrate 34 percent, may be used if the total quantity of WPC used in this paragraph and paragraph (c) of this section does not result in a quantity of WPC that exceeds 25 percent of the total milk solids not fat. When one or more of the ingredients specified in this paragraph is used, it shall be included in the culturing process.

(c) *Optional ingredients.* (1) Dairy ingredients. Any milk-derived ingredients used for technical or functional purposes.

(2) Aroma- and flavor-producing microbial culture.

(3) Safe and suitable sweeteners.

(4) Flavoring ingredients.

(5) Color additives that do not impart a color simulating that of milkfat or butterfat.

(6) Stabilizers and emulsifiers.

(7) Preservatives.

(8) Vitamins and minerals.

(i) If added, vitamin A shall be present in a minimum quantity of 500 IU per RACC.

(ii) If added, vitamin D shall be present in a minimum quantity of 100 IU per RACC.

(9) Butterfat or milkfat, which may or may not contain color additives, in the form of flakes or granules.

(10) Salt.

(11) Citric acid, in a maximum amount of 0.15 percent by weight of the milk used, or an equivalent amount of sodium citrate, as a flavor precursor.

(12) Any safe and suitable ingredients added for nutritional or functional purposes.

(d) *Methods of analysis.* (1) Milk solids not fat content—Calculated using the following methods from the “Official Methods of Analysis of the Association of Official Analytical Chemists,” 15th Ed. (Copies are available from the Association of Official Analytical Chemists, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877–2417, or available for inspection at the Office of the Federal Register, 800 North Capitol St., NW., suite 700, Washington, DC). Subtract the milkfat content (as determined by the method prescribed in section 16.059 “Roese-Gottlieb Method (Reference method) (11)—Official Final Action, under the heading “Fat”) from the total milk solids content (as determined by the method prescribed in section 16.032, “Method I—Official Final Action,” under the heading “Total Solids”).

(2) Titratable acidity—As determined by the method prescribed in section 16.023, “Acidity (2)—Official Final Action,” or by an equivalent potentiometric method.

(e) *Nomenclature.* (1) The name of the food is “cultured milk” or “fermented milk,” except:

(i) If the finished food complies with the requirements of § 101.62(b)(4)(i) of this chapter, and is not “lowfat fermented milk” or “lowfat cultured milk” or “nonfat fermented milk” or “nonfat cultured milk,” then the food must comply with § 101.62(b)(4)(ii) of this chapter, and the name of the food is “reduced fat fermented milk” or “reduced fat cultured milk.”

(ii) If the finished food contains at least 0.5 g, but not more than 3.0 g, total fat per RACC, then name of the food is “lowfat fermented milk” or “lowfat cultured milk.”

(iii) If the finished food contains less than 0.5 g total fat per RACC, the name of the food is “nonfat fermented milk” or “nonfat cultured milk.”

(2) The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter.

(3) The name of the food shall be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients, e.g., “kefir cultured milk,” “acidophilus fermented milk,” or when characterizing ingredients such as those in paragraphs (c)(2), (c)(9), (c)(10), and (c)(11) of this section and lactic acid-producing organisms are used, the food may be named “cultured buttermilk.”

(4) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The word “sweetened” if a sweetener is added without the addition of characterizing flavoring.

(ii) The phrase “vitamin A” or “vitamin A added,” or “vitamin D” or “vitamin D added,” or “vitamin A and D added,” as appropriate. The word “vitamin” may be abbreviated “vit.”

(5) The parenthetical phrase “(heat-treated after culturing)” shall follow the name of the food if the dairy ingredients have been heat-treated after culturing.

(f) *Declaration of ingredients.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. If you base your comments on scientific evidence or data, please submit copies of the specific information along with your comments. The petition and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

VI. Authority

This advance notice of proposed rulemaking is issued under sections 201, 401, 403, 409, 701, and 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, and

379e), and under the authority of the Commissioner of Food and Drugs, as redelegated to the Director, Center for Food Safety and Applied Nutrition.

Dated: June 3, 2003.

L. Robert Lake,

*Director, Office of Regulations and Policy,
Center for Food Safety and Applied Nutrition.*

[FR Doc. 03–16789 Filed 7–2–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S–030]

RIN 1218–AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor

ACTION: Notice of final membership list for Negotiated Rulemaking Advisory Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is issuing a final membership list of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC).

COMMENTS: Written comments on the committee’s proceedings may be submitted to the Crane and Derrick Negotiated Rulemaking Advisory Committee, Docket No. S–030, including additional materials and attachments, in any of three ways: *hard copy, facsimile and electronic transmission.*

ADDRESSES: Mail: You must submit three copies of your comments on committee proceedings and attachments to the OSHA Docket Office, Docket No. S–030, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. The OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m. Note that receipt of comments submitted by mail may be delayed by several weeks.

Facsimile (FAX): If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office, Docket No. S–030, at (202) 693–1648.

Electronic transmission: You may submit comments through the Internet at <http://ecomments.osha.gov>.

Please note that you cannot attach materials, such as studies or journal

articles, to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach the materials to your electronic comments.

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the address above. Comments and submissions posted on OSHA's Webpage are available at www.osha.gov. Please do not include personal information (such as social security numbers and birth dates) in submissions. Contact the OSHA Docket Office at (202)-693-2350 for information about materials not available through the OSHA Webpage and for assistance in using the Webpage to locate docket submissions.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Ms. Bonnie Friedman, OSHA, Office of Public Affairs, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1900. For technical inquiries contact Mr. Michael Buchet, OSHA, Office of Construction Standards and Guidance, Room N-3468, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2020. For additional copies of this **Federal Register** notice, contact OSHA, Office of Publications, Room N-3101, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; telephone (202) 693-1888. Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's web page on the Internet at <http://www.osha.gov>.

The C-DAC Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; Telephone (617) 738-5320, Fax (617) 738-6911.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
- II. Discussion of Comments on the Proposed Membership List
- III. Final Committee Membership List
- IV. Procedure for Adding and Replacing Members
- V. Anticipated Key Issues for Negotiation
- VI. Authority

I. Background

On July 16, 2002, OSHA published a **Federal Register** notice of intent to establish a negotiated rulemaking

committee for cranes and derricks (volume 67 of the **Federal Register**, page 46612). The notice requested comments on the appropriateness of using negotiated rulemaking to develop a proposed rule for cranes and derricks used in construction and requested nominations for membership on the Committee. In addition, the notice described the negotiated rulemaking process and identified some key issues anticipated to be addressed in the negotiation.

Fifty-five nominations for membership on the Committee and several comments were received during the comment period. There was broad support for using negotiated rulemaking to update the standard and OSHA decided to go forward with the negotiated rulemaking process.

II. Discussion of Comments on the Proposed Membership List

The Agency published a proposed membership list and requested public comment (68 FR 9036, February 27, 2003). In response to the notice of proposed members, OSHA received 29 sets of comments. Of the comments received, 13 supported OSHA's proposed member list and 16 asked for individuals to be added to the list. Below is a discussion of the comments that recommended adding members to the committee.

Three commenters (Exs. 6-1, 7-7 and 7-13) indicated that there should be an additional representative from the mobile crane manufacturing industry. In their view there was an imbalance in the proposed committee list with respect to the number of manufacturing representatives relative to the number of user representatives. The proposed committee included a representative from Manitowoc Cranes, Inc. OSHA agrees with these commenters and has decided to add Bernie McGrew of Link-Belt Construction Equipment Company to the Committee to provide additional technical expertise on the design, manufacturing and testing of mobile cranes.

One industry commenter (Ex. 7-12) suggested that the committee needs a representative from the Department of Defense and in particular the Navy Nuclear Crane Program. The Agency, however, is not aware of aspects of cranes used by the Navy that cannot be addressed by the proposed members of the Committee. Furthermore, no comments were received from the Navy objecting to the proposed membership list.

One commenter (Ex. 7-9) asserted that the proposed committee did not represent hydraulic telescoping boom

cranes. However, since Manitowoc owns Grove, a major manufacturer of hydraulic cranes, their member will represent that interest. Also, Link-Belt manufacturers hydraulic cranes, so with the addition of Mr. McGrew, the interests of manufacturers of hydraulic telescoping boom cranes will be represented.

That commenter also asserted that the committee should have a representative of an "independent" trainer. The proposed list included David Ritchie of The St. Paul Companies, who has extensive experience as a trainer. The commenter did not explain why the interest of trainers can only be represented by an independent trainer. Accordingly, the Agency concludes that the trainer interest is adequately represented.

One commenter (Ex. 7-4) stated that cranes and derricks are used extensively in marine construction (bridge, dock, outfall, pipeline and dredging work) and that the marine construction environment is very different from a landside environment. He asked that a representative of the marine construction industry be added. He also noted that, "in lieu of appointing a marine construction representative to the committee, we request that OSHA provide some vehicle to ensure that marine construction interests may offer valuable input to the negotiated rulemaking committee. * * *

OSHA believes that the marine construction interest can effectively form coalitions with other committee members. In addition, the marine construction interest will have ample opportunities to present information to and work with the C-DAC committee as issues relating to that type of work arise. This type of information can be provided at the public meetings of the full committee and in committee workgroups.

Seven commenters (Exs. 6-7, 6-9, 6-10, 6-11, 6-13, 6-14 and 6-15) objected to the composition of the committee stating that the Specialized Carriers & Rigging Association's (SC&RA) nominee should be added to the committee. The SC&RA is an association with a large, broad-based membership of crane-related businesses. The comments reflect a cross-section of industry support for including the SC&RA nominee, Doug Williams of Buckner Heavylift Cranes. The Agency has decided to add Mr. Williams as a member of the committee.

One commenter (Ex. 6-6) stated that the proposed committee did not have sufficient representation from "public entities;" it appears from the context of the comment that the commenter is

referring to industry consensus groups. The Agency believes that the final membership list represents a broad cross-section of the industry. The commenter has not demonstrated why the interests of the individuals who serve on consensus groups, or the consensus groups themselves, would be unable to form coalitions with one or more of the named members.

One commenter (Ex. 6–5) suggested adding a member to the committee to represent manufacturers of specialized safety equipment and devices, such as equipment used to warn those in the vicinity of the crane or to detect hazards. Mr. Means was named to the committee to represent the interests of crane equipment suppliers. The commenter has not indicated why manufacturers of safety devices cannot form a coalition with Mr. Means or others.

A commenter (Ex. 6–4) recommended the addition of a member to represent the outdoor advertising industry. The commenter stated that the location, purpose and dimension of the work environments involved in outdoor advertising create unique challenges in the area of workplace safety. In addition, the commenter noted that work zone control and operations near electric power lines are issues that the outdoor advertising industry has extensive and unique experience with.

OSHA agrees that outdoor advertising is a unique type of construction activity that uses specialized crane equipment. The Agency believes that this interest is significant enough to add a member to the committee and, therefore, is adding Stephen Charman of Viacom Outdoor Group, Inc. to the committee to provide expertise on the use of cranes in the construction of billboards.

The Agency has hired Susan Podziba as Facilitator for the negotiated rulemaking Committee. The primary functions of the Facilitator will be to chair the meetings of the Committee in an impartial manner and assist the members of the Committee in conducting discussions and negotiations.

III. Final Committee Membership List

The final C–DAC membership list is comprised of the 23 individuals listed below:

Manufacturers and Suppliers

Michael Brunet, Manitowoc Cranes, Inc., 2401 S. 30th Street, Manitowoc, WI 54220

Peter Juhren, Morrow Equipment Company, L.L.C., 3218 Pringle Road SE., P.O. Box 3306, Salem, OR 97302

Bernie McGrew, Link-Belt Construction Equipment 2651 Palumbo Drive, P.O. Box 13600, Lexington, KY 40583

Larry Means, Means Engineering & Consulting, P.C., 44 South Carriage Drive, St. Joseph, MO 64506–1233

Lessors/Maintenance

William Smith, Maxim Crane Works 508-C DiGiulian Blvd., Glen Burnie, MD 21061

Users—Employers

Stephen P. Charman, Viacom Outdoor, Inc., 49–29 Maspeth Ave., Maspeth, NY 11378

Joseph Collins, Zachry Construction Corporation, P.O. Box 240130, San Antonio, TX 78224

Brian Murphy, Sundt Corporation, 4101 E Irvington Road, P.O. Box 26685, Tucson, AZ 85726

George R. “Chip” Pocock, C.P. Buckner Steel Erection, P.O. Box 598, Graham, NC 27253

Thomas “Craig” Steele, Schuck & Sons Construction Company, Inc., 8205 North 67th Avenue, Glendale, AZ 85302

Darlaine Taylor, Century Steel Erectors, Co., LP 210 Washington Avenue, Dravosburg, Pennsylvania 15034

William J. “Doc” Weaver, 8065 S. Overhill Circle, Salt Lake City, UT 84121

Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., 53–20 44th Street, Maspeth NY 11378

Doug Williams, Buckner Heavylift Cranes, P.O. Box 598, Graham, NC 27253

Stephen Wiltshire, Turner Construction Company, 6108 Waterman Drive, Fredericksburg, VA 22407

Users—Labor Organizations

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, 1750 New York Ave., NW., Suite 400, Washington, DC 20006

Dale Shoemaker, Carpenters International Training Center, 6801 Placid Street, Las Vegas, NV 89119

Operators—Labor Organizations

Stephen Brown, International Union of Operating Engineers, 1125 17th Street, NW., Washington, DC 20036

Emmett Russell, International Union of Operating Engineers 1125 17th Street, NW., Washington, DC 20036

Government/Public Entities

Noah Connell, U.S. Department of Labor/OSHA, 200 Constitution Ave., NW., Room N–3468, Washington, DC 20210

Training and Operator Testing

David Ritchie, The St. Paul Companies, P.O. Box 1419, Bastrop, TX 78602

Power Line Owners

Michael Hyland, American Public Power Association, 2301 M Street, NW., Washington, DC 20037

Insurance

Charles Yorio, Acordia, Two Gateway Center, Suite 1900, 603 Stanwix Street, Pittsburgh, PA 15222

IV. Procedure for Adding and Replacing Members

A. Additional Members

During the course of the Committee’s negotiations, an unanticipated issue significantly affecting one or more unanticipated, unrepresented interests may arise. The Committee may decide that it is necessary for that issue to be addressed in the proposed rule. If so, the Agency will publish in the **Federal Register** a request for additional nominations to represent such interests. The Secretary or her designee may then select one or more additional representatives, who will be added as Committee members. The additional members will not be entitled to revisit any issue that has already been negotiated, unless the Committee agrees by consensus to do so.

B. Replacement Members

In the event an appointed member becomes unavailable or otherwise unable to serve, the Secretary or her designee will select a replacement member to represent the interest the original member had represented.

V. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed as part of these negotiations will include:

1. The identification/description of what constitutes “cranes and derricks” for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.

9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.
14. Hydraulic cranes.

Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, pursuant to the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC, this 9th day of June, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-16870 Filed 7-2-03; 8:45 am]

BILLING CODE 4510-26-U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of first meeting of Negotiated Rulemaking Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the first meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). Members will be sworn in; the committee will be charged with its duties and will address certain procedural matters and substantive issues. The meeting will be open to the public.

DATES: The meeting will be on July 30, 31, and August 1, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at The U.S. Department of Labor, 200 Constitution Avenue, NW., Washington,

DC 20210 in conference room N3437 A, B and C.

Written comments to the committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail, the address is: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at telephone number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Webpage at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT:

Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

Table of Contents

- I. Background
- II. Agenda
- III. Anticipated Key Issues for Negotiation
- IV. Public Participation
- V. Supplementary Information
- V. Authority

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee (Volume 67 of the **Federal Register**, page 46612). The notice requested nominations for membership on the C-DAC and comments on the appropriateness of using negotiated rulemaking to develop a proposed rule for cranes and derricks used in construction. In addition, the notice described the negotiated rulemaking process and identified some key issues anticipated to be addressed in the negotiation.

Fifty-five nominations for membership on the Committee and several comments were received during

the comment period. There was broad support for using negotiated rulemaking to update the standard and OSHA decided to go forward with the negotiated rulemaking process. On June 12, 2003 the Department of Labor published a notice establishing the Committee (Volume 68 of the **Federal Register**, page 35172).

II. Agenda

Following registration, assembly and a welcome by the Agency, the Facilitator will offer a brief overview of negotiated rulemaking and then address the matters that must be resolved by the Committee at its first meeting, including adoption of ground rules. These are the procedural rules that the Committee will use for conducting the meetings. In addition there will be discussion of a tentative list of C-DAC workgroups.

The Facilitator will initiate discussions on identifying the substantive issues to be addressed by C-DAC. OSHA requests that committee members and all interested parties bring their calendars to facilitate the development of a tentative schedule of committee and workgroup meetings.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed as part of these negotiations will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. No advanced

Appendix E

Overview of Negotiated Rulemaking

Cranes and Derricks Safety Standards Negotiated Rulemaking Overview

Preliminary Meeting
U.S. Department of Labor
Occupational Safety and Health Administration
Washington, DC
July 30, 2003

Susan L. Podziba
Public Policy Mediator
Brookline, MA 02445
www.podziba.com

Overall Goal

Develop crane and derrick safety standards through careful exploration of concerns and options that are rooted in the knowledge and experiences of the diverse stakeholders that comprise the C-DAC.

Negotiations

- **Preliminary Meeting:** ground rules, agenda of issues, schedule, key concerns and interests of Committee members
- **Series of Meetings:** focused agenda, facilitated communications, caucuses, identify interests, generate options, create packages, decisions made, written agreement as final product
- **Between meetings**

Preliminary Meeting: Decision Making Rule

■ What is consensus?

- General agreement or accord
- Individual self interest for group cohesion
- Support v. consent

■ Responsibilities of Team Members

- Articulate opinions and concerns
- Assist in developing solutions to satisfy your objectives
- Consent to livable proposals
- Block consensus for serious objections
- Maintain ongoing contact with constituents/superiors

Negotiations: Series of Meetings (1)

- C-DAC develops agreements in concept
- OSHA drafts language to reflect agreements in concept
- Committee reviews and revises draft language, as necessary to achieve consensus

Negotiations: Series of Meetings (2)

- Tentative agreements on easy, moderate issues; discuss and table difficult issues.
- Discuss unresolved issues -- tentative agreements reached on moderate issues; tough issues are identified.
- Discussions focus on tough issues; Committee begins to develop packages of solutions to trade off across issues valued differently.
- Final issues remain; offline communications between meetings; final packages developed for closure.

Easy, Moderate, Difficult Issues

- Conflicts of confusion
- Conflicts of interests
- Conflicts of values

Between Meetings

- Work Groups to develop proposals
- Off-line communications
- Check-in with constituents and superiors
- OSHA internal decision making process

NEGOTIATED RULEMAKING

CONVENING ASSESSMENT



NEGOTIATIONS: SERIES OF MEETINGS

PRELIMINARY MEETING



CAUCUSES

OFF-LINE COMMUNICATIONS BETWEEN FACILITATORS/NEGOTIATORS AND AMONG NEGOTIATORS

WORK GROUPS TO DEVELOP PROPOSALS

NEGOTIATORS CHECK IN WITH CONSTITUENTS/SUPERIORS

FEDERAL PARTNERS MEET, FEDERAL NEGOTIATING TEAM MEETS

CONSENSUS ON NOTICE OF PROPOSED RULEMAKING

Appendix F
Ground Rules

**Occupational Safety and Health Administration
U.S. Department of Labor
Crane and Derrick Negotiated Rulemaking Advisory Committee**

Ground Rules

I. Mission Statement

The Occupational Safety and Health Administration of the U.S. Department of Labor (OSHA) has established the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC) to develop a proposed rule to increase employee protection by improving safety standards for cranes and derricks in construction (Subpart N 29 CFR 1926.550).

Every effort will be made to complete proposed regulatory language by July 31, 2004.

II. Participation

- A. The Committee consists of the following members:
- Stephen Brown, International Union of Operating Engineers
 - Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
 - Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
 - Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
 - Noah Connell, U.S. Department of Labor/OSHA
 - Michael Hyland, American Public Power Association
 - Peter Juhren, Morrow Equipment Company, L.L.C.
 - Bernie McGrew, Link-Belt Construction Equipment Co.
 - Larry Means, Wire Rope Technical Board
 - Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
 - Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
 - George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
 - David Ritchie, The St. Paul Companies, Training and Testing
 - Emmett Russell, International Union of Operating Engineers
 - Dale Shoemaker, Carpenters International Training Center
 - William Smith, Maxim Crane Works
 - Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
 - Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
 - William J. "Doc" Weaver, National Electrical Contractors Association, Inc.

Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia

- B. C-DAC may, by consensus, recommend that OSHA add members if it determines that there are unrepresented interests relative to the issues to be addressed in the proposed rule. If so, OSHA will publish a request for additional nominations to represent such interests in the Federal Register. The Secretary or her designee may then select one or more additional representatives, who will be added as C-DAC members. The additional members will not be entitled to revisit any issue that has already been negotiated, unless the C-DAC members agree by consensus to do so.
- C. If a C-DAC member becomes unavailable or otherwise unable to serve, the Secretary or her designee will select a replacement member to represent the interest represented by the original member.
- D. C-DAC may, by consensus, invite experts to address the Committee, as appropriate.

III. Decision Making

- A. C-DAC will make every effort to reach unanimity on all issues related to the proposed regulatory text, meaning that there is no dissent by any member. However, if the facilitator determines that additional discussions are not likely to lead to unanimous consent, C-DAC will consider consensus to have been reached when there is no dissent by more than two non-federal C-DAC members. Agreement will not be considered to have been reached if there is dissent by OSHA. If OSHA is the sole dissenter on an issue, OSHA will publish the regulatory text on that issue, as endorsed by the other C-DAC members, in the preamble to the proposed rule as an alternative approach, and ask the public to comment on that alternative. A member must be present to dissent.
- B. Upon the request of a dissenter to an agreement, OSHA will include the dissenter's reasons for dissenting in the preamble of the proposed rule.
- C. Work groups may be designated by C-DAC to address specific issues. Work groups are not authorized to make decisions for the full committee.

IV. Agreement

- A. The goal of C-DAC is to develop a proposed standard that improves worker protection and that reflects a final consensus of the Committee.
- B. If C-DAC reaches a **final** consensus agreement on all issues, OSHA agrees to use the consensus-based language as its proposed standard, and C-DAC members will refrain from providing formal written negative comments on the consensus-based regulatory language published in the Federal Register, except as provided in paragraph IV E.
- C. If the C-DAC reaches a **final** consensus agreement on some but not all issues, OSHA will include the consensus-based language in its proposed standard, and C-DAC members agree to refrain from providing formal written negative comments on the consensus-based language published in the Federal Register, except as provided in paragraph IV E.
- D. During the course of the negotiations, C-DAC will provide reasons for the proposed regulatory text. The preamble to the proposed rule will not be subjected to C-DAC negotiations, but OSHA will provide the draft preamble to C-DAC members prior to publication of the proposed standard.
- E. Once C-DAC has reached a final consensus agreement on a completed document, OSHA will use the C-DAC regulatory language in its proposed standard without altering the consensus-based regulatory text unless OSHA reopens the negotiated rulemaking process or provides to C-DAC members a detailed statement of the reasons for altering the consensus-based language. This written explanation will be provided to C-DAC members sufficiently in advance of publication of the proposed standard so as to provide C-DAC members with an opportunity to express their concerns to OSHA. If OSHA alters consensus-based language, it will identify such changes in the preamble to the proposed standard, and C-DAC members may provide formal written negative or positive comments on those changes and on other parts of the proposed standard to which that issue was "linked."

V. Committee Meetings

- A. The facilitator will draft meeting summaries to maintain a clear and reliable record of tentative and final agreements reached during the negotiation process. After review and approval by the committee, meeting summaries will be certified by the designated federal official and made available to the public.
- B. To the extent practicable, OSHA will distribute documents for discussion at C-DAC meetings at least seven days in advance of the meetings.

- C. C-DAC members will communicate their interests and concerns to each other. They will present proposals and counter proposals in an effort to address those interests and concerns.
- D. A C-DAC member may request a caucus (a private meeting of a subset of C-DAC) for consultation at any time.
- E. The facilitator will be responsible for preparing the agenda for each meeting in consultation with C-DAC members.
- F. All C-DAC meetings, but not caucuses, will be open to the public.

VI. Safeguards for Members

- A. Any member may withdraw from the negotiations at any time by notifying OSHA in writing.
- B. All members shall act in good faith in all aspects of these negotiations.
- C. Members will maintain contact with constituencies throughout the negotiations to obtain feedback on proposals and to provide information about tentative agreements reached.
- D. Contact with the media should generally be limited to discussion of the overall objectives and progress of the negotiations. C-DAC members should refrain from characterizing or commenting to the media on positions taken by other C-DAC members and from commenting negatively on agreed upon regulatory text. If an article appears that misquotes or inaccurately represents an individual's position, that individual should inform the C-DAC members of it.

VII. Meeting Facilitation

- A. Facilitation services will be provided by Susan Podziba & Associates. The facilitator will support the deliberative process of C-DAC and will be responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing and distributing meeting summaries, which will provide a record of agreements, and helping the parties resolve their differences and achieve consensus on the issues to be addressed by C-DAC.
- B. The facilitator will be available to facilitate all meetings of the full C-DAC and may assist with caucuses and work groups.
- C. The facilitator is obligated to keep verbal communications confidential if requested by a C-DAC member to do so.

Appendix G
Schedule of Meetings

**U.S. Department of Labor
Occupational Safety and Health Administration**

C-DAC Schedule of Meetings

2003

July 30, 31, August 1 Initial Meeting

September 3, 4, 5 Meeting #2

October 1, 2, 3 Meeting #3

November 5, 6, 7 Meeting #4

December 3, 4, 5 Meeting #5

2004

January 5, 6, 7, Meeting #6 in Las Vegas

February 4, 5, 6 Meeting #7

March 3, 4, 5 Meeting #8

March 29, 30, 31 Cancelled

May 4, 5, 6, 7 Meeting #9

June 1, 2, 3, 4 Meeting #10 in Phoenix

July 6, 7, 8, 9 Meeting #11

Appendix H

List of Issues to be Negotiated

**U.S. Department of Labor
Occupational Safety and Health Administration**

Crane & Derrick Negotiated Rulemaking Advisory Committee

List of Issues

- 1. Equipment to be Regulated under the Standard**
- 2. Qualifications of individuals, who operate, maintain, repair, assemble, and disassemble cranes and derricks**
- 3. Work zone control
Including site conditions such access and egress and ground stability**
- 4. Crane operations near electric power lines**
- 5. Qualifications of signal-persons and communication systems and requirements
Including blind pick procedures**
- 6. Load capacity and control procedures**
- 7. Wire rope criteria**
- 8. Crane inspection, maintenance, and certification records and record-keeping**
- 9. Rigging procedures**
- 10. Requirements for fail-safe, warning, and other safety-related devices/technologies**
- 11. Verification criteria for the structural and operational adequacy of crane components**
- 12. Stability testing requirements**
- 13. Critical and special lift procedures**
- 14. Maritime crane operations**

In addition, training requirements and demolition will be addressed within each section, as necessary.

Appendix I

Federal Register Meeting Notices

9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.
14. Hydraulic cranes.

Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, pursuant to the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC, this 9th day of June, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-16870 Filed 7-2-03; 8:45 am]

BILLING CODE 4510-26-U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of first meeting of Negotiated Rulemaking Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the first meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). Members will be sworn in; the committee will be charged with its duties and will address certain procedural matters and substantive issues. The meeting will be open to the public.

DATES: The meeting will be on July 30, 31, and August 1, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at The U.S. Department of Labor, 200 Constitution Avenue, NW., Washington,

DC 20210 in conference room N3437 A, B and C.

Written comments to the committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail, the address is: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at telephone number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Webpage at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT:

Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

Table of Contents

- I. Background
- II. Agenda
- III. Anticipated Key Issues for Negotiation
- IV. Public Participation
- V. Supplementary Information
- V. Authority

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee (Volume 67 of the **Federal Register**, page 46612). The notice requested nominations for membership on the C-DAC and comments on the appropriateness of using negotiated rulemaking to develop a proposed rule for cranes and derricks used in construction. In addition, the notice described the negotiated rulemaking process and identified some key issues anticipated to be addressed in the negotiation.

Fifty-five nominations for membership on the Committee and several comments were received during

the comment period. There was broad support for using negotiated rulemaking to update the standard and OSHA decided to go forward with the negotiated rulemaking process. On June 12, 2003 the Department of Labor published a notice establishing the Committee (Volume 68 of the **Federal Register**, page 35172).

II. Agenda

Following registration, assembly and a welcome by the Agency, the Facilitator will offer a brief overview of negotiated rulemaking and then address the matters that must be resolved by the Committee at its first meeting, including adoption of ground rules. These are the procedural rules that the Committee will use for conducting the meetings. In addition there will be discussion of a tentative list of C-DAC workgroups.

The Facilitator will initiate discussions on identifying the substantive issues to be addressed by C-DAC. OSHA requests that committee members and all interested parties bring their calendars to facilitate the development of a tentative schedule of committee and workgroup meetings.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed as part of these negotiations will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. No advanced

registration is required. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by Telephone at 202-693-2020 or by Fax at 202-693-1689 to obtain appropriate accommodations no later than Tuesday, July 22, 2003. The C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants. Questions, answers and a less formal exchange is encouraged in the workgroup sessions.

The procedural requirements in Part 1912 of Title 29 of the Code of Federal Regulations will apply generally to C-DAC meetings. The reporting requirements of § 1912.33 have been changed pursuant to § 1912.42 to help meet the special needs of negotiated rulemaking committees. Specifically, § 1912.33 requires that verbatim transcripts be kept of all advisory committee meetings. Producing a coherent transcript requires a certain degree of formality. The Assistant Secretary therefore has determined pursuant to § 1912.42 that such formality might interfere with the free exchange of information and ideas during the negotiations, and that the OSH Act would be better served by simply requiring detailed minutes of the proceedings without a formal transcript.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; Telephone (617) 738-5320, Fax (617) 738-6911.

VI. Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the Occupational Safety and Health Act

of 1970 (29 U.S.C. 651 *et seq.*), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC, this 27 day of June, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-16871 Filed 7-2-03; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 70, 75, and 90

RIN 1219-AB14

Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the comment period for Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verification), published in the **Federal Register** on March 6, 2003 as a proposed rule. The comment period was scheduled to close on July 3, 2003, but will now remain open until further notice is published in the **Federal Register**.

MSHA has decided to extend the comment period in order to obtain further information on Personal Dust Monitors (PDMs), a new technology which is currently being tested by the National Institute for Occupational Safety and Health (NIOSH).

All comments received will be entered into the rulemaking.

DATES: The rulemaking record for the proposed rule published on March 6, 2003, and for which the comment period was extended on May 29, 2003, will remain open until further notice in the **Federal Register**.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send us your comments. Clearly identify them as comments and send them (1) by mail to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2313, Arlington, Virginia 22209-3939; by fax to (202) 693-9441; or (3) electronic mail to: comments@msha.gov.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director, Office

of Standards, Regulations and Variances, MSHA; phone: (202) 693-9440; facsimile: (202) 693-9441; e-mail: nichols-marvin@msha.gov.

You can request a copy of this extension notice in an alternate format, such as a large print version, an electronic file or a file on a disk. This extension notice is available on MSHA's Internet site, <http://www.msha.gov>, at the "Statutory and Regulatory Information" icon.

SUPPLEMENTARY INFORMATION:

I. Rulemaking Background

On July 7, 2000, the Mine Safety and Health Administration (MSHA) published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verification) (65 FR 42122). A notice of public hearing and close of record was also published in the **Federal Register** (65 FR 41286) on July 7, 2000. During August 2000, three public hearings were conducted in Morgantown, West Virginia; Prestonsburg, Kentucky; and Salt Lake City, Utah. Transcripts of those proceedings were made available to the public. In response to requests from commenters, the public comment period was extended to September 8, 2000 (65 FR 29215).

On March 6, 2003, (68 FR 10784), in response to commenters to the 2000 proposed rule, MSHA published a second proposed rule in the **Federal Register**. During May 2003, the agency held six public hearings in Washington, Pennsylvania; Charleston, West Virginia; Evansville, Indiana; Lexington, Kentucky; Birmingham, Alabama; and Grand Junction, Colorado. The hearings were attended by over 500 members of the public. In response to requests from the mining community the Agency extended the post-hearing comment period from June 4, 2003 to July 3, 2003 (68 FR 32005, May 29, 2003). This notice extends the public comment period from July 3, 2003 until further notice is published in the **Federal Register**.

II. Reasons for Extension of Comment Period

The Agency made the decision to extend the comment period on the proposed rule after careful consideration of comments during the May 2003 public hearings concerning the preliminary success of in-mine tests on a prototype of personal dust monitors (PDMs).

The Comment period will remain open during which time:

meandering 200-foot contour line, crossing over to and back off the Newberg Quadrangle map, and then cutting diagonally southwest through Dundee township to Hess Creek, Section 34, T3S, R3W (Dundee Quadrangle); then

(2) Proceed south, followed by west and then northeast, along the meandering 200-foot contour line, twice crossing over to and back off the Dayton Quadrangle map, to its intersection with Abbey Road after the 200-foot contour line passes a quarry and crosses the two forks of Millican Creek in Section 52, T3S, R3W (Dundee Quadrangle); then

(3) Proceed generally north on Abbey Road to Kuehne Road and follow Kuehne Road northeast, returning to the point of beginning.

Signed: August 5, 2003.

Arthur J. Libertucci,

Administrator.

[FR Doc. 03-20914 Filed 8-14-03; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of the second meeting of the Negotiated Rulemaking Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the second meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the first meeting, adopt ground rules (including a definition of consensus) and continue to address substantive issues. The meeting will be open to the public.

DATES: The meeting will be on September 3, 4, 5, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The September 3rd session will be in conference room C5310-1A/B. The September 4th and 5th sessions will be in conference room N3437 A, B and C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by e-mail. Please include "Docket No. S-030" on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Web page at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT:

Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

Table of Contents

- I. Background
- II. Agenda
- III. Anticipated Key Issues for Negotiation
- IV. Public Participation

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30-August 1, 2003.

II. Agenda

The Committee will address the schedule for future meetings, adopt

ground rules, review draft text prepared by the Agency on issues discussed at the first meeting, and address additional issues.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advanced registration is required. The public must enter the Department of Labor for this meeting through the 3rd and C Street, NW entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Wednesday, August 20, 2003. The C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the

committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738-5320, fax (617) 738-6911.

Signed at Washington, DC, this 8th day of August, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-20856 Filed 8-14-03; 8:45 am]

BILLING CODE 4510-26-U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[TX-050-FOR]

Texas Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposes revisions to its regulations regarding annual permit fees. Texas intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Texas program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., c.d.t., September 15, 2003. If requested, we will hold a public hearing on the amendment on September 9, 2003. We will accept requests to speak at a hearing until 4 p.m., c.d.t. on September 2, 2003.

ADDRESSES: You should mail or hand deliver written comments and requests

to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Texas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430, Internet address: mwolfrom@osmre.gov

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, Capitol Station, P.O. Box 12967, Austin, Texas 78711-2967, Telephone: (512) 463-6900

FOR FURTHER INFORMATION CONTACT:

Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet address: mwolfrom@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Texas Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

I. Background on the Texas Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program in the February 27, 1980, **Federal Register** (45 FR 12998). You can also find later actions concerning the Texas program and program amendments at 30 CFR 943.10, 943.15 and 943.16.

II. Description of the Proposed Amendment

By letter dated July 10, 2003 (Administrative Record No. TX-655), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Texas sent the amendment at its own initiative. Below is the full text of the proposed revised regulation.

§ 12.108 Permit Fees.

(a) Each application for a surface coal mining and reclamation permit or renewal or revision of a permit shall be accompanied by a fee. The initial application fee and the application fee for renewal of a permit may be paid in equal annual installments during the term of the permit. The fee schedule is as follows:

(1) application for a permit"—\$5,000.00

(2) application for revision of a permit—\$500.00

(3) application for renewal of a permit—\$3,000.00

(b) In addition to application fees required by this section, each permittee shall pay to the Commission an annual fee in the amount of \$300 for each acre of land within the permit area on which the permittee actually conducted operations for the removal of coal and lignite during the calendar year. The total amount of this fee is due and payable not later than March 15th of the year following the year of removal operations. For calendar year 2003 only, the annual fee shall be calculated as follows: for each acre of land on which the permittee actually conducted operations for the removal of coal and lignite during the period January 1, 2003 through August 31, 2003, the permittee shall pay to the Commission an annual fee of \$120 per acre. For each acre of land on which the permittee actually conducted operations for the removal of coal and lignite during the period September 1, 2003, through December 31, 2003, the permittee shall pay to the Commission an annual fee of \$300 per acre.

(c) Fees paid to the Commission under this section shall be deposited in the State treasury and credited to the general revenue fund.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (*see DATES*). We will make every

40218), announced that a public hearing was scheduled for September 23, 2003, at 10 a.m. in room 2615 of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is proposed regulations under section 42 of the Internal Revenue Code. The deadline for submitting outlines and requests to speak at the hearing for these proposed regulations expired on September 5, 2003.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of September 9, 2003, no one has requested to speak. Therefore, the public hearing scheduled for September 23, 2003 is cancelled.

Cynthia E. Grigsby,

Acting Chief, Publications & Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedures & Administration).

[FR Doc. 03-23469 Filed 9-12-03; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN No. 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of the third meeting of the Negotiated Rulemaking Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the third meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the second meeting, review draft regulatory text and continue to address substantive issues. The meeting will be open to the public.

DATES: The meeting will be on October 1, 2, 3, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room N-3437 A, B and C.

Written comments to the Committee may be submitted in any of three ways:

by mail, by fax, or by e-mail. Please include "Docket No. S-030" on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Web page at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT:

Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

Table of Contents

- I. Background
- II. Agenda
- III. Anticipated Key Issues for Negotiation
- IV. Public Participation

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30-August 1, 2003 and announced the second meeting (68 FR 48843, August 15, 2003), which was held September 3-5, 2003.

II. Agenda

The Committee will address the locations for future meetings, review draft materials prepared by the Agency on issues discussed at the first and second meetings, and address additional issues.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.
14. Fall protection.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advanced registration is required. The public must enter the Department of Labor for this meeting through the 3rd and C Street, NW., entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Wednesday, September 24, 2003. The C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral

presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738-5320, fax (617) 738-6911.

Signed at Washington, DC, this 9th day of September, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-23404 Filed 9-12-03; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05-03-110]

RIN 1625-AA00

Security Zone; Limerick Generating Station, Schuylkill River, Montgomery County, PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a permanent security zone on the waters adjacent to the Limerick Generating Station. This would protect the safety and security of the plant from subversive activity, sabotage, or terrorist attacks initiated from surrounding waters. This action would close water areas around the plant.

DATES: Comments and related material must reach the Coast Guard on or before November 14, 2003.

ADDRESSES: You may mail comments and related material to Coast Guard Marine Safety Office Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania 19147. The Marine Safety Office Philadelphia Waterways Management Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being

available in the docket, will become part of this docket and will be available for inspection or copying at the above mentioned office between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Junior Grade Kevin Sligh or Lieutenant Junior Grade Toussaint Alston, Coast Guard Marine Safety Office/Group Philadelphia, at (215) 271-4889.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-03-110), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Marine Safety Office Philadelphia, Waterways Management Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Terrorist attacks on September 11, 2001, inflicted catastrophic human casualties and property damage. These attacks highlighted the terrorists' ability and desire to utilize multiple means in different geographic areas to increase their opportunities to successfully carry out their mission, thereby maximizing destruction using multiple terrorist acts.

Since the September 11, 2001 terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. The threat of maritime attacks is real as evidenced by the October 2002 attack on a tank vessel off the coast of Yemen and the prior

attack on the USS COLE. These attacks manifest a continuing threat to U.S. assets as described in the President's finding in Executive Order 13273 of August 21, 2002 (67 FR 56215, September 3, 2002) that the security of the U.S. is endangered by the September 11, 2001 attacks and that such disturbances continue to endanger the international relations of the United States. *See also* Continuation of the National Emergency with Respect to Certain Terrorist Attacks, (67 FR 58317, September 13, 2002); Continuation of the National Emergency With Respect To Persons Who Commit, Threaten To Commit, Or Support Terrorism, (67 FR 59447, September 20, 2002). The U.S. Maritime Administration (MARAD) in Advisory 02-07 advised U.S. shipping interests to maintain a heightened state of alert against possible terrorist attacks. MARAD more recently issued Advisory 03-01 informing operators of maritime interests of increased threat possibilities to vessels and facilities and a higher risk of terrorist attack to the transportation community in the United States. The ongoing hostilities in Afghanistan and Iraq have made it prudent for U.S. ports and waterways to be on a higher state of alert because the al Qaeda organization and other similar organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

Due to increased awareness that future terrorist attacks are possible, the Coast Guard as lead federal agency for maritime homeland security, has determined that the Captain of the Port must have the means to be aware of, deter, detect, intercept, and respond to asymmetric threats, acts of aggression, and attacks by terrorists on the American homeland while still maintaining our freedoms and sustaining the flow of commerce. A security zone is a tool available to the Coast Guard that may be used to limit vessel traffic in a specific area to help protect waterfront facilities from damage, injury, or terrorist attack.

On June 4, 2003, we published a temporary final rule entitled, "Security Zone; Limerick Generating Station, Schuylkill River, Montgomery County, Pennsylvania," in the **Federal Register** (68 FR 33386). The temporary final rule designates the waters of the Schuylkill River in the vicinity of the Limerick Generating Station a security zone. No person or vessel may enter or navigate within this security zone without the permission of the Coast Guard. We propose to make the security zone in this area permanent.

must complete the survey for each of the four quarters of the current year.

The proposed quarterly survey will cover the transactions currently covered on the BE-36, Foreign Airline Operators' Revenues and Expenses in the United States, which is collected annually. If the proposed quarterly survey is approved the collection of the BE-36 will be discontinued. The first BE-9 quarterly survey conducted if these proposed rules are adopted cover transactions in the first quarter of 2004. BEA would send the survey to potential respondents in January of 2004; responses would be due 50 days after the end of the calendar quarter.

Executive Order 12866

These proposed rules are not significant for purposes of E.O. 12866.

Executive Order 13132

These proposed rules do not contain policies with Federalism implications as that term is defined in E.O. 13132.

Paperwork Reduction Act

These proposed rules contain a collection of information requirement subject to the Paperwork Reduction Act (PRA) and have been submitted to the Office of Management and Budget for review under the PRA.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid Office of Management and Budget Control Number. This collection of information has been submitted to OMB for approval.

The BE-9 survey, as proposed, is expected to result in the filing of reports from about 56 respondents on a quarterly basis, or about 224 responses annually. The average number of hours per response is 5.0 hours, or an annual reporting burden of 1,120 hours (224 responses multiplied by 5 hours average burden). This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The actual burden may vary from reporter to reporter, depending upon the number and variety of the respondent's transactions and the ease of assembling the data.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the

information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; or faxed (202-395-7245) or e-mailed (pbugg@omb.eop.gov) to the Office of Management and Budget, O.I.R.A. (Attention PRA Desk Officer for BEA).

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. The information collection excludes most small foreign air carriers from mandatory reporting because the reporting threshold for this survey is set at a level that will exempt most small foreign air carriers. The proposed BE-9 quarterly survey requests information from foreign air carriers operating in the United States with total annual covered revenues or total annual covered expenses incurred in the United States of \$5 million or more. Foreign air carriers with total annual covered revenues and expenses below \$5 million are exempt from reporting. Thus, the exemption level will exclude most small foreign air carriers from mandatory coverage.

List of Subjects in 15 CFR Part 801

International transactions, Economic statistics, Foreign trade, Penalties, Reporting and record keeping requirements.

Dated: September 3, 2003.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR Part 801, as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

1. The authority citation for 15 CFR Part 801 continues to read as follows:

Authority: 5 U.S.C. 301, 15 U.S.C. 4908, 22 U.S.C. 3101-3108; E.O. 11961, 3 CFR, 1977

Comp., p. 86 as amended by E.O. 12013, 3 CFR, 1977 Comp., p. 147, E.O. 12318, 3 CFR, 1981 Comp., p. 173, and E.O. 12518 3 CFR, 1985 Comp., p. 348.

2. Section 801.9 is amended by adding new paragraph (c)(3) to read as follows:

§ 801.9 Reports required.

(c) Quarterly surveys. * * *

(3) BE-9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States:

(i) *Who must report.* A BE-9 report is required from U.S. offices, agents, or other representatives of foreign airlines that are engaged in transporting passengers or freight and express to or from the United States. If the U.S. office, agent, or other representative does not have all the information required, it must obtain the additional information from the foreign airline operator.

(ii) *Exemption.* A U.S. person otherwise required to report is exempt from reporting if total annual covered revenues and total annual covered expenses incurred in the United States were each less than \$5 million during the previous year and are expected to be less than \$5 million during the current year. If either total annual covered revenues or total annual covered expenses were or are expected to be \$5 million or more, a report must be filed.

[FR Doc. 03-26298 Filed 10-16-03; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN No. 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor

ACTION: Notice of Negotiated Rulemaking Committee meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the fourth meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meeting will be open to the public.

DATES: The meeting will be on November 5, 6, 7, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room S-4215 A, B, C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Webpage at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
- II. Agenda
- III. Anticipated Key Issues for Negotiation
- IV. Public Participation

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of

proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30–August 1, 2003 and announced the second meeting (68 FR 48843, August 15, 2003), which was held September 3–5, 2003.

II. Agenda

The Committee will address the locations for future meetings, review draft materials prepared by the Agency on issues discussed at prior meetings, and address additional issues.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals, who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.
14. Fall protection.
15. Crane on barges and barge cranes.
16. Self-erecting hydraulic piling rigs.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advanced registration is required. The public must enter the Department of Labor for this meeting through the 3rd and C Street, NW entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020

or by fax at 202-693-1689 to obtain appropriate accommodations no later than Wednesday, October 29, 2003. The C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket Web page: <http://dockets.osha.gov/>

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738 5320, fax (617) 738-6911.

Signed at Washington, DC, this 10th day of October, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-26300 Filed 10-16-03; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09-03-277]

RIN 2115-AA00

Security Zone; Captain of the Port Milwaukee Zone, Lake Michigan

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the security zone size of the Kewanee Nuclear Power Plant on Lake Michigan. This security zone is necessary to protect the nuclear power plant from possible sabotage or other subversive acts, accidents, or possible acts of terrorism. The zone is intended to restrict vessel traffic from a portion of Lake Michigan.

DATES: Comments and related material must reach the Coast Guard on or before December 16, 2003.

must complete the survey for each of the four quarters of the current year.

The proposed quarterly survey will cover the transactions currently covered on the BE-36, Foreign Airline Operators' Revenues and Expenses in the United States, which is collected annually. If the proposed quarterly survey is approved the collection of the BE-36 will be discontinued. The first BE-9 quarterly survey conducted if these proposed rules are adopted cover transactions in the first quarter of 2004. BEA would send the survey to potential respondents in January of 2004; responses would be due 50 days after the end of the calendar quarter.

Executive Order 12866

These proposed rules are not significant for purposes of E.O. 12866.

Executive Order 13132

These proposed rules do not contain policies with Federalism implications as that term is defined in E.O. 13132.

Paperwork Reduction Act

These proposed rules contain a collection of information requirement subject to the Paperwork Reduction Act (PRA) and have been submitted to the Office of Management and Budget for review under the PRA.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid Office of Management and Budget Control Number. This collection of information has been submitted to OMB for approval.

The BE-9 survey, as proposed, is expected to result in the filing of reports from about 56 respondents on a quarterly basis, or about 224 responses annually. The average number of hours per response is 5.0 hours, or an annual reporting burden of 1,120 hours (224 responses multiplied by 5 hours average burden). This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The actual burden may vary from reporter to reporter, depending upon the number and variety of the respondent's transactions and the ease of assembling the data.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the

information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; or faxed (202-395-7245) or e-mailed (pbugg@omb.eop.gov) to the Office of Management and Budget, O.I.R.A. (Attention PRA Desk Officer for BEA).

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. The information collection excludes most small foreign air carriers from mandatory reporting because the reporting threshold for this survey is set at a level that will exempt most small foreign air carriers. The proposed BE-9 quarterly survey requests information from foreign air carriers operating in the United States with total annual covered revenues or total annual covered expenses incurred in the United States of \$5 million or more. Foreign air carriers with total annual covered revenues and expenses below \$5 million are exempt from reporting. Thus, the exemption level will exclude most small foreign air carriers from mandatory coverage.

List of Subjects in 15 CFR Part 801

International transactions, Economic statistics, Foreign trade, Penalties, Reporting and record keeping requirements.

Dated: September 3, 2003.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR Part 801, as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

1. The authority citation for 15 CFR Part 801 continues to read as follows:

Authority: 5 U.S.C. 301, 15 U.S.C. 4908, 22 U.S.C. 3101-3108; E.O. 11961, 3 CFR, 1977

Comp., p. 86 as amended by E.O. 12013, 3 CFR, 1977 Comp., p. 147, E.O. 12318, 3 CFR, 1981 Comp., p. 173, and E.O. 12518 3 CFR, 1985 Comp., p. 348.

2. Section 801.9 is amended by adding new paragraph (c)(3) to read as follows:

§ 801.9 Reports required.

(c) Quarterly surveys. * * *

(3) BE-9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States:

(i) *Who must report.* A BE-9 report is required from U.S. offices, agents, or other representatives of foreign airlines that are engaged in transporting passengers or freight and express to or from the United States. If the U.S. office, agent, or other representative does not have all the information required, it must obtain the additional information from the foreign airline operator.

(ii) *Exemption.* A U.S. person otherwise required to report is exempt from reporting if total annual covered revenues and total annual covered expenses incurred in the United States were each less than \$5 million during the previous year and are expected to be less than \$5 million during the current year. If either total annual covered revenues or total annual covered expenses were or are expected to be \$5 million or more, a report must be filed.

[FR Doc. 03-26298 Filed 10-16-03; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN No. 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor

ACTION: Notice of Negotiated Rulemaking Committee meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the fourth meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meeting will be open to the public.

DATES: The meeting will be on November 5, 6, 7, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room S-4215 A, B, C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Webpage at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
- II. Agenda
- III. Anticipated Key Issues for Negotiation
- IV. Public Participation

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of

proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30–August 1, 2003 and announced the second meeting (68 FR 48843, August 15, 2003), which was held September 3–5, 2003.

II. Agenda

The Committee will address the locations for future meetings, review draft materials prepared by the Agency on issues discussed at prior meetings, and address additional issues.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals, who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.
14. Fall protection.
15. Crane on barges and barge cranes.
16. Self-erecting hydraulic piling rigs.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advanced registration is required. The public must enter the Department of Labor for this meeting through the 3rd and C Street, NW entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020

or by fax at 202-693-1689 to obtain appropriate accommodations no later than Wednesday, October 29, 2003. The C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket Web page: <http://dockets.osha.gov/>

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738 5320, fax (617) 738-6911.

Signed at Washington, DC, this 10th day of October, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-26300 Filed 10-16-03; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09-03-277]

RIN 2115-AA00

Security Zone; Captain of the Port Milwaukee Zone, Lake Michigan

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the security zone size of the Kewanee Nuclear Power Plant on Lake Michigan. This security zone is necessary to protect the nuclear power plant from possible sabotage or other subversive acts, accidents, or possible acts of terrorism. The zone is intended to restrict vessel traffic from a portion of Lake Michigan.

DATES: Comments and related material must reach the Coast Guard on or before December 16, 2003.

§ 870.4320 Cardiopulmonary bypass pulsatile flow generator.

* * * * *

(c) Date PMA or notice of completion of PDP is required. A PMA or notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before [date 90 days after date of publication of the final rule in the **Federal Register**], for any cardiopulmonary bypass pulsatile flow generator that was in commercial distribution before May 28, 1976, or that has, on or before [date 90 days after date of publication of the final rule in the **Federal Register**], been found to be substantially equivalent to any cardiopulmonary bypass pulsatile flow generator that was in commercial distribution before May 28, 1976. Any other cardiopulmonary bypass pulsatile flow generator shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

PART 882—NEUROLOGICAL DEVICES

5. The authority citation for 21 CFR part 882 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

6. Section 882.1790 is amended by revising paragraph (c) to read as follows:

§ 882.1790 Ocular plethysmograph.

* * * * *

(c) Date PMA or notice of completion of PDP is required. A PMA or notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before [date 90 days after date of publication of the final rule in the **Federal Register**], for any ocular plethysmograph that was in commercial distribution before May 28, 1976, or that has, on or before [date 90 days after date of publication of the final rule in the **Federal Register**], been found to be substantially equivalent to any ocular plethysmograph that was in commercial distribution before May 28, 1976. Any other ocular plethysmograph shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

Dated: November 6, 2003.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 03-28741 Filed 11-17-03; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN No. 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meetings.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the fifth and sixth meetings of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meetings will be open to the public.

DATES: The meetings will be on December 3, 4, 5, 2003, and January 5, 6, 7, 2004. The December meeting will begin each day at 8:30 a.m. The January meeting will begin at 1 p.m. on January 5th and at 8:30 a.m. the last two meeting days. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, November 21, 2003, for the December meeting and no later than Monday, December 22, 2003, for the January meeting. Each C-DAC meeting is expected to last two and a half days.

ADDRESSES: The December meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210 and will be in conference room N-4437 B, C, D. The January meeting will be held at the UBC International Training Center, 6801 Placid Street, Las Vegas, NV 89119.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the

OSHA Docket Office at fax number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Web page at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30-August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

The Committee will review draft materials prepared by the Agency on issues discussed at prior meetings and address additional issues. While the pace of the discussions at the C-DAC meetings varies, C-DAC anticipates discussing the following items at the December meeting: wire rope, hoisting personnel, access to work zones, overhead and gantry cranes, and responsibility for site and ground conditions. At the January meeting, C-DAC anticipates discussing crane operations near electric power lines.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed at future C-DAC meetings will include:

Being Discussed

1. Scope.
2. Definitions.
3. Assembly & Disassembly (including reeving/rigging).
4. Operation Procedures.
5. Signals.
6. Operator Qualifications, Training & Testing.
7. Inspections.
8. Modifications.
9. Keeping Clear of the Load.
10. Fall Protection.
 - a. Ladder access and cat walks.
 - b. Fall arrest.
11. Hoisting Personnel.
12. Machine Guarding.
13. Qualifications of Maintenance & Repair Workers.
14. Work Zone Control.

Additional Subjects (anticipated order):

1. Wire Rope.
2. Responsibility for environmental considerations, site conditions and ground conditions.
3. Safety Devices: fail-safe, warning, secondary brake system, and other safety-related devices/technology.
4. Operating Near Power Lines.
5. Floating Cranes; Cranes on Barges.
6. Overhead & Gantry Cranes.
7. Derricks.
8. Verification criteria for the structural adequacy of crane components and stability testing requirements.
9. Free Fall/Power Down.
10. Critical Lifts and Engineered Lifts.
11. Tower Cranes.
12. Operator Cab Criteria (roll over, visibility, overhead protection).
13. Limited Requirements for cranes with a rated capacity of 2,000 pounds or less.

IV. Public Participation

All interested parties are invited to attend these public meetings at the times and places indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advance registration is required. The public must enter the Department of Labor for the December meeting through the 3rd and C Street, NW., entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, November 21, 2003, for the December meeting and no later than Monday, December 22, 2003, for the January

meeting. Each C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket Web page: <http://dockets.osha.gov/>

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738 5320, fax (617) 738-6911.

Signed at Washington, DC, this 12th day of November, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03-28767 Filed 11-17-03; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF DEFENSE**Department of the Army, Corps of Engineers****33 CFR Part 334****United States Navy Restricted Area, Narragansett Bay, East Passage, Coasters Harbor Island, Naval Station Newport, Newport, RI**

AGENCY: United States Army Corps of Engineers, Department of Defense.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Corps of Engineers is proposing regulations to establish a restricted area on the east side of the East Passage of Narragansett Bay around Coasters Harbor Island in the vicinity of Naval Station Newport. These regulations will enable the Navy to enhance safety and security around Coasters Harbor Island. It will create an area of separation between general navigation on the East Passage of Narragansett Bay and Naval Station Newport. The regulations will safeguard government personnel and property plus United States government

contractor facilities located onboard Naval Station Newport from sabotage and other subversive acts, accidents, or incidents of similar nature. These regulations are also necessary to protect the public from potentially hazardous conditions that may exist as a result of Navy use and security of the area.

DATES: Written comments must be submitted on or before December 18, 2003.

ADDRESSES: U. S. Army Corps of Engineers, ATTN: CECW-OR, 441 G Street, NW., Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, DC at (202) 761-4618, or Mr. Michael Elliott, Corps of Engineers, New England District, at (978) 318-8131 or 1-800-343-4789.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps proposes to amend the restricted area regulations in 33 CFR Part 334 by adding Section 334.82 which establishes a restricted area in the navigable waters immediately adjacent to Coasters Harbor Island and enclosing the island and mainland shoreline of Naval Station Newport from Coddington Point south to the Naval Hospital on the eastern side of the East Passage of Narragansett Bay in Newport, Rhode Island. To better protect the Naval War College and vessels and personnel stationed at the facility and the general public, the Navy, has requested the Corps of Engineers establish a Restricted Area. This will enable the Navy to keep persons and vessels out of the area at all times, except with the permission of the Commanding Officer Naval Station Newport, USN Newport, Rhode Island or his/her authorized representative.

Procedural Requirements*a. Review Under Executive Order 12866*

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act

These proposed rules have been reviewed under the Regulatory Flexibility Act (Public Law 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small

in the interference areas in accordance with the Operational Procedure, paragraph 2.B.1., of Eurocopter Alert Service Bulletin (ASB) No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters.

(1) If the depth of the deepest wear mark is less than or equal to 0.05 mm (0.002 in), apply the maintenance procedure stated in the Engine Maintenance Manual.

(2) If the depth of the deepest wear mark is more than 0.05 mm (0.002 in) and less than or equal to 0.2 mm (0.008 in), replace the fuel transfer line within the next 50 hours TIS or within one month, whichever occurs first.

(3) If the depth of the deepest wear mark is more than 0.2 mm (0.008 in), replace the fuel transfer line before further flight.

(b) Inspect the air exhaust duct located between the bleed valve of the engine starting system and the engine fuel filter for a hole in the interference areas in accordance with the Operational Procedure, paragraph 2.B.1., of Eurocopter ASB No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters. If there is a hole in the air exhaust duct, replace the air exhaust duct within one month or before performing any engine flushing operation, whichever occurs first.

(c) Measure the clearances between the fuel transfer line and the air exhaust duct located between the bleed valve of the engine starting system and the engine fuel filter in the interference areas in accordance with the Operational Procedure, paragraph 2.B.1., of Eurocopter ASB No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters. If the clearance is less than 20 mm (0.8 in) in interference Area A or less than 12 mm (0.5 in) in interference Area B, reposition the air exhaust duct in accordance with the Operational Procedure, paragraph 2.B.2., of Eurocopter ASB No. 71A001, dated May 12, 2003, for Model EC 130 B4 helicopters, or Eurocopter ASB No. 71.00.16, dated May 12, 2003, for Model AS 350 B3 helicopters.

(d) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Office, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

Note: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2003-208(A) and AD 2003-209(A), both dated May 28, 2003.

Issued in Fort Worth, Texas, on December 31, 2003.

Kim Smith,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 04-370 Filed 1-7-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meetings.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the seventh meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meeting will be open to the public.

DATES: The meetings will be on February 4th, 5th and 6th, 2004. The meetings will begin each day at 8:30 am. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, January 23, 2003. The C-DAC meeting is expected to last two and a half days.

ADDRESSES: The February meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room N-3437 A, B, C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Webpage at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket

Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30-August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

The Committee will review draft materials prepared by the Agency on issues discussed at prior meetings and address additional issues. While the pace of the discussions at the C-DAC meetings varies, C-DAC anticipates discussing the following items at the February meeting:

1. Pile Driving Equipment (Scope)
2. Verification criteria for structural adequacy of crane components
3. Overhead and gantry cranes
4. Floating cranes/cranes on barges.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed at future C-DAC meetings will include:

Being Discussed

1. Scope
2. Definitions
3. Assembly & Disassembly (including reeving/rigging)
4. Operation Procedures
5. Signals
6. Operator Qualifications, Training & Testing

7. Inspections
8. Modifications
9. Keeping Clear of the Load
10. Fall Protection
 - a. ladder access and cat walks
 - b. fall arrest
11. Hoisting Personnel
12. Machine Guarding
13. Qualifications of Maintenance & Repair Workers
14. Work Zone Control
15. Wire Rope
16. Responsibility for environmental considerations, site conditions and ground conditions
17. Operating near Power Lines and related safety devices
18. Derricks
19. Free Fall/Power Down
20. Critical Lifts and Engineered Lifts
21. Signals (standard methods)—B30.5

Additional Subjects (Anticipated Order)

1. Verification criteria for structural adequacy of crane components and stability testing requirements
2. Overhead & Gantry Cranes
3. Floating Cranes, Cranes on Barges
4. Safety Devices: Fail-safe, warning, secondary brake system, and other safety-related devices/technology
5. Tower Cranes
6. Operator Cab Criteria (roll over, visibility, overhead protection)
7. Limited Requirements for cranes with a rated capacity of 2,000 pounds or less

IV. Public Participation

All interested parties are invited to attend these public meetings at the times and places indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advance registration is required. The public must enter the Department of Labor for the February meeting through the 3rd and C Street, NW entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, January 23, 2003. Each C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the

committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket webpage: <http://dockets.osha.gov/>.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738-5320, fax (617) 738-6911.

Signed at Washington, DC, this 31st day of December, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04-361 Filed 1-7-04; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 122303G]

RIN 0648-AP95

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Rebuilding Plan for Red Grouper in the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a Secretarial amendment; request for comments.

SUMMARY: NMFS, acting through the Gulf of Mexico Fishery Management Council (Council), has prepared Secretarial Amendment 1 to the Reef Fish Fishery Management Plan (Secretarial Amendment 1) that would establish a 10-year stock rebuilding plan for red grouper in the Gulf of Mexico. Secretarial Amendment 1 would also establish biological reference points and stock status determination criteria for red grouper consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In addition, Secretarial Amendment 1 would establish measures designed to protect other shallow-water grouper, deep-water grouper, and tilefishes from any potential shifts in

fishing mortality that might occur as a result of the red grouper rebuilding plan. The intended effect of Secretarial Amendment 1 is to end overfishing and rebuild the red grouper resource consistent with the requirements of the Magnuson-Stevens Act.

DATES: Comments must be received no later than 4:30 p.m., eastern time, on March 8, 2004.

ADDRESSES: Written comments on Secretarial Amendment 1 must be sent to Phil Steele, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or Internet.

Copies of Secretarial Amendment 1, which includes an environmental assessment, an initial regulatory flexibility analysis, and a regulatory impact review are available from NMFS at the address above.

FOR FURTHER INFORMATION CONTACT: Phil Steele, telephone: 727-570-5305, fax: 727-570-5583, e-mail: Phil.Steele@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery in the exclusive economic zone of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

Background

In October 2000, NMFS declared that the Gulf stock of red grouper had been overfished and was undergoing overfishing. This determination was based on the results of a 1999 red grouper stock assessment and subsequent analysis by the NMFS Southeast Fisheries Science Center and the Council's Reef Fish Stock Assessment Panel. Subsequently, a 2002 stock assessment found that, although overfishing is still occurring, the stock is in an improved condition and is no longer overfished. However, the stock has not yet reached the biomass level that is capable of producing MSY on a continuing basis (B_{MSY}). Therefore, measures to end overfishing and a rebuilding plan to restore the stock to the B_{MSY} level in 10 years or less are still necessary.

Provisions of Secretarial Amendment 1

Secretarial Amendment 1 proposes to establish a 10-year red grouper rebuilding plan, structured in 3-year intervals, that would end overfishing

under the proposed rules. All comments will be”.

Cynthia E. Grigsby,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 04-3263 Filed 2-12-04; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meetings.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the eighth and ninth meetings of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meeting will be open to the public.

DATES: The meetings will be on March 3, 4, and 5, 2004, and March 29, 30, and 31, 2004. The March 3, 4, and 5 meeting will begin each day at 8:30 a.m. The March 29, 30, and 31 meeting will begin each day at 8:30 a.m. Each C-DAC meeting is expected to last two and a half days. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, February 20, 2004.

ADDRESSES: The March 3, 4, and 5 meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 in conference room N-3437 A, B, C. The March 29, 30, and 31 meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 in conference room N-4437 B, C, D.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include “Docket No. S-030” on all submissions.

By mail: Submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax: Written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically: Comments may be submitted through OSHA’s Web page at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2345.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee to improve crane and derrick safety in construction, requested comments and nominations for membership (volume 67 of the *Federal Register*, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (volume 68 of the *Federal Register*, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting (68 FR 39880, July 3, 2003), which was held July 30—August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

The Committee will review draft materials prepared by the Agency based on CDAC discussions at prior meetings, and will address additional issues. While the pace of the discussion varies, OSHA anticipates that CDAC will be discussing several items from the “Anticipated Key Issues for

Negotiation” list at both March meetings. At the March 3, 4, and 5 meeting, in addition to key issues from the list, the Agency anticipates the committee will be discussing Safety Devices and Operational Aids (fail safe warnings, secondary brake systems and others). At the March 29, 30, and 31 meeting the Agency anticipates that the committee will be discussing limited requirements for cranes with a rated capacity of 2,000 pounds or less as well as continuing its discussions of key issues from the list.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that CDAC will continue discussing key issues from the following list in upcoming meetings:

1. Scope;
2. Definitions;
3. Assembly & Disassembly (including reeving/rigging);
4. Operation Procedures;
5. Signals;
6. Personnel Qualifications, Training & Testing;
7. Inspections;
8. Modifications;
9. Keeping Clear of the Load;
10. Fall Protection;
 - a. Ladder access and cat walks;
 - b. Fall arrest;
11. Hoisting Personnel;
12. Machine Guarding;
13. Qualifications of Maintenance & Repair Workers;
14. Work Zone Control;
15. Wire Rope;
16. Responsibility for environmental considerations, site conditions and ground conditions;
17. Operating near Power Lines;
18. Derricks;
19. Free Fall/Power Down;
20. Critical Lifts and Engineered Lifts;
21. Signals (standard methods) “B30. 5”;
22. Verification criteria for structural adequacy of crane components and stability testing requirements;
23. Overhead & Gantry Cranes;
24. Floating Cranes, Cranes on Barges;
25. Safety Devices: fail-safe, warning, secondary brake system, and other safety-related devices/technology;
26. Tower Cranes;
27. Operator Cab Criteria (roll over, visibility, overhead protection);
28. Limited Requirements for cranes with a rated capacity of 2,000 pounds or less.

IV. Public Participation

All interested parties are invited to attend these public meetings at the times and places indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advance registration is required. The public must enter the Department of Labor for the meeting through the 3rd and C Street,

NW., entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, February 20, 2003. Each C-DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; telephone (202) 693-2350. Minutes will also be available on the OSHA Docket Web page: <http://dockets.osha.gov/>.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738 5320, fax (617) 738-6911.

Signed in Washington, DC this 9th day of February, 2004.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04-3183 Filed 2-12-04; 8:45 am]

BILLING CODE 4510-26-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-91-200323 (b); FRL-7621-9]

Approval and Promulgation of Implementation Plans Florida: Southeast Florida Area Maintenance Plan Update

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve revisions to the State Implementation Plan (SIP) submitted by the Florida Department of Environmental Protection on December 20, 2002. This SIP revision satisfies the requirement of the Clean Air Act for the second 10-year update for the Southeast

Florida area (Dade, Broward, and Palm Beach Counties) 1-hour ozone maintenance plan. In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before March 15, 2004.

ADDRESSES: Comments may be submitted by mail to: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **SUPPLEMENTARY INFORMATION** (sections I.B.1. through 3.) which is published in the Rules Section of this **Federal Register**

FOR FURTHER INFORMATION CONTACT:

Heidi LeSane, Air, Pesticides & Toxics Management Division, Air Planning Branch, Regulatory Development Section, U.S. Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Mrs. LeSane's phone number is 404-562-9035. She can also be reached via electronic mail at lesane.heidi@epa.gov or Lynorae Benjamin, Air, Pesticides & Toxics Management Division, Air Planning Branch, Air Quality Modeling & Transportation Section, Environmental Protection Agency Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Ms. Benjamin's phone number is 404-562-9040. She can also be reached via electronic mail at benjamin.lynorae@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: January 26, 2004.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 04-3075 Filed 2-12-04; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012604A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Fishery Management Council; Public Scoping Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of scoping meetings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to consider alternatives for developing a Generic Amendment for Offshore Marine Aquaculture. In accordance with the National Environmental Policy Act of 1969, the Council has prepared a scoping document, and has scheduled a series of scoping meetings to solicit public input regarding these alternatives. Based on the range of alternatives and issues identified during the scoping process, the Council may be required to develop a Draft Supplemental Environmental Impact Statement (DSEIS).

DATES: The scoping meetings will be held in February and March 2004. See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations. Public comments on the scoping document for a Generic Amendment for Offshore Marine Aquaculture should be received in the Council office by 5 p.m. Eastern Standard Time, March 5, 2004, to ensure consideration by the Council.

ADDRESSES: Written comments on, and requests for, the scoping document should be addressed to the Gulf of Mexico Fishery Management Council, 3018 U.S. North Highway 301, Suite 1000, Tampa, FL 33619; telephone: (813) 228-2815.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228-2815 ext. 230.

SUPPLEMENTARY INFORMATION: The Council announces a series of public scoping meetings to solicit input from

of an excess loss account in a share of the subsidiary is required to be taken into account) and any prior years to which the deductions or losses of the subsidiary may be carried, after the reduction of tax attributes pursuant to sections 108 and 1017, and this section, and after the adjustment of the basis of the share of stock of the subsidiary pursuant to § 1.1502-32 to reflect the amount of the subsidiary's deductions and losses that are absorbed in the computation of taxable income (or loss) for the year of the disposition and any prior years to which the deductions or losses may be carried, and the excluded COD income applied to reduce attributes and the attributes reduced in respect thereof. See § 1.1502-11(c) for special rules related to the computation of taxable income (or loss) that apply when an excess loss account is required to be taken into account.

(ii) [The text of paragraph (b)(6)(ii) is the same as the text of § 1.1502-28T(b)(6)(ii) published elsewhere in this issue of the Federal Register.]

* * * * *

(7) Dispositions of stock. See § 1.1502-11(c) for limitations on the reduction of tax attributes when a member disposes of stock of another member (including dispositions that result from the application of § 1.1502-19(c)(1)(iii)(B)) during a taxable year in which any member realizes excluded COD income.

* * * * *

(d) Effective dates. (1) This section, other than paragraphs (a)(4), (b)(4), (b)(5), (b)(6), and (b)(7) of this section, applies to discharges of indebtedness that occur after August 29, 2003.

(2) Paragraph (a)(4) of this section applies to discharges of indebtedness that occur after August 29, 2003, but only if the discharge occurs during a taxable year the original return for which is due (without regard to extensions) after December 11, 2003. However, groups may apply paragraph (a)(4) of this section to discharges of indebtedness that occur after August 29, 2003, and during a taxable year the original return for which is due (without regard to extensions) on or before December 11, 2003. For discharges of indebtedness that occur after August 29, 2003, and during a taxable year the original return for which is due (without regard to extensions) on or before December 11, 2003, paragraph (a)(4) of this section shall apply as in effect on August 29, 2003.

(3) Paragraphs (b)(4), (b)(5), and (b)(6)(ii) of this section apply to discharges of indebtedness that occur after August 29, 2003, but only if the

discharge occurs during a taxable year the original return for which is due (without regard to extensions) after March 12, 2004. However, groups may apply paragraphs (b)(4), (b)(5), and (b)(6)(ii) of this section to discharges of indebtedness that occur after August 29, 2003, and during a taxable year the original return for which is due (without regard to extensions) on or before March 12, 2004.

(4) Paragraphs (b)(6)(i) and (b)(7) of this section apply to discharges of indebtedness that occur after August 29, 2003, but only if the discharge occurs during a taxable year the original return for which is due (without regard to extensions) after the date these regulations are published as temporary or final regulations in the Federal Register. However, groups may apply paragraphs (b)(6)(i) and (b)(7) of this section to discharges of indebtedness that occur after August 29, 2003, and during a taxable year the original return for which is due (without regard to extensions) on or before the date these regulations are published as temporary or final regulations in the Federal Register.

* * * * *

Par. 5. The last sentence of paragraph (c) of § 1.1502-80 is revised to read as follows:

§ 1.1502-80 Applicability of other provisions of law.

* * * * *

(c) * * * See §§ 1.1502-11(d) and 1.1502-35T for additional rules relating to stock loss.

* * * * *

Mark E. Matthews, Deputy Commissioner for Services and Enforcement.

[FR Doc. 04-5667 Filed 3-12-04; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of cancellation of March 29, 30, and 31, 2004, Negotiated Rulemaking Committee meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the cancellation of the ninth meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC) previously scheduled for March 29, 30, and 31, 2004. The next C-DAC meeting will be held May 2004. A Federal Register notice specifying the exact dates and times for this meeting will be published at a later time.

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04-5746 Filed 3-12-04; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[CGD08-04-004]

RIN 1625-AA84

Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 608

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes the establishment of a safety zone around a petroleum and gas production facility in Green Canyon 608 of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area would significantly reduce the threat of allisions, oil spills and releases of natural gas. The proposed rule would prohibit all vessels from entering or remaining in the specified area around the facility's location except for the following: An attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.

DATES: Comments and related material must reach the Coast Guard on or before May 14, 2004.

ADDRESSES: You may mail comments and related material to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans LA, 70130, or comments and related material may be delivered to Room 1341 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal

Although this rule is published by the Bureau of Indian Affairs, the Bureau of Land Management is processing comments under agreement with the Bureau of Indian Affairs. If you wish to comment on this proposed rule, you may submit your comments by any one of several methods.

(1) You may mail comments to: Director (630), Bureau of Land Management, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153, Attention: RIN 1076-AE49.

(2) You may submit comments electronically by direct Internet response to either <http://www.blm.gov/nhp/news/regulatory/index.html>, or <http://www.blm.gov>,

(3) You may hand-deliver comments to: 1620 L Street NW., Room 401, Washington, DC 20036.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record. We will honor the request to the extent allowable by law.

There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: April 1, 2004.

David W. Anderson,

Assistant Secretary—Indian Affairs.

[FR Doc. 04-8775 Filed 4-16-04; 8:45 am]

BILLING CODE 4310-6W-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20 and 301

[REG-139845-02]

RIN 1545-BB12

Gross Estate; Election to Value on Alternate Valuation Date; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of public hearing on proposed regulations relating to the election under section 2032 to value a decedent's gross estate on the alternate valuation date.

DATES: The public hearing is being held on Thursday, June 3, 2004, at 10 a.m. The IRS must receive outlines of the topics to be discussed at the hearing by Thursday, May 13, 2004.

ADDRESSES: The public hearing is being held in room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building.

Mail outlines to: Publications and Regulations Branch CC:PA:LPD:PR (REG-138945-02), room 5203, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Hand deliver outlines Monday through Friday between the hours of 8 a.m. and 4 p.m. to: Publications and Regulations Branch CC:PA:LPD:PR (REG-138945-02), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Submit outlines electronically via the Internet directly to the IRS Internet site at http://www.irs.gov/tax_regs.

FOR FURTHER INFORMATION CONTACT: Concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing Treena Garrett, (202) 622-7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is the notice of proposed regulations (REG-138945-02) that was published in the **Federal Register** on Wednesday, December 24, 2003 (68 FR 74534).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who have submitted written comments and wish to present oral comments at the hearing must submit an outline of the topics to be discussed and the amount of time to be devoted to each topic (signed original and eight (8) copies) by May 13, 2004.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing. Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the

hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dale Goode,

Federal Register Liaison, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).

[FR Doc. 04-8828 Filed 4-16-04; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN No. 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meeting.

SUMMARY: The Occupation Safety and Health Administration (OSHA) announces the meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC) on May 4, 5, 6 and 7. The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues. The meetings will be open to the public.

DATES: The meeting will be on May 4, 5, 6, 7, 2004. It will begin each day at 8:30 a.m. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, April 23, 2004 for the May meeting. The meeting is expected to last three and a half days.

ADDRESSES: The May meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room N-3437 A, B, C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by e-mail. Please include "Docket No. S-030" on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically, comments may be submitted through OSHA's Web page at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Audrey Rollor, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2020.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30–August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

The Committee will review draft materials prepared by the Agency based on discussions at prior meetings, and will address additional issues. While the pace of the discussions at the C-DAC meetings varies, C-DAC anticipates the committee will be discussing limited requirements for cranes with a rated capacity of 2,000 pounds or less as well as continuing its discussions of key issues from the list.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that CDAC will continue discussing key issues from the following list in upcoming meetings:

1. Scope

2. General Requirements
3. Assembly/Disassembly
4. Operation—Procedures
5. Authority to Stop Operation
6. Signals
7. Requirements for equipment with a manufacturer-rated hoisting/lifting capacity below 2,000 pounds
8. Operational Aids/Safety Devices
9. Inspections
10. Equipment Modifications
11. Personnel Training
12. Wire Rope
13. Operator Qualifications
14. Keeping Clear of the Load
15. Fall Protection (ladder access and catwalks, fall arrest)
16. Hoisting Personnel
17. Qualifications of Maintenance & Repair Workers
18. Machine Guarding
19. Responsibility for environmental considerations, site conditions, ground conditions
20. Work Zone Control (access/egress)
21. Power line safety
22. Derricks
23. Verification criteria for structural adequacy of crane components and stability testing requirements
24. Floating Cranes & Cranes on Barges
25. Free Fall/Power Down
26. Multiple Crane Lifts
27. Tower Cranes
28. Operator Cab Criteria
29. Overhead & Gantry Cranes
30. Definitions

IV. Public Participation

All interested parties are invited to attend these public meetings at the times and places indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advance registration is required. The public must enter the Department of Labor for the meeting through the 3rd and C Street, NW. entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Delacruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, April 23, 2004, for the May meeting. The meeting is expected to last three and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the

committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket Web page: <http://dockets.osha.gov/>.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738-5320, fax (617) 738-6911.

Signed at Washington, DC, this 12th day of April, 2004.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04-8748 Filed 4-16-04; 8:45 am]

BILLING CODE 4510-26-M

POSTAL SERVICE

39 CFR Part 111

Eligibility Requirements for Standard Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the *Domestic Mail Manual* (DMM) standards concerning material eligible for mailing at Standard Mail postage rates. Specifically, it would clarify the circumstances in which mail containing "personal" information may be eligible for Standard Mail rather than First-Class Mail rates. The proposal also reorganizes and rennumbers other provisions for First-Class Mail and Standard Mail to better describe the service provided under each class.

DATES: Written comments must be received on or before June 18, 2004.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Mailing Standards, U.S. Postal Service, 1735 N Lynn St Rm 3025, Arlington VA 22209-6038. Copies of all written comments will be available for inspection and photocopying at USPS Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington DC between 9 a.m. and 4 p.m., Monday through Friday. Comments may not be submitted via fax or e-mail.

FOR FURTHER INFORMATION CONTACT: Sherry Freda, Manager, Mailing Standards, U.S. Postal Service, 703-292-3648 or Sherry.L.Freda@usps.gov.

SUPPLEMENTARY INFORMATION: Certain types of mail, such as bills, statements

TABLE 1.—SERVICE BULLETINS FOR PARAGRAPH (C) INSTALLATION

Service bulletin	Date	Model
F2000-285	October 15, 2003	Falcon 2000.
F900EX-190	October 15, 2003	Falcon 900EX.
F900-324	October 15, 2003	Mystere-Falcon 900.
F50-424	October 29, 2003	Mystere-Falcon 50.

(2) For the modification specified in paragraph (d) of this AD, the applicable service bulletin in Table 2 of this AD.

Although the Accomplishment Instructions of some of these service bulletins describe procedures for submitting a reporting card to

the manufacturer, this AD does not require those actions.

TABLE 2.—SERVICE BULLETINS FOR PARAGRAPH (D) MODIFICATION

Service bulletin	Revision	Date	Model
F2000-273	1	October 29, 2003	Falcon 2000 equipped with head-up display (HUD).
F900EX-181	1	October 29, 2003	Falcon 900EX.
F900-318	1	October 15, 2003	Mystere-Falcon 900.
F50-416	Original	October 29, 2003	Mystere-Falcon 50.

Airplane Flight Manual Revisions

(b) Within 7 days after the effective date of this AD: Revise the Airplane Flight Manual (AFM) by accomplishing paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) of this AD, as applicable. Thereafter, operate the airplane per the limitations specified in these AFM revisions.

(1) Revise the Limitations Section to include the information in TC 15 to the Mystere-Falcon 900 AFM, Document FM900C, dated September 23, 2003.

(2) Revise the Limitations Section to include the information in TC 57 to the Falcon 900EX AFM, Document DTM561, dated September 23, 2003.

(3) Revise the Limitations Section to include the information in TC 61 to the Mystere-Falcon 50 AFM, Document FM813EX, dated September 23, 2003.

(4) Revise the Limitations Section to include the information in TC 122 to the Falcon 2000 AFM, Document DTM537, dated September 23, 2003.

Note 1: When the information in TCs 15, 57, 61, and 122 has been included in general revisions of the AFM, the TCs may be removed from the AFM, provided the relevant information in the general revision is identical to that in TCs 15, 57, 61, and 122.

Installation of Deactivation Locking Collars

(c) For airplanes on which the GPS is deactivated in accordance with the applicable TC specified in paragraph (b) of this AD: Prior to further flight, install a deactivation locking collar on each GPS 1 and GPS 2 circuit breaker in accordance with the applicable service bulletin. This installation constitutes terminating action for the requirements of this AD for Model Falcon 2000 series airplanes that are not equipped with head-up display (HUD), and for Model Mystere-Falcon 50 series airplanes.

Wiring Modification

(d) For Model Falcon 2000 series airplanes equipped with HUD; for Model Falcon 900EX series airplanes; and for Model Mystere-

Falcon 900 series airplanes: Within 25 months after the effective date of this AD, modify the GP/IRS wiring in accordance with the applicable service bulletin. After this modification has been completed, the applicable TC required by paragraph (b) of this AD may be removed from the AFM.

Alternative Methods of Compliance

(e) In accordance with 14 CFR 39.19, the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, is authorized to approve alternative methods of compliance for this AD.

Note 2: The subject of this AD is addressed in French airworthiness directive 2003-409(B), dated October 29, 2003.

Issued in Renton, Washington, on April 16, 2004.

Michael J. Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04-9500 Filed 4-26-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the June meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting and review draft regulatory text. The meeting will be open to the public.

DATES: The meeting will be on June 2, 3, and 4, 2004. The meeting will begin each day at 8:30 a.m. The meeting is expected to last two and a half days. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, May 21, 2004.

ADDRESSES: The June meeting will be held at the Home Builders Association of Central Arizona facility located at 3200 East Camelback Road, Suite 180, Phoenix, AZ 85018.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by e-mail. Please include "Docket No. S-030" on all submissions.

By mail: submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax: written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693-1648.

Electronically: comments may be submitted through OSHA's Web page at <http://www.ecomments.osha.gov>. Please

note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Audrey Rollor, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2020.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee to improve crane and derrick safety in construction, requesting comments and nominations for membership (67 FR 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (68 FR 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30–August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

At the June meeting, the Committee will primarily review draft materials prepared by the Agency based on CDAC discussions at prior meetings. OSHA anticipates that CDAC will be reviewing draft regulatory text of items mentioned below on the "Anticipated Key Issues for Negotiation" list.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that CDAC will continue discussing key issues from the following list in upcoming meetings:

1. Scope.
2. General Requirements.
3. Assembly/Disassembly.
4. Operation—Procedures.
5. Authority to Stop Operation.
6. Signals.
7. Requirements for equipment with a manufacturer-rated hoisting/lifting capacity below 2,000 pounds.
8. Operational Aids/Safety Devices.
9. Inspections.
10. Equipment Modifications.

11. Personnel Training.
12. Wire Rope.
13. Operator Qualifications.
14. Keeping Clear of the Load.
15. Fall Protection (ladder access and catwalks, fall arrest).
16. Hoisting Personnel.
17. Qualifications of Maintenance & Repair Workers.
18. Machine Guarding.
19. Responsibility for environmental considerations, site conditions, ground conditions.
20. Work Zone Control (access/egress).
21. Power line safety.
22. Derricks.
23. Verification criteria for structural adequacy of crane components and stability testing requirements.
24. Floating Cranes & Cranes on Barges.
25. Free Fall/Power Down.
26. Multiple Crane Lifts.
27. Tower Cranes.
28. Operator Cab Criteria.
29. Overhead & Gantry Cranes.
30. Definitions.

IV. Public Participation

All interested parties are invited to attend the June public meeting at the time and place indicated above. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, May 21, 2004. The meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket Web page: <http://www.dockets.osha.gov/>.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738-5320, fax (617) 738-6911.

Signed in Washington, DC, this 21st day of April, 2004.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04-9510 Filed 4-26-04; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-04-027]

RIN 1625-AA09

Drawbridge Operation Regulations; Chelsea River, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge operating regulations governing the operation of the P.J. McArdle Bridge, mile 0.3, across the Chelsea River between East Boston and Chelsea, Massachusetts. This proposed rule would allow the bridge to need not open for the passage of vessel traffic from 10 a.m. to 5 p.m. on June 5, 2004, to facilitate the First Annual Chelsea River Revel 5K Road Race. Vessels that can pass under the bridge without a bridge opening may do so at all times.

DATES: Comments and related material must reach the Coast Guard on or before May 17, 2004.

ADDRESSES: You may mail comments and related material to Commander (obr), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York, 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Issued in Renton, Washington, on June 9, 2004.

Kalene C. Yanamura,

*Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.*

[FR Doc. 04-13867 Filed 6-17-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-030]

RIN 1218-AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of Negotiated Rulemaking Committee meeting.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the July meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC). The Committee will review summary notes of the prior meeting and review draft regulatory text. The meeting will be open to the public.

DATES: The meeting will be on July 6, 7, 8, and 9, 2004. The meeting will begin at 1 p.m. on July 6th and 8:30 a.m. on July 7, 8, and 9. The meeting is expected to last three and a half days. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, June 25, 2004.

ADDRESSES: The July meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 and will be in conference room N-3437 A, B, C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S-030" on all submissions.

By mail: submit three (3) copies to: OSHA Docket Office, Docket No. S-030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210, telephone (202) 693-2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax: written comments that are 10 pages or fewer may be transmitted to the

OSHA Docket Office at fax number (202) 693-1648.

Electronically: comments may be submitted through OSHA's Webpage at <http://ecomments.osha.gov>. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT:

Audrey Rollor, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-2020.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee to improve crane and derrick safety in construction, requesting comments and nominations for membership (Volume 67 of the *Federal Register*, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the *Federal Register*, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30-August 1, 2003. The Agency published notices announcing the subsequent meetings.

II. Agenda

At the July meeting, the Committee will primarily review draft materials based on CDAC discussions at prior meetings. OSHA anticipates that CDAC will be reviewing draft regulatory text of items mentioned below on the "Anticipated Key Issues for Negotiation" list.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that CDAC will continue discussing key issues from the following list in upcoming meetings:

1. Scope
2. General Requirements
3. Assembly/Disassembly
4. Operation—Procedures

5. Authority to Stop Operation
6. Signals
7. Requirements for equipment with a manufacturer-rated hoisting/lifting capacity 2,000 pounds or less
8. Operational Aids/Safety Devices
9. Inspections
10. Equipment Modifications
11. Personnel Training
12. Wire Rope
13. Operator Qualifications
14. Keeping Clear of the Load
15. Fall Protection (ladder access and catwalks, fall arrest)
16. Hoisting Personnel
17. Qualifications of Maintenance & Repair Workers
18. Machine Guarding
19. Responsibility for environmental considerations, site conditions, ground conditions
20. Work Area Control (access/egress)
21. Power line safety
22. Derricks
23. Verification criteria for structural adequacy of crane components and stability testing requirements
24. Floating Cranes & Cranes on Barges
25. Free Fall/Power Down
26. Multiple Crane Lifts
27. Tower Cranes
28. Operator Cab Criteria
29. Overhead & Gantry Cranes
30. Definitions

IV. Public Participation

All interested parties are invited to attend the July public meeting at the time and place indicated above. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz Dela Cruz by telephone at 202-693-2020 or by fax at 202-693-1689 to obtain appropriate accommodations no later than Friday, June 25, 2004. The meeting is expected to last three and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693-2350. Minutes will also be available on the OSHA Docket webpage: <http://dockets.osha.gov/>.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738 5320, fax (617) 738-6911.

Signed at Washington, DC, this 14th day of June, 2004.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 04-13755 Filed 6-17-04; 8:45 am]

BILLING CODE 4310-26-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01-04-030]

RIN 1625-AA09

Drawbridge Operation Regulations; Mystic River, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge operating regulations governing the operation of the S99 (Alford Street) Bridge, at mile 1.4, across the Mystic River, Massachusetts. Under this proposed rule the bridge may remain closed to vessel traffic from 7 a.m. on July 26, 2004 through 7 a.m. on July 30, 2004. Vessels that can pass under the draw without a bridge opening may do so at all times. This action is necessary in the interest of public safety to facilitate vehicular traffic during the Democratic National Convention.

DATES: Comments and related material must reach the Coast Guard on or before July 8, 2004.

ADDRESSES: You may mail comments and related material to Commander (obr), First Coast Guard District Bridge Branch, 408 Atlantic Avenue, Boston, Massachusetts, 02110, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-04-030), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background

The S99 (Alford Street) Bridge, mile 1.4, across the Mystic River has a vertical clearance in the closed position of 7 feet at mean high water and 16 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR § 117.609.

The bridge owner, the City of Boston, requested that the S99 (Alford Street) Bridge remain closed to vessel traffic during the Democratic National Convention (DNC) from 7 a.m. on July 26, 2004 through 7 a.m. on July 30, 2004. Vessels that can pass under the draw without a bridge opening may do so at all times.

During the DNC several primary vehicular traffic routes, including I-93 to Boston, and the North Station commuter rail station will be closed.

It is anticipated that much of the detoured vehicular traffic will be using Route 99 to drive into and through Boston during the week the DNC is underway. Rail commuters that normally transit to North Station will be bussed into Boston utilizing Route 99 as a detour route as a result of the North Station commuter rail station closure.

The bridge owner; therefore, has requested that the S99 (Alford Street) Bridge remain closed to facilitate the expected heavy vehicular traffic in the interest of public safety.

A shortened comment period of 20 days is necessary to allow this rule to become effective in time for the start of the DNC on July 26, 2004.

Discussion of Proposal

This proposed change would amend 33 CFR § 117.609 by suspending paragraph (a) and adding a new temporary paragraph (c) from July 26, 2004 through July 30, 2004.

Under this proposed rule the S99 (Alford Street) Bridge may remain closed to vessel traffic from 7 a.m. on July 26, 2004 through 7 a.m. on July 30, 2004.

This action is necessary to facilitate anticipated heavy vehicular traffic during the Democratic National Convention in the interest of public safety.

Regulatory Evaluation

This proposed rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under the regulatory policies and procedures of DHS, is unnecessary.

This conclusion is based on the fact that most vessel traffic on the Mystic River can pass under the bridge without a bridge opening at various stages of the tide.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Appendix J
Meeting Agendas

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Initial Meeting**

**Francis Perkins Building, 200 Constitution Ave, NW
Room N-3437 A, B, C
Washington, DC
July 30 – August 1, 2003
8:30 AM**

Agenda

Wednesday, July 30, 2003

- 8:30 Welcome and Opening Remarks** – John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health

- 8:45 OSHA’s Overall Goals for the Safety Standards** – Noah Connell, Directorate of Construction

- 9:00 Cranes and Derricks Negotiated Rulemaking Advisory Committee Introductions**
Name, affiliation
Goals, concerns, thoughts about crane and derrick safety

- 9:30 Overview of the Negotiated Rulemaking Process** – Susan Podziba, Facilitator

- 10:00 Break** [ID photos]

- 10:20 Ground Rules**
Develop ground rules to govern workings of the Negotiating Committee

- 12:15 Lunch** [ID photos]

- 1:30 Ground Rules (cont’d.)**

- 2:30 Public Comment**

- 2:45 List of Issues**
Review and revise the list of issues to be discussed during the negotiations

- 4:30 Conclude Day 1**

Thursday, July 31, 2003

8:30 Logistics

Schedule future meetings – dates and location
Sending and receiving documents (materials, photo, graphic, text)
Identify additional information needs
 Background Readings and Documents
 Expert Presentations
 If additional needs arise

9:15 Finalize List of Issues

10:00 Break

10:15 Discussion of Issues (per list of issues)

12:15 Lunch

1:30 Discussion of Issues (cont'd.)

2:30 Public Comment

3:00 Discussion of Issues (cont'd.)

4:30 Conclude Day 2

Friday, August 1

8:30 Discussion of Issues (cont'd.)

11:30 Public Comment

11:45 Next Steps

12:00 Conclude Meeting

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Two**

**Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
September 3-5, 2003
8:30 AM**

Agenda

Wednesday, September 3, 2003

- 8:30** Agenda Review
- 8:45** Review and Adopt Ground Rules
- 9:15** Review List of Issues
- 9:45** Draft Regulatory Text
Review draft language reflecting July 30-Aug1 C-DAC discussions
- 12:15** Lunch
- 1:30** Draft Regulatory Text (cont'd.)
- 2:30** Public Comment
- 2:45** Discussion of Issues
Continue discussion of issues following the Draft Crane Work Report
- 4:30** Conclude Day 1
Distribute Draft Summary of July 30 – August 1 Meeting

Thursday, September 4, 2003

- 8:30** Logistics – Review meeting dates, locations
- 9:00** Review and Approve Draft Summary of July 30 – August 1 Meeting
- 9:30** Discussion of Issues (cont'd.)

10:15 Break

10:30 Discussion of Issues (cont'd.)

12:15 Lunch

1:30 Discussion of Issues (cont'd.)

2:30 Public Comment

3:00 Discussion of Issues (cont'd.)

4:30 Conclude Day 2

Friday, September 5, 2003

8:30 Discussion of Issues (cont'd.)

11:30 Public Comment

11:45 Next Steps

12:00 Conclude Meeting

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Three
Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
October 1-3, 2003
8:30 AM**

Agenda

Wednesday, October 1, 2003

- 8:30 Agenda Review**
- 8:45 Review and Approve September 3-5 Meeting Summary**
- 9:15 Review Revised and New Draft Regulatory Text
beginning with Section 1410 Erecting and Dismantling – Selection of
Manufacturer or Employer Procedures**
- 12:15 Lunch**
- 1:30 Review Draft Regulatory Text (cont'd.)**
- 2:30 Public Comment**
- 2:45 Review Draft Regulatory Text (cont'd.)**
- 4:30 Conclude Day 1**

Thursday, October 2, 2003

- 8:30 Logistics –updates on meeting locations, panels, other**
- 8:45 Discussion of New Issues (from Draft Crane Work Group Report)
beginning with Section 1926.550(a) Training and Qualification
Requirements**
- 12:15 Lunch**
- 1:30 Discussion of New Issues (cont'd.)**

2:30 Public Comment

3:00 Discussion of New Issues (cont'd.)

4:30 Conclude Day 2

Friday, October 3, 2003

8:30 Discussion of New Issues (cont'd.)

11:30 Public Comment

11:45 Next Steps

12:00 Conclude Meeting

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Four
Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
November 5-7, 2003
8:30 AM**

Agenda

Wednesday, November 5, 2003

- 8:30 Agenda Review**
- 8:45 Review and Approve October 1-3 Meeting Summary**
- 9:15 Presentation by and Discussion with Drill Shaft Contractors**
- 10:00 Break**
- 10:15 Review Revised and New Draft Regulatory Text**
§1410 Assembly and Disassembly
§1412 Operation -- Procedures
§14xx Authority to stop operation
§14xx Inspections
- 12:15 Lunch**
- 1:30 Review Draft Regulatory Text (cont'd.)**
- 2:30 Public Comment**
- 2:45 Review Draft Regulatory Text (cont'd.)**
- 4:30 Conclude Day 1**

Thursday, November 6, 2003

- 8:30 Logistics –updates on meeting locations, panels, other**
- 8:45 Review Draft Regulatory Text (cont'd.)**

Susan Podziba & Associates

11/4/03

Page 1 of 2

12:15 Lunch

1:30 Discussion of New Issues (after discussion of draft reg text)
Assembly of Accessories
Wire Rope
Hoisting Personnel
Environmental Conditions / Site Conditions / Ground Conditions
Qualifications of Maintenance and Repair Personnel
Fall Arrest

2:30 Public Comment

3:00 Discussion of New Issues (cont'd.)

4:30 Conclude Day 2

Friday, November 7, 2003

8:30 Discussion of New Issues (cont'd.)

11:30 Public Comment

11:45 Next Steps

12:00 Conclude Meeting

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Five
Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
December 3 - 5, 2003
8:30 AM**

Agenda

Wednesday, December 3, 2003

- 8:30 Agenda Review**
- 8:40 Hotel Logistics for Las Vegas Meeting**
- 8:45 Review and Approve November 5-7 Meeting Summary**
- 9:00 Review Issues Update and Schedule**
- 9:15 Discussion of New Issues**
Environmental Considerations and Site Conditions, Ground Conditions
Work Zone Control
Wire Rope (C-DAC working draft regulatory text)
Overhead and Gantry Cranes
Hoisting Personnel – boom tip baskets
- 10:00 Break**
- 10:15 Discussion of New Issues (cont'd.)**
- 12:15 Lunch**
- 1:30 Discussion of New Issues (cont'd.)**
- 2:30 Public Comment**
- 3:00 Discussion of New Issues (cont'd.)**
- 4:30 Conclude Day 1**

Thursday, December 4, 2003

8:30 Logistics

8:45 Discussion of New Issues (cont'd.)

**10:15 Presentation on OSHA Crane Fatality Statistics – Richard Rinehart, CIH, ScD,
Epidemiologist, OSHA-Directorate of Construction**

10:45 Discussion of New Issues (cont'd.)

12:15 Lunch

1:30 Discussion of New Issues (cont'd.)

2:30 Public Comment

3:00 Discussion of New Issues (cont'd.)

4:30 Conclude Day 2

Friday, December 5, 2003

**8:30 Discussion of New Issues (cont'd.)
Review Draft Regulatory Text**

11:30 Public Comment

**11:45 Next Steps
including agenda for January 5-7 meeting**

12:00 Conclude Meeting

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Six
Carpenters International Training Center
6801 Placid Street
Las Vegas, NV
January 5 - 7, 2004**

Agenda

Monday, January 5, 2004

- 1:00 Agenda Review**
- 1:15 Review and Approve December 3-5 Meeting Summary**
- 1:30 Discussion of New Issues***
- 2:30 Public Comment**
- 3:00 Break**
- 3:15 Discussion of New Issues (cont'd.)**
- 4:30 Conclude Day 1**

*** New Issues:**

- 1. Operating Near Power Lines/Safety Devices (related to operating near power lines)**
- 2. Derricks**
- 3. Free Fall/Power Down**
- 4. Critical Lifts/Engineered Lifts**
- 5. Signals (standard methods)**

Tuesday, January 6, 2004

- 8:30 Discussion of New Issues (cont'd.)**
- 10:00 Break**
- 10:15 Discussion of New Issues (cont'd.)**
- 12:15 Lunch**
- 1:30 Discussion of New Issues (cont'd.)**
- 2:30 Public Comment**
- 3:00 Discussion of New Issues (cont'd.)**
- 4:30 Conclude Day 2**

Wednesday, January 7, 2004

- 8:30 Discussion of New Issues (cont'd.)**
- 10:00 Break**
- 10:15 Discussion of New Issues (cont'd.)**
- 12:15 Lunch**
- 1:30 Discussion of New Issues (cont'd.) or
Review Draft Regulatory Text**
- 2:30 Public Comment**
- 3:00 Discussion of New Issues (cont'd.) or
Review Draft Regulatory Text**
- 4:15 Next Steps
including agenda for February 4-6 meeting**
- 4:30 Conclude Meeting**

U.S. Department of Labor
Occupational Safety and Health Administration

Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Seven
Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
February 4-6, 2004
8:30 AM

Agenda

Wednesday, February 4, 2004

- 8:30 **Agenda Review**
- 8:45 **Review and Approve January Meeting Summary**
- 9:00 **Structural Testing Verification Criteria Panel**
 Hans-Dieter Willim, Chief Designer, Liebherr Werk Ehingen
 Craig Percy, Vice President, All Test and Inspection, Inc.
- 10:15 **Break**
- 10:30 **Discuss issue of structural testing**
- 12:15 **Lunch**
- 1:30 **Discuss issue of structural testing (cont'd.) or
Begin Discussion of New Issues (per packet)**
- Free Fall/Power Down
 - Critical Lifts/Engineered Lifts
 - Tower Cranes
 - Operator Cab Criteria
 - Signals (standard methods)
 - Limited requirements for cranes with a rated capacity of 2000 pounds or less
- 2:30 **Public Comment**
- 3:00 **Break**
- 3:15 **Discussion of New Issues (per packet)**
- 4:30 **Conclude Day 1**

Thursday, February 5, 2004

8:30 Cranes on Barges Panel

James Pritchett, President, Crane Inspection Service, Inc.
John Colletti, John P. Colletti Associates
Steven Hebert, Corporate Safety Manager, Global Industries Ltd.
Mitch White, General Counsel for Southern California, Manson Construction
Dan Kuhs, Business Manager, Piledrivers Local Union 56/New England
Don Wright, Piledrivers Local Union 2375

10:15 Break

10:30 Discussion of cranes on barges

Overhead & Gantry Cranes – Tom Chamberlain, Manager, Crane Engineering & Maintenance, Northrup Grumman Corporation, Newport News

12:15 Lunch

1:30 Boom tip attached personnel baskets -- Dan Wolff, Vice President of Engineering, National Crane, Manitowoc Crane Group

2:30 Public Comment

3:00 Discussion of New Issues (cont'd.)

4:30 Conclude Day 2

Friday, February 6, 2004

8:30 Pile Drivers Panel

Dan Kuhs, Business Manager, Piledrivers Local Union 56/New England
Don Wright, Piledrivers Local Union 2375
Pat Karinen, Field Representative, Piledrivers Local Union 34
Ahti Knopp, Junttan (pile driver manufacturer)

10:00 Break

10:15 Discussion of New Issues (cont'd.)

11:30 Public Comment

11:45 Next Steps

including agenda for March 1-3 meeting

12:00 Conclude

Susan Podziba & Associates

1/26/04

Page 2 of 2

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Eight
Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
March 3-5, 2004
8:30 AM**

Agenda

Wednesday, March 3, 2004

8:30 Agenda Review

8:45 Review and Approve February Meeting Summary

9:00 Review Draft Regulatory Text[□]

§1400 Scope

§1401 General Requirements

§1402 Assembly / Disassembly – Selection of Manufacturer Employer Procedures

§1403 Assembly / Disassembly – General Requirements

§1404 Assembly / Disassembly – Additional Requirements

§1405 Assembly / Disassembly – Employer Procedures

§1406 Operation – Procedures

§1407 Authority to Stop Operation

§1409 Signals – Radio, telephone or other electronic transmission of signals

§1410 Signals – Voice, Additional Requirements

§1411 Hand Signal Chart, Standardized Voice Signals

§1412 Signal Person Qualifications

§1415 Inspections

§1416 Equipment Modifications

§1418 Wire Rope – General Requirements

§1419 Wire Rope – Inspection

§1420 Wire Rope – Replacement

§1421 Wire Rope – Maintenance

§1422 Operator Qualifications

§1423 Keeping clear of the load

10:15 Break

[□] C-DAC will review and revise as many sections of the draft regulatory text as possible. It may not cover all of the issues listed, and it may cover some issues not listed.

10:30 Review Draft Regulatory Text (cont'd.)
12:15 Lunch
1:30 Review Draft Regulatory Text (cont'd.)
2:30 Public Comment
3:00 Break
3:15 Review Draft Regulatory Text (cont'd.)
4:30 Conclude Day 1

Thursday, March 4, 2004

8:30 Discuss New Issue: Operational Aids
10:15 Break
10:30 Operational Aids (cont'd.)
Review Draft Regulatory Text (cont'd.)
12:15 Lunch
1:30 Review Draft Regulatory Text (cont'd.)
2:30 Public Comment
3:00 Review Draft Regulatory Text (cont'd.)
4:30 Conclude Day 2

Friday, March 5, 2004

8:30 Review Draft Regulatory Text (cont'd.)
10:00 Break
10:15 Review Draft Regulatory Text (cont'd.)
11:30 Public Comment
11:45 Next Steps
12:00 Conclude

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Nine
Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
May 4-7, 2004
8:30 AM**

Agenda

Tuesday, May 4, 2004

8:30 Agenda Review

8:45 Review and Approve March Meeting Summary

9:00 Review Draft Regulatory Text[□]

- §1414 Operational Aids
- §1415 Inspections
- §1418 Wire Rope – General Requirements
- §1419 Wire Rope – Inspection
- §1420 Wire Rope – Replacement
- §1421 Wire Rope – Maintenance
- §1424 Fall Protection
- §1425 Hoisting Personnel
- §1426 Qualifications of Maintenance & Repair Workers
- §1427 Machine Guarding
- §1428 Environmental considerations & site conditions, ground conditions
- §1429 Work Zone Control (access/egress)
- §1430 Power line safety
- §1431 Derricks
- §1432 Verification criteria for structural adequacy
- §1433 Floating Cranes & Cranes on Barges
- §1436 Multiple Crane Lifts
- §1437 Tower Cranes
- §1438 Operator Cab Criteria
- §1439 Overhead & Gantry Cranes
- §1440 Definitions
- §1401 General Requirements
- §1412 Signal Person Qualifications
- §1417 Training

[□] C-DAC will review and revise as many sections of the draft regulatory text as possible. It may not cover all of the issues listed, and it may cover some issues not listed.

§1422 Operator Qualifications
§1435 Free Fall/Power Down
§1413 Requirements for equipment with manufacturer-rated capacity below
2,000 lbs.

10:15 Break

10:30 Review Draft Regulatory Text (cont'd.)

12:15 Lunch

1:30 Review Draft Regulatory Text (cont'd.)

2:30 Public Comment

3:00 Review Draft Regulatory Text (cont'd.)

4:30 Conclude Day 1

Wednesday, May 5, 2004

8:30 Review Draft Regulatory Text (cont'd.)

10:15 Break

10:30 Review Draft Regulatory Text (cont'd.)

12:15 Lunch

1:30 Review Draft Regulatory Text (cont'd.)

2:30 Public Comment

3:00 Review Draft Regulatory Text (cont'd.)

4:30 Conclude Day 2

Thursday, May 6, 2004

**8:30 Discuss New Issue:
Requirements for equipment with manufacturer-rated capacity below 2,000 lbs.**

10:15 Break

10:30 Discuss New Issue (cont'd.) and/or Review Draft Regulatory Text (cont'd.)

12:15 Lunch

1:30 Review Draft Regulatory Text (cont'd.)

2:30 Public Comment

3:00 Review Draft Regulatory Text (cont'd.)

4:30 Conclude Day 3

Friday, May 7, 2004

8:30 Future Meeting Logistics

9:00 Crane Operator Physical Qualifications Panel

Dr. Don Wright, Director, Office of Occupational Medicine, Directorate of
Science, Technology, and Medicine, OSHA (Physical Qualifications)

Dr. Patricia Bray, Medical Officer, Office of Occupational Medicine, Directorate
of Science Technology and Medicine, OSHA (Controlled Substance Abuse;
Testing)

10:00 Break

10:15 Review Draft Regulatory Text (cont'd.)

11:30 Public Comment

11:45 Next Steps

12:00 Conclude

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Ten
National Association of Home Builders
Phoenix, Arizona
June 1-4, 2004**

Agenda

Tuesday, June 1, 2004

1:00 Agenda Review

1:15 Review and Approve May Meeting Summary

1:30 Review Draft Regulatory Text[□]

§1430 Power line safety

§1431 Derricks

§1432 Design, Construction, Testing

§1433 Floating Cranes & Cranes on Barges

§1435 Free Fall/Power Down

§1436 Multiple Crane Lifts

§1437 Tower Cranes

§1439 Overhead & Gantry Cranes

§1440 Definitions

§1401 General Requirements

§14XX Requirements for equipment with manufacturer-rated capacity of 2,000 pounds or less

§1412 Signal Person Qualifications

§14XX Operational Aids

§1417 Training

§1418 Wire Rope – General Requirements

§1419 Wire Rope – Inspection

§1420 Wire Rope – Replacement

§1421 Wire Rope – Maintenance

§1422 Operator Qualifications

§1424 Fall Protection

3:00 Break

3:15 Review Draft Regulatory Text (cont'd.)

[□] C-DAC will review and revise as many sections of the draft regulatory text as possible. It may not cover all of the issues listed, and it may cover some issues not listed.

5:00 Conclude Day 1

Wednesday, June 2, 2004

8:30 Review Draft Regulatory Text (cont'd.)

10:15 Break

10:30 Review Draft Regulatory Text (cont'd.)

12:15 Lunch

1:30 Review Draft Regulatory Text (cont'd.)

2:30 Public Comment

3:00 Review Draft Regulatory Text (cont'd.)

5:00 Conclude Day 2

Thursday, June 3, 2004

8:30 Review Draft Regulatory Text (cont'd.)

10:15 Break

10:30 Review Draft Regulatory Text (cont'd.)

12:15 Lunch

1:30 Review Draft Regulatory Text (cont'd.)

2:30 Public Comment

3:00 Review Draft Regulatory Text (cont'd.)

4:30 Conclude Day 3

Friday, June 4, 2004

8:30 Final Meeting Logistics

8:45 Review Draft Regulatory Text (cont'd.) or Review Tentative Agreements
§1400 Scope

- §1402 Assembly/Disassembly- Selection of Manufacturer or Employer Procedures
- §1403 Assembly/Disassembly- General Requirements (pending review of new language for §1403(h)(12))
- §1404 Assembly/Disassembly- Additional Requirements for Dismantling Booms and Jibs
- §1405 Assembly/Disassembly- Employer Procedures
- §1406 Operation- Procedures
- §1407 Authority to Stop Operation
- §1409 Signals- Radio, telephone or other electronic transmission of signals
- §1410 Signals- Voice, Additional Requirements
- §1411 Hand Signal Chart, Standardized Voice Signals
- §1414 Safety Devices
- §1415 Inspections
- §1416 Equipment Modifications
- §1423 Keeping Clear of the Load
- §1425 Hoisting Personnel
- §1426 Qualifications of Maintenance & Repair Workers
- §1427 Machine Guarding
- §1428 Ground Conditions
- §1429 Work Area Control

10:00 Break

10:15 Review Draft Regulatory Text (cont'd.) or Review Tentative Agreements

12:15 Lunch

1:30 Review Draft Regulatory Text (cont'd.) or Review Tentative Agreements

2:30 Public Comment

3:00 Review Draft Regulatory Text (cont'd.) or Review Tentative Agreements

4:30 Next Steps

5:00 Conclude

**U.S. Department of Labor
Occupational Safety and Health Administration**

**Cranes and Derricks Negotiated Rulemaking Advisory Committee
Meeting Eleven (FINAL)
Francis Perkins Building, 200 Constitution Ave, NW
Washington, DC
July 6-9, 2004**

Agenda

Tuesday, July 6, 2004

- 1:00 Agenda Review**
- 1:15 Review and Approve June Meeting Summary**
- 1:30 Review Draft Regulatory Text for Outstanding Issues**
- §1400(d)(2) Scope, Limited Requirements (dedicated pile drivers)
 - §1417 Training
 - §1422 Operator Qualifications
 - §1425 (o), (p) Hoisting Personnel in drill shafts (Use of Boatswain's Chair) and Hoisting Personnel for pile driving equipment
 - §14XX Power Line Safety – equipment in transit under Power Lines (on construction sites)
 - §14XX Power Line Safety – exclusion for work covered by Subpart V
 - §1431 Derricks
 - §1433 Floating Cranes & Cranes on Barges
 - §1437 Tower Cranes – operational aids (alternative measures)
 - §14XX Supplemental Requirements for Sideboom Cranes
- 3:00 Break**
- 3:15 Review Draft Regulatory Text for Outstanding Issues (cont'd.)**
- 5:00 Conclude Day 1**

Wednesday, July 7, 2004

- 8:30 Review Draft Regulatory Text for Outstanding Issues (cont'd.)**
- 12:15 Lunch**
- 1:30 Review Draft Regulatory Text for Outstanding Issues (cont'd.)**
- 4:30 Public Comment**

5:00 Conclude Day 2

Thursday, July 8, 2004

8:30 Review Draft Regulatory Text for Outstanding Issues (cont'd.) or Review Tentative Agreements for issues listed below

- §1400 Scope
- §1402 Assembly/Disassembly- Selection of Manufacturer or Employer Procedures
- §1403 Assembly/Disassembly- General Requirements
- §1404 Assembly/Disassembly- Additional Requirements for Dismantling Booms and Jibs
- §1405 Assembly/Disassembly- Employer Procedures
- §1406 Operation- Procedures
- §1407 Authority to Stop Operation
- §1408 Signals – General Requirements
- §1409 Signals -- Radio, telephone or other electronic transmission of signals
- §1410 Signals -- Voice, Additional Requirements
- §1411 Hand Signal Chart, Standardized Voice Signals
- §1412 Signal Person Qualifications
- §1413 Requirements for equipment with manufacturer-rated capacity of 2,000 pounds or less
- §1414 Safety Devices
- §14XX Operational Aids
- §1415 Inspections
- §1416 Equipment Modifications
- §1419 Wire Rope – Inspection
- §1420 Wire Rope – Selection and Installation Criteria
- §1423 Keeping Clear of the Load
- §1424 Fall Protection
- §1425 Hoisting Personnel (except (o) hoisting personnel in drill shafts and (p) Hoisting personnel for pile driving equipment)
- §1426 Qualifications of Maintenance & Repair Workers
- §1428 Ground Conditions
- §1429 Work Area Control
- §14XX Power Line Safety (up to 350 kV) – assembly and disassembly
- §14XX Power Line Safety (up to 350 kV) – crane operations
- §14XX Power Line Safety (over 350 kV)
- §14XX Power Line Safety (all voltages) – crane operations inside Table A Zone
- §1432 Design, Construction, and Testing
- §1435 Free Fall/Controlled Load Lowering
- §1436 Multiple Crane Lifts
- §1437 Tower Cranes (except alternative measures for operational aids)
- §1439 Overhead & Gantry Cranes
- §1440 Definitions

12:15 Lunch

1:30 Review Draft Regulatory Text or Review Tentative Agreements (cont'd.)

4:30 Public Comment

5:00 Conclude Day 3

Friday, July 9, 2004

8:30 Review Draft Regulatory Text or Review Tentative Agreements (cont'd.)

12:15 Lunch

1:30 Review Draft Regulatory Text or Review Tentative Agreements (cont'd.)

4:30 Next Steps

5:00 Conclude

Appendix K
Meeting Summaries

Meeting 1 Summary
July 2003

**U.S. Department of Labor
Occupational Safety and Health Administration
Cranes and Derricks Negotiated Rulemaking Advisory Committee**

Meeting Summary -- July 30 – August 1, 2003

Welcome and Opening Remarks

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, welcomed the members of the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) and thanked them for agreeing to assist OSHA in the development of a standard that will reduce injuries and fatalities, protect worker health and safety, and be adaptable to the current and future technological changes in the crane industry. Mr. Henshaw hopes and expects that C-DAC will create consensus standards based on the expertise of its members, and he committed OSHA to taking the necessary steps to promulgate federal crane and derrick safety standards based on C-DAC's recommendations.

Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC)

Introductions

All members of C-DAC, who were present, introduced themselves.

OSHA's Overall Goals for the Safety Standards

Noah Connell, Directorate of Construction, stated that OSHA's overall goal for the crane and derrick safety standards is to increase worker safety. In addition, OSHA is seeking a standard that will be understandable to its users; avoids ambiguity; provides certainty and clarity for enforcement; and satisfies the statutory requirements of the Paperwork Reduction Act.

Overview of the Negotiated Rulemaking Process

Susan Podziba, Facilitator, Susan Podziba & Associates, provided an overview of the negotiated rulemaking process. She explained that C-DAC discussions will focus on seeking agreements in concept and ultimately, consensus regulatory language. The C-DAC may use workgroups to develop proposals for specific elements of the standard.

Ground Rules

C-DAC members discussed and revised their ground rules, which will govern their activities throughout the negotiated rulemaking process. The ground rules were agreed to in concept subject to C-DAC review of the revised draft. C-DAC members had a lengthy discussion of their decision rule, and decided that members will strive for unanimous agreements, but agreements will be considered reached when no more than two non-federal negotiators dissent. Dissenting members may request that their reasons for dissent be included in the preamble of the regulation, but they agreed to refrain from providing formal written negative comments on the final proposed regulatory language.

C-DAC members considered the use of proxies for members unable to attend meetings, but ultimately rejected the idea given that new proposals are generated during meetings.

Public Comment

Michael Casbon, National Association of Demolition Contractors (NADC), stated that NADC members have particular interests relative to crane safety during demolition. Mr. Casbon said that he will be available to serve on work groups, and he will provide C-DAC members with NADC's safety manual on cranes.

Brad Closson, of NACB Group, Inc. and ASME, stated that ASME will provide its standards and resources to CDAC to assist in development of the OSHA crane and derrick safety standards.

Hugh Pratt, Insulatus, Inc., explained how his product could reduce a significant percentage of injuries and fatalities due to electrocutions. He provided C-DAC members with a CD which explains the scale of the power line problem of and how the Insulatus product protects workers. He also said he would be available to provide support to CDAC, as appropriate.

Graham J. Brent, National Commission for the Certification of Crane Operators stated that he will be available to provide information and support to the C-DAC on crane operator qualifications, including information on the CCO program.

Review and Revise List of Issues

C-DAC members reviewed and finalized the list of issues they will discuss during their negotiations. In refining the list published in the federal register, they agreed to: 1) include issues of site conditions such as access and egress and ground stability as part of work zone control; 2) address blind picks as part of qualifications of signal persons and communications systems and requirements; 3) add maintenance and record-keeping requirements to crane inspection and certification records; and 4) discuss training requirements and demolition issues, within each regulatory section, as necessary. In addition, they will add the issues of: 1) critical and special lift procedures and 2) maritime crane operations.

Discussion of Issues (per list of issues)

The C-DAC members began by discussing of the scope of the standard and then decided to follow the draft Report of the Crane Work Group of the Advisory Committee for Construction Safety and Health (December 2002), which follows, by section, the existing standard.

Scope: C-DAC members discussed the equipment that will be regulated under the standard. After trying various approaches, they decided to use a broad definition of the equipment covered with illustrative examples, and clearly identified exclusions. The draft definition of included equipment is: a power-operated machine used for hoisting, lowering, and horizontal movement of suspended loads. The examples of equipment and attachments included and exempted will be revised versions of the lists under

scope and application of the Draft Crane Work Group Report. OSHA will draft regulatory language that reflects C-DAC discussions.

The key issues discussed included:

- **Exclusion of Equipment rated below 2000 pounds:** This exclusion is used in ASME B30 standards and New York City regulations. Included in this exclusion are “ponies,” which are rated at under one ton and are used to lift curtain wall in hi-rise building construction.
- **Converted Equipment:** C-DAC members discussed equipment manufactured for a non-crane purpose that is converted to hoist material. The standard is expected to cover equipment whose primary function is crane operations.
- **Dedicated Pile Drivers:** C-DAC discussed including dedicated pile drivers, but determined that it would then also need to include drills and augurs. C-DAC members suggested that safety standards are needed for this equipment, but it is beyond the scope of this standard.
- **Definitions:** C-DAC members reviewed and revised the definitions listed in the Draft Crane Work Group Report and decided to convene a work group, at a later date, to review the definitions section. ASME referred C-DAC to its on-line lexicon of terms, and a C-DAC member distributed the SC&R Foundation’s “Glossary of Common Crane and Rigging Terms.”
- **Exclusion of Chain Falls:** The C-DAC members agreed to exclude chain falls, also called come alongs.

Manufacturers Compliance: This issue concerns deviations from manufacture specifications for crane operations. The C-DAC members discussed three distinct situations: 1) when specifications are not available, such as for old equipment; 2) when following specifications in “real world” circumstances is “unfeasible” in that doing so could potentially cause safety hazards; and 3) when alternative methods can be safely used to assemble or disassemble a crane. The current OSHA standard requires a qualified engineer to determine and document limitations of the equipment; some C-DAC members supported a proposal to require a “qualified person,” who may not be an engineer to perform such functions.

Posting of Load Chart

In the past, load charts were one-page documents that could be posted in the cab of the crane. Today, load charts include a series of charts that cover multiple variables. Current regulations require the charts to be tethered in the cab. Typically, load charts are pages in a loose leaf binder, which can be removed even when the binder remains attached. C-DAC members suggested that the standard require employers to ensure that the proper load charts and operator’s manuals are readily available in the cab of the crane. C-DAC members also discussed electronic vs. paper load charts and decided it not to specify one preference over another.

Signals: The C-DAC members discussed hand and radio signals including the following key issues:

Hand Signal Person: C-DAC members discussed training for hand signal persons. Most C-DAC members agreed that currently, crane operators often rely on signal persons who are unfamiliar with standard hand signals and crane load dynamics. Some think that all signal operators should receive training from employers or unions; others stated that there are situations when crane operators train signal persons on site prior to lifts. One C-DAC member felt strongly that documentation, such as individual cards, be required for all signal people. This led some to raise concerns about OSHA enforcement violations.

Radio Signals: C-DAC members discussed the differences between secure and dedicated channels and agreed that dedicated lines will provide for safe communications, given that crane operations cease if there is a break in communications, including interference. In the case of multiple cranes on a site, the operators and signal persons will need to develop a system for identifying commands to each crane, for example, Crane 1, 2, etc. or by crane operator name.

Logistics

C-DAC will meet on the following dates:

2003

September 3, 4, 5

October 1, 2, 3

November 5, 6, 7

December 3, 4, 5

2004

January 7, 8, 9

February 4, 5, 6

March 3, 4, 5

March 31, April 1, 2

May 5, 6, 7

June 2, 3, 4

July 7, 8, 9

C-DAC members discussed locating some of its meetings outside of Washington, DC. C-DAC members offered meeting space in Phoenix and Las Vegas, and OSHA has a facility in Chicago. OSHA will review the request to hold meetings outside of Washington, DC.

Sending and receiving documents: Documents will be provided electronically prior to meetings.

Background Readings and Documents: C-DAC members requested OSHA Subpart R, OSHA General Industry Standards, ASME B30.3 Tower Cranes, B30.9 Slings, B30.23 Personnel Lifting Systems, and ANSE A10.42.

Expert Presentations: C-DAC members will invite a maritime crane operations expert for a presentation at a future meeting.

Travel: C-DAC members asked OSHA to review the questions of travel reimbursement and securing blocks of hotel rooms at government rates for future meetings.

Next Steps

Documents: The facilitator will distribute revised ground rules, a draft meeting summary, and a draft agenda prior to the September 3,4,5 meeting. OSHA will distribute draft regulatory language reflecting C-DAC discussions.

Crane Illustrations: C-DAC members will receive an electronic file containing crane illustrations. Members are asked to review the illustrations for inclusion with the regulatory text.

Travel: OSHA will provide information on travel-related issues.

Attendance

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Michael Hyland, American Public Power Association
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co.
Larry Means, Wire Rope Technical Board, ASME
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
Dale Shoemaker, Carpenters International Training Center
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator

Not Present:

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers

Meeting 2 Summary
September 2003

U.S. Department of Labor
Occupational Safety and Health Administration

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – September 3 - 5, 2003

Agenda Review

C-DAC members reviewed and accepted the meeting agenda.

Review and Approve July 30-August 1 Meeting Summary

C-DAC members reviewed the July 30-August 1 draft meeting summary and made two editorial changes. It was approved as final and will be available through the OSHA docket.

Review and Adopt Ground Rules

C-DAC members discussed the revised ground rules. They engaged in in-depth discussions of Sections IIIA Decision Making and IVE Agreement. The ground rules were tentatively adopted, subject to agreement from the three C-DAC members not present at the meeting.

Section IIIA Decision Making: Some C-DAC members expressed concern that no agreement could be reached if there was dissent by OSHA. Others felt this would give them an opportunity to negotiate with OSHA to reach an agreement on a draft proposed rule that would be less likely to be changed in the final rule. Ultimately, all present agreed to maintain the requirement for OSHA approval, with an agreement that if a situation arises in which OSHA is the lone dissenter, it will publish the language agreed to by the other C-DAC members as an alternative in the preamble and specifically ask the public to comment on that alternative.

Section IVE Agreement: Some C-DAC members raised concerns about a ground rule that would allow C-DAC members to provide formal negative comments on all elements of the proposed rule if OSHA changes any of the consensus language. This ground rule is meant to underscore that the negotiations lead to a package of agreements. C-DAC decided to allow committee members to formally comment negatively only on the consensus language changed by OSHA and those issues specifically linked to the issues for which the consensus language was changed. "Linked issues" are those for which decisions were made in conjunction with each other.

Who is bound by agreements reached by C-DAC?: C-DAC members reiterated their understanding that agreements reached by C-DAC members bind the organizations they represent. This means that their organizations will refrain from providing formal written negative comments on the consensus-based language published in the Federal Register. However, all understand that associations cannot control actions taken by their members.

Review List of Issues

A C-DAC member proposed adding slings to the list of issues to be discussed during the negotiations. OSHA stated that the C-DAC Federal Advisory Committee Act (FACA) Charter covers discussions solely about Subpart N. Since slings are covered in Subpart H, the issue is outside the scope of the C-DAC.

Another member proposed adding the issue of fall protection to the list of issues. Given that existing standards will apply if Subpart N is silent on fall protection, C-DAC agreed to add fall protection to its list of issues to be addressed in the cranes and derricks safety standards.

Draft Regulatory Text

C-DAC members reviewed the draft regulatory text that resulted from its discussions at the July 30 - August 1 meeting and additional sections of the Draft Crane Work Group Report (December 2002). The issues discussed included scope; erecting and dismantling procedures; signals; wire rope; manufacturer approval for modifications; and staying clear of loads.

Scope: C-DAC discussed setting limited requirements for equipment with a manufacturer rating of 2000 pounds or less. There was discussion as to what the appropriate number should be for this purpose. Members noted that the 2000 pound figure was used in the ANSI standard for purposes of excluding equipment from the ANSI cranes requirements. Others noted that California's crane requirements apply to equipment over 6000 pounds; another jurisdiction has a 4000 pound cut-off. C-DAC decided to maintain the 2000-pound limit for purposes of applying a lesser set of requirements and to revise that number if reasons to do so emerge during development of the safety standards.

C-DAC members agreed to add side boom tractors (and to delete "tractors" from the list of excluded equipment). One member reported that the American Pipeline Association wants side-boom tractors included in the standard. The Committee also agreed to add self-erecting tower cranes. The term "rough terrain" will be added.

There was discussion about whether to exclude hydraulic jacking systems.

Some members suggested that the exclusion be limited to hydraulic *telescoping* jacking systems; another member suggested that gantries be included in the scope but to exclude the jacking systems. The Committee decided to wait until a member gets input on this issue from his constituents before deciding how to resolve this question.

After discussions concerning the inclusion of dedicated pile drivers, C-DAC concluded that it needs more information before making a decision and asked OSHA to invite a panel of operators, users and manufacturers of dedicated pile drivers to a future meeting.

Erecting and Dismantling – Requirements for Employer Procedures: After an intensive discussion of employer procedures for erecting and dismantling cranes, C-DAC members decided to pursue an approach that includes training, supervision by a competent person, and other specific requirements designed to reduce the hazards. C-DAC members identified some of the hazards associated with crane assembly and disassembly procedures. They included hazards resulting from: removal of pins without proper support for the boom or release of tension in pendant lines; cantilevering too much boom out; overloading of temporary boom suspension; improper blocking for disassembly; use of improper lifting points given changed center of gravity; overloading of assist crane due to lack of information on the weight of each component being lifted; lack of securing hand tools used by employees; improper rigging hardware for lifting each component; and improper sequencing due to lack of sequencing information or trucks arriving out of sequence. The advantages of pre-installed lifting lugs and the need to review erecting/dismantling procedures before starting work was also discussed.

During discussions of crane erection procedures, C-DAC members discussed injuries resulting from the lack of suitable walking surfaces and ladders on the boom. U.S. manufacturers do not include catwalks and ladders because, if existing regulations were to be followed (which require handrails and toe plates and set maximum spacing for steps), the catwalks and ladders would interfere with crane operations.

C-DAC members expressed interest in reviewing existing European and other industry standards for the possibility of requiring cranes manufactured after a certain date to include catwalks and built-in access points.

Signals: C-DAC members discussed the need for standardized signals and for signal persons to have sufficient training/experience, but also identified situations when standardized hand signals were infeasible. In such cases, the operator and signal person may need to use agreed upon signals discussed prior to the lift. C-DAC members also discussed how to write the standard to allow for technologies that may emerge in the future.

Inspections: C-DAC members discussed the need for pre-shift, monthly, and periodic inspections, including the components of each and documentation requirements. C-DAC members compared the requirements of Subpart R and the ASME B30.5 (2000) standard. A concern was raised that some elements included in pre-shift inspections in Subpart R could be interpreted such that it could require one to two hours to perform. Other members stated that the Subpart R pre-shift inspection requirements are typically accomplished in 15 minutes.

After a great deal of discussion, C-DAC members decided to continue to discuss a proposal to require a visual pre-shift inspection; a monthly documented inspection consistent with the elements listed in Subpart R; abide by manufacturers maintenance

recommendations; and a periodic inspection, consistent with Subpart R, not less than annually and based on crane use. In addition, OSHA will explore developing a definition and/or appendix that would have the effect of clarifying what would satisfy the visual pre-shift inspection requirements.

Wire Rope: A C-DAC member will work with OSHA to develop draft language for review at the next meeting.

Manufacturer Approval for Modifications: With regard to modifications that will affect capacity or safe operation, C-DAC members discussed scenarios when the manufacturer: 1) approves a modification; 2) rejects a modification after a technical review; and 3) is no longer in business or declines to address a request. C-DAC members discussed the first two cases and agreed that crane owners should comply with manufacturer decisions. In the last case, the discussion centered on how to ensure that modifications are properly designed, installed, and crew tested. One suggestion was to require documentation of the modification plan by a registered professional engineer with crane experience so that the user would know that the change was done and done properly. It was stated that in such cases, the crane owner may be considered a crane manufacturer for civil liability purposes.

Staying clear of loads: In discussions of staying clear of a load, C-DAC members suggested distinguishing between workers who handle the load from those who do not; intermittent exposure from moving loads over a job site versus exposure from loads suspended and fixed overhead; and proximity to the load. There was a suggestion to direct the operator to use routes of limited exposure, and another to require employers to show a lack of alternatives for those tasks that can only be completed by an employee directly under the load.

Public Comment

Norm Hoffman of Bechtel Construction stated that most problems happen with smaller cranes (between 2000 – 6000 lbs) and urges limiting exclusions for small cranes. He also stated that Bechtel is interested in increased crane operator qualifications, including a requirement for documentation.

Jack Robertson of Hunt Construction Group suggested that dedicated pile drivers be included in the standard. He offered to provide a video of pile driving equipment.

Jim Brown of AGC of Indiana cautioned C-DAC members about placing the responsibility for clearance of lifts on the general contractor.

Logistics

Review meeting dates, locations: Meeting #6 will be held on January 5-7 rather than 7-9, and Meeting #9 will be held on March 29-31 rather than March 31-April 2.

Both meetings will begin at 1:00 pm on the first meeting day, followed by two full meetings days from 8:30 am – 4:30 pm.

C-DAC proposed holding its January meeting in Las Vegas and its May meeting in Chicago. This will provide opportunities for individuals and organizations in other regions of the country to attend meetings and address C-DAC members. OSHA will confirm the off-site meeting locations.

Other: Michael Hyland, representative of the American Public Power Association, resigned from C-DAC. The government will work to identify and appoint a new C-DAC member to represent the interests of the power industry.

Next Steps

Documents: The facilitator will revise the ground rules and send them to the C-DAC members absent from the meeting. If approved by those 3 members, the ground rules will be considered final. The July 30 - August 1 meeting summary will be revised as discussed and distributed as final. The facilitator will draft the meeting summary for this meeting and send it out prior to the October meeting.

Panels: OSHA will work to put together a panel on dedicated pile drivers and another for cranes on barges. People with recommendations for those panels should send them to OSHA.

Conference call on Section 1411: Erecting and Dismantling -- Requirements for Employment Procedures: To be held on Tuesday, September 16, 11:00-1:00 EDT.

Revised Regulatory Text: OSHA will distribute revised regulatory text prior to the next meeting.

Proposed Meeting Locations: OSHA will confirm off-site meeting locations.

C-DAC Attendance – September 3 - 5, 2003

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co.
Larry Means, Wire Rope Technical Board, ASME
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator

Not Present:

Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
Dale Shoemaker, Carpenters International Training Center
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors

Meeting 3 Summary
October 2003

U.S. Department of Labor
Occupational Safety and Health Administration

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – October 1-3, 2003

Agenda Review

C-DAC members reviewed and accepted the October meeting agenda.

Review and Approve September 3-5 Meeting Summary

C-DAC members reviewed the September 3-5 draft meeting summary and made editorial changes. It was approved as final and will be available through the OSHA docket.

Ground Rules

The ground rules were approved by C-DAC members present at the September 3-5 meeting, and have since been approved by the three members absent from that meeting. The ground rules, as revised on September 3, are the final C-DAC ground rules.

Review Draft Regulatory Text

C-DAC members reviewed the draft regulatory text that resulted from its discussions at the September 3-5 meeting and its September 16 conference call. The issues discussed included scope; assembly and disassembly; operation procedures; and signals.

§1400 Scope: The discussion of scope included clarification of the difference between rough terrain and all terrain cranes and the inclusion or exclusion of hydraulic jacking systems, also referred to as gantry jacking systems. The questions of inclusion or exclusion of pile drivers and the equipment for which there will be limited requirements were set aside for a future meeting.

Rough Terrain and All Terrain Cranes: Both will be included as examples of cranes covered under the standard.

Hydraulic/Gantry Jacking Systems: After a presentation about gantry jacking systems, from Kevin Johnston of J&R Engineering Co., Inc., C-DAC members discussed whether to include or exclude this equipment. Some members stated that it should be excluded because it is a “tool of the trade.” Other members stated that it should be included because it fits the type of equipment described in the scope, “power-operated equipment used in construction that can hoist, lower, and horizontally move a suspended load.” Still others were concerned that if it is not covered under Subpart N, it will not be specifically covered under another standard. It was estimated that there are approximately 500-700 units in service. Crew size per unit is typically about 8-10 workers.

Some C-DAC members are opposed to including this equipment in the standard. However, if the C-DAC decides to include hydraulic jacking systems, the organization of at least one member opposed to its inclusion offered to develop a draft section on that equipment and present it to the Committee for consideration.

The Committee deferred the decision on including or excluding gantry jacking systems until its discussion of gantry cranes.

Tractors

There were no objections to removing “tractors” from the list of exclusions.

§1410 – 14XX Erecting/Dismantling. Members agreed to change the title “Erecting/Dismantling” to “Assembly and Disassembly,” since that is the term that is more commonly used in the industry. C-DAC members discussed crane assembly and disassembly procedures. The key issues discussed included the person(s) responsible for overseeing crane assembly and disassembly; key hazards; and routine and complex conditions. C-DAC members reviewed drawings from the *Mobile Crane Manual*, published by the Construction Safety Association of Ontario. There was agreement that inclusion of illustrations in the standard would be helpful. The Committee will review the illustrations of hazards from the manual in detail at a later date.

Selection of Employer Procedures

With regard to the selection of employer procedures, the Committee agreed that where there is a specific manufacturer prohibition, the employer procedures must abide by that prohibition.

Person(s) Overseeing Crane Assembly and Disassembly: C-DAC members agreed that a competent and qualified person needs to oversee assembly and disassembly activities. These qualities would include both authority over the crew and the requisite expertise regarding assembly/disassembly. The Committee also agreed that these qualities need not be combined in one person, but that the oversight function could be performed by a combination of one qualified person and one competent person.

Key Hazards: C-DAC members reviewed the draft regulatory text related to hazards and agreed that rather than specify particular “means and methods” for crane assembly and disassembly, the standard should include a listing of hazards that the competent and qualified person would be responsible for addressing.

Routine/Complex Conditions: C-DAC members noted that there is no difference in the complexity of assembling and disassembling cranes except when that activity is performed in the air. The assembly and disassembly of a crane in the air increases the potential for accidents related to the center of gravity. Members preferred to add center

of gravity to the list of responsibilities of the competent person rather than creating a separate section for “complex” conditions.

§14XX Assembly/Disassembly: General Requirements

Components and configuration

The Committee agreed that this section needs to be tied-in to the section on equipment modification. Also, some members stated that there should be a post-assembly inspection/verification of the equipment to make sure that the configuration of the equipment is in accordance with the manufacturer.

§1411 Assembly/Disassembly – Employer Procedures – General Requirements

C-DAC members discussed who should develop the employer procedures and whether there should be a signature requirement. C-DAC agreed that the procedures should be developed by a qualified person but disagreed on whether someone should sign-off on them. The signature issue was tabled.

§1412 Operation – Procedures: C-DAC members discussed the operation procedures that employers must follow when manufacturer procedures are unavailable. The key issues discussed included who would develop the procedures, whether the procedures would be written and/or signed, the displaying of load capacity charts; and the displaying of special hazard warnings.

Sign-off on New Procedures: C-DAC members agreed that a qualified person needs to develop the procedures relating to the use of the equipment controls. However, the Committee agreed that operation procedures relating to structural aspects and load capacity need to be developed, documented and signed by a licensed professional engineer.

Displaying Load Charts: There was general agreement that load charts should be readily available in the cab of the crane. If the load charts are available electronically and the computer crashes, the crane operator would have to safely shut down unless there was already a back-up (such as a paper load chart) available.

Hazard Postings: Most C-DAC members agreed that if there were to be a requirement for special hazard warnings, it would be only for power lines. However, there was general agreement that this issue should be discussed when the Committee addresses the power line issue.

§1413 Signals: C-DAC members reviewed the draft regulatory text regarding signals. The key issues discussed included blind picks; signal requirements when the crane operator can see the load; standardization of signals; the stop/emergency stop signal; hands free devices; new signals; and elements of voice signals.

Blind picks: All agreed that signals should be required when an operator cannot see the load.

Signal requirements when the crane operator can see the load: C-DAC members discussed the need for signals at the start of the lift and to properly place the load. The challenge for the group was to capture, in regulatory language, the reality that crane operators often perform tasks without signals, such as when they are swinging the load.

Standardization of Signals: C-DAC members stated a preference for standardizing signals, but also agreed that when such signals are infeasible, the crane operator and signal person may agree on a non-standard signal. To clarify infeasibility, the regulations will include examples of when standard signals may be infeasible.

Stop/Emergency Stop Signal: C-DAC members clarified that though one person is authorized to give signals to the crane operator, anyone who becomes aware of a problem may give the stop or emergency stop signal and the crane operator must respond to it by safely stopping operations. This means that the crane operator must complete the tasks necessary to avoid hazards to workers, not that s/he must shut down all operations immediately. There was discussion on adding language that would make it mandatory for a person who becomes aware of a problem to give the stop signal.

Multiple Simultaneous Crane Functions: The Committee agreed to delete paragraph (j) because this is a typical part of the job and should not be treated differently.

Hands-Free Devices: The Committee discussed hands free devices and the limits of existing technologies. They agreed that hands free reception needs to be required for radio signaling.

New Signals: C-DAC members agreed that new technologies that do not fall under the categories of hand, voice, or visual signals may be used if they are as effective as the standard methods of signaling or where there is an industry consensus standard for the new signal.

Elements and Order of Voice Signals: The Committee agreed that the first element of voice signals should be function (such as hoist, boom, etc.), followed by: direction, distance/speed, and stop command.

Discussion of New Issues

Training and Qualification Requirements:

C-DAC members discussed requirements for crane operator qualifications. The key issues discussed included requirements for physical, written, and practical tests; testing by an accredited entity; varied requirements for different categories of cranes; state versus national requirements; and timing for introducing new qualification requirements.

Some C-DAC members stated that standardized crane operator qualifications will greatly contribute to worker safety and cited an Ontario study, which showed a significant decrease in fatalities after crane operator qualification requirements were introduced.

The discussion began with a presentation by Graham Brent, Executive Director of the National Commission for the Certification of Crane Operators (which he refers to as "CCO"). He spoke about CCO's crane operator testing program, which includes physical, written, and practical tests. The written exam is developed according to the Standards for Educational and Psychological Testing and is conducted by CCO, which is accredited to do so by the National Commission For Certifying Agencies. To maintain certification, crane operators must pass a written exam every 5 years. Certification is granted for the following crane categories: 1) below 17.5 ton telescoping boom; 2) above 17.5 ton telescoping boom; 3) lattice boom crawler; and 4) lattice boom truck.

Additionally, Mr. Brent explained that there were approximately 30-35 CCO written test administrations administered per month in the United States. The passage rate for CCO certification of non-specialist crane operators is 80%; it is 50-60% for specialist certification. The cost for obtaining a CCO certification depends on the type of crane, and ranges up to \$275.

Mr. Brent also stated that some states have passed laws requiring crane operator certification to operate in their states.

Physical Examination: CDAC members agreed that physical exams should be required every 3 years, which is in accordance with B30 standards. It was stated that mobile crane operators (driving cranes over the road) are required by the Department of Transportation to get physical exams every two years. The U.S. Army Corps of Engineers also requires a physical every two years.

Written Tests: C-DAC members generally agreed that crane operators should be required to pass a written test that is "valid and reliable" prior to operating a crane and every 5 years thereafter. There was disagreement about how to ensure that a test is "valid and reliable" test. There was discussion about whether the test should be developed according to Standards for Educational and Psychological Testing and conducted by accredited entities versus allowing employers to determine how to test his/her operators.

Practical Test: All agreed that crane operators should be required to pass practical exams prior to operating cranes.

Varied Requirements for Different Types of Cranes: Both the CCO and New York City models have different qualification requirements for different categories of cranes. C-DAC members agreed that the OSHA standard should also reflect such differences though there will be further discussion on how to classify cranes for qualifications.

State Versus National Crane Operator Certification: Many C-DAC members stated that there is a need for national crane operator qualifications, in part, because of the trend toward state licensing. They raised the concern that if the current trend continues, employers will need to obtain multiple state licenses, with different requirements and fees. Others argued that there is a need to preserve the ability of state/local jurisdictions to certify crane operators.

Timing for Introducing New Qualifications Requirements: All agreed that there would need to be a significant amount of lead-time for instituting any new requirements for crane operator certification. In addition, there was discussion about phasing-in crane operators with significant experience on particular pieces of equipment or with current state/local licenses.

Public Comment

Jim Brown of AGC Indiana discussed the issue of responsibility for site/ground conditions and stated that Subpart R should not be used as a model for this because there is too much ambiguity in that provision. He suggested the use of Appendices, site erection plans, or other tools for clarification in the new standard.

William Mott of Hunt Construction spoke about the issue of the “controlling employer” and the difficulties in being responsible for other employers’ employees.

Barry Epperson of the Associated Wire Rope Fabricators offered his association’s assistance, as needed, to C-DAC.

Patrick Conroy of the Council on Certification for Environmental Health and Safety technicians spoke about Hawaii’s difficult experience in certifying crane operators. Based on Hawaii’s experience, Mr. Conroy urged C-DAC to create a federal standard for crane operator certification. He also described the process for establishing a legally defensible, psychometric certification exam. He also discussed the potential conflicts of interest if certification entities were also permitted to provide training.

Norm Hoffman of Bechtel Construction, spoke in favor of a national certification standard to enable his company’s crane operators to work nationwide without needing to obtain licenses in each state. He said that Bechtel currently trains in-house or uses the CCO certification. They require subcontractors to use CCO-certified crane operators or, where operators with CCO certification are not available, to document that their operators meet B-30.5 qualifications.

Kevin Johnston of J&R Engineering Co., Inc., recommended against including gantry jacking systems in the crane standard and answered many questions from the Committee on the operations of such systems. He stated that there currently is no industry consensus standard for this type of equipment.

Hugh Pratt of Insulatus, Inc., suggested that the Committee encourage production of radios that allow two-way, non-interrupted communication between a crane operator and signal person.

Logistics

Meeting Dates/Locations: OSHA has not yet confirmed Las Vegas as the location for the January meeting. C-DAC members will be notified as soon as the meeting location is determined.

Power Industry Representative: OSHA is continuing to work to identify and appoint a new C-DAC member to represent the interests of the power industry.

Next Steps

Documents: The September 3-5 meeting summary will be revised as discussed and distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the November meeting.

Panels: The Committee is continuing to invite participants for a panel on dedicated pile drivers and another for cranes on barges. People with recommendations for those panels should send them to OSHA by October 10, 2003.

Conference call on Section 1411: Assembly of cranes: To be held on Monday, October 20, 11:00-1:00 EDT.

Revised Regulatory Text: OSHA will distribute revised regulatory text prior to the next meeting.

Illustrations of Assembly/Disassembly Hazards: will be distributed electronically to C-DAC members.

C-DAC Attendance – October 1-3, 2003

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent

Dale Shoemaker, Carpenters International Training Center
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors

Meeting 4 Summary
November 2003

**U.S. Department of Labor
Occupational Safety and Health Administration**

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – November 5-7, 2003

Agenda Review

C-DAC members reviewed and accepted the November meeting agenda.

Review and Approve October 1-3 Meeting Summary

C-DAC members reviewed the October 1-3 draft meeting summary and made editorial changes. It was approved as final and will be available through the OSHA docket.

New Committee Member

B.H. Zettler of OSHA introduced new C-DAC committee member, Mr. Wallace Vega, III, Director of Utility Group Safety, Entergy Corporation, Inc., who will represent the interests of the electric power distribution line owners.

Panel on Drill Rigs

Members of the ADSC: International Association of Foundation Drilling provided C-DAC with a panel presentation on the characteristics and hazards associated with “drill rigs,” equipment designed for drilling shafts. Presenting were: S. Scot Litke, Executive Director of ADSC: International Association of Foundation Drilling; William Maher, Vice President of McKinney Drilling Company; Thomas Myers, Chairman of ADSC Drill Rig Safety Task Force, President of Davey Drill Division, Davey Kent, Inc.; and Richard Marshall, ADSC Safety Director, Safety Director of Richard Goettle, Inc. The panelists recommended against including “drill rigs” in the standard because of their limited horizontal movement, radius, and hoisting capabilities, the lack of applicable load charts, and because they are designed to function as excavating equipment, not hoisting equipment. In addition, the panel is concerned that the equipment’s inclusion in Subpart N would encourage inappropriate use of drill rigs.

Review of Draft Regulatory Text

C-DAC members reviewed the draft regulatory text, some of which reflected discussions of the October 1-3 meeting and its October 20 conference call. Draft text discussed included scope; assembly and disassembly; operation procedures; authority to stop operation; and inspections.

§1400 Scope: C-DAC members discussed whether to include drilling rigs under the standard. Some members want to exclude drill rigs because of their limited horizontal movement and hoisting capacity (they have no load chart) and because inclusion in the “crane regs” could lead to increased use of drill rigs for

hoisting. Others thought drill rigs should be included because they may be used for hoisting. It was also suggested that they might be included for the purpose of prohibiting their use as cranes beyond manufacturer's specifications. The Committee deferred its decision on inclusion or exclusion of drill rigs pending a full discussion of similar equipment such as dedicated pile drivers.

§1410 – 14XX Assembly and Disassembly: The key issues discussed included crew instructions; crane movements; working under the boom; addressing specific hazards; secondary braking devices; components and configuration; manufacturer prohibitions; additional requirements for assembly / disassembly of booms and jibs; and employer procedures.

Crew instructions: C-DAC members discussed whether the competent-qualified person should instruct all assembly / disassembly crewmembers on all related hazards or only those associated with each crewmember's specific tasks. Most members supported a pre-shift meeting to identify assembly / disassembly hazards as well as instruction on specific hazards. The draft regulatory text will be modified to address the concern that tasks may change and crewmembers may be added during crane assembly or disassembly.

Unexpected crane movements: C-DAC members discussed the need for crane operators to warn employees prior to crane movements when neither the crane operator nor the signal person can see where they are. C-DAC members discussed what an operator is required to do before making an unexpected crane movement. It was decided that the operator will sound a warning before making a movement when s/he has been notified that an employee is or will be in the cab, or behind, on, or under the crane. C-DAC also considered who should be responsible for signaling the operator – a signal person or the actual employee in the dangerous position.

Working under the boom: C-DAC members agreed to restrict employees from working under the boom except in certain situations.

Addressing specific hazards: This section lists the hazards that competent and qualified persons must address for assembly and disassembly operations. Key hazards discussed included: site and ground bearing conditions, calculating assist crane loads, lattice boom and jib pick points, center of gravity, snagging, stability upon pin release, loss of backward stability, wind velocity, capacity limits, secondary braking devices, and components and configurations. Except as noted below, C-DAC reviewed the draft regulatory text on the topics set forth above, with few or no changes.

Site and Ground Bearing Conditions: C-DAC members discussed what adequate site and ground bearing conditions are, and the section on sites in Subpart R, which requires the controlling contractor to ensure adequate access roads.

Secondary Braking Device: C-DAC members discussed the use of a secondary boom hoist brake to avoid a crushing hazard when the boom is stationary. Some members expressed concern about the secondary brake interfering with assembly, for example, when lining up components prior to inserting pins. To minimize this concern, draft regulatory text was modified so that secondary brake activation is limited to those times when the boom is being held for an extended period of time.

Components and Configuration: C-DAC members agreed that when manufacturer's specifications for equipment configuration are not available, registered professional engineers should be required to document their approval of the equipment configuration. C-DAC discussed the Paperwork Reduction Act as a possible impediment to requiring documentation.

§1411 Assembly/Disassembly -- Employer Procedures – General

Requirements: C-DAC members suggested that it was not necessary to document those employer procedures for assembly / disassembly that are developed by a qualified person and differ from manufacturer specifications.

§14XX Assembly/Disassembly -- Employer Procedures – Additional

Requirements for operations in the air: C-DAC members agreed to remove this section as all elements of it are covered in §1411 General Requirements.

§1412 Operation – Procedures: C-DAC members agreed that when manufacturer procedures are unavailable, a qualified person shall create procedures for operational controls, such as levers, switches, and pedals.

In addition, hazard warnings concerning electrical power lines will be required on all sides of the crane and in the cab in view of the operator. It was agreed that the section on "Postings" will be moved to the power line provisions.

§14XX Authority to stop operation: C-DAC members discussed operator authority to stop operation if a safety hazard exists. The key outstanding issue concerns who has the authority to determine when safety has been assured so that crane operations can resume. Concerns were raised regarding the potential for disputes between an operator and a qualified person over the continued existence of a safety hazard.

§14XX Inspections: C-DAC members reviewed draft regulatory text for inspections. The key issues discussed included inspection of new, modified, and repaired equipment; post-assembly inspections; pre-shift inspections; monthly inspections; annual / periodic inspections; and inspection of equipment not in regular use.

Inspection of new, modified, and repaired equipment: C-DAC members discussed the need to inspect and test equipment only after major adjustments

and major repairs. C-DAC members suggested using B30.5-2000 as a resource for defining and giving examples of adjustments and repairs.

Post-assembly inspections: A qualified person will perform post assembly inspections.

Pre-shift inspections: The pre-shift inspection is performed by a competent person and is designed to identify equipment deficiencies through observation, and disassembly or removal of parts will not be required. C-DAC members reviewed and revised the minimum list of elements that comprise the pre-shift inspection.

Monthly inspections: The monthly inspection is a documented pre-shift inspection conducted by a competent person once per month. It was agreed that such documentation will include the name of the person performing the inspection to increase accountability, but will not require a signature, to avoid the potential problem of refusal to sign. C-DAC members agreed that documentation for this inspection would be retained for three months.

Annual/periodic inspections: Annual inspections will be performed and documented at least every 12 months by a qualified person. The inspection report will include a list of any deficiencies found, corrective actions taken, and the date corrective action is completed. Only the most recent report will be required to be kept on file. C-DAC members discussed the advantages and disadvantages of internal and independent inspectors.

After a review of the elements to be inspected during the annual/periodic inspection, C-DAC members discussed adding numerous other items including windows, horns, heater, proper ventilation, electrical components and wiring, mirrors, fire extinguishers, back up alarms, pumps and motors, hydraulic and pneumatic valves, wear pads/ slider pads, outrigger pads/floats, operator's seat, steps and ladders, handrails, guards, and decals. This list will be reviewed to ensure that the annual/periodic inspection focuses on those elements that will ensure worker safety.

Heavy Service: C-DAC members considered more frequent inspections for heavy service, but most stated that cranes are built specifically for uses such as operating at load capacity or number of lift cycles per hour. Some Committee members proposed deleting this section because they expect problems due to heavy use will be identified in the pre-shift, monthly, and annual/periodic inspections.

Severe Service: C-DAC members discussed cracks and excessive wear in structural components that could be caused by use in extreme temperatures or in a corrosive environment. Some members suggested including cracks and corrosion in the elements of the pre-shift inspection.

Inspection of equipment not in regular use: The first inspection after equipment has been idle for more than 1 month, but less than 6 months will be the monthly inspection to ensure that employers have up-to-date documented monthly inspection reports on the crane. Except as noted, monthly inspections will not be required for idled equipment. C-DAC members deleted the provision on stand-by cranes from the draft regulatory text.

Discussion of New Issues

C-DAC discussed numerous issues for the first time including hoisting personnel, maintenance and repair qualifications, fall protection, guarding, and work zone control.

Hoisting Personnel: C-DAC members reviewed §1926.550(g), the existing regulations for suspended personnel platforms used on cranes and derricks. The key issues discussed included shut-down and two-blocking devices; wind conditions; attachments to boom; travel while hoisting personnel; non-locking hooks; pre-shift trials and meetings; and suspension of loads.

Automatic shut-down and two-blocking devices: C-DAC members discussed requiring automatic shut-down and two-blocking devices when hoisting personnel. Some Committee members were concerned that free fall could occur on friction cranes, and therefore, discussed requiring automatic shutdown devices on all cranes, including retrofitting older models. Some felt that there was not enough information about this hazard to require retrofitting. OSHA will try to locate its letter of interpretation regarding freefall prohibition.

Wind conditions: C-DAC members agreed to regulate maximum wind speeds for hoisting personnel and agreed that personnel platforms should not be used in winds in excess of 20mph.

Attachments to boom: C-DAC members discussed the use of personnel platforms or baskets attached directly to the boom, which are not currently regulated. The Committee is considering whether or not to regulate their use. Some Committee members are concerned that such platforms allow no flexibility of movement, are often out of the operator's view, and make it harder to lower and exit personnel in an emergency. Others recognized their frequent use and the ease with which they can be mounted on the end of a boom. The Committee will continue discussion of this issue at a future meeting.

Travel while hoisting personnel: C-DAC members discussed the conditions under which to allow cranes to travel with personnel platforms. C-DAC considered restricting movement to "crawler" cranes. The Committee decided to revisit the current regulations, which allow tire cranes to travel while hoisting

personnel in some circumstances and requires trial runs immediately prior to hoisting personnel while traveling.

Non-locking hooks: C-DAC members discussed whether spring-loaded hooks could be used with a master link in hoisting personnel, and whether a personnel basket with a master link could potentially fall out of a spring-loaded hook. The Committee decided to clarify that either a locking hook or a shackle must always be used when hoisting personnel.

Pre-shift trials and meetings: Trial lifts of personnel platforms should occur prior to each shift, whenever the crane is moved to a new position, and when the crane will travel while hoisting personnel. In addition, most Committee members supported requiring pre-shift meetings to discuss anticipated personnel lifts.

Suspension of loads: C-DAC members agreed that loads should not be attached to or suspended from personnel platforms. In addition, the personnel platform itself should generally not be used to hoist materials. Ultimately, C-DAC members decided that the current regulation was sufficient.

Maintenance and Repair Qualifications: C-DAC members reviewed the section on maintenance and repair worker qualifications in the Draft Crane Work Group Report. The Committee discussed a requirement that the employer ensure that maintenance and repairs are done by a “qualified person,” who is qualified to work on the particular type of equipment and to perform the particular task. Committee members agreed that “qualified persons” may include those who learn on the job.

Fall protection: C-DAC members identified key slipping and fall hazards such as ladders, steps, non-skid surfaces used for access to the operator station, and harnesses and lanyards that can get tangled. They also stated that slipping and falling hazards are most likely to occur when moving on the top of booms, going up gantries, during the assembly/ disassembly of gantries on luffers, and while getting in and out of cabs. Some Committee members thought the fall protection regulations should not apply to assembly/ disassembly because crew members normally do not typically tie off during these processes.

The Committee discussed writing new regulations to allow for catwalks on booms. OSHA will review European DIN standards regarding the use of catwalks. Some members commented that adding catwalks could increase the weight of the boom and therefore, reduce capacity. The Committee also discussed fall protection anchors and questioned whether they might be required for new equipment only.

Guarding: C-DAC members discussed and will review current regulations and AMSE standards for maximum opening size for guards, weight-bearing capacity, and other specifications.

Work Zone Control: C-DAC members agreed to rename this section in order to avoid confusion with road construction issues. One suggestion was “critical work area.” The key associated hazards are being struck and crushing. The Committee discussed the use of barriers mounted on outriggers to prevent people from entering the work zone. Supporters of mounted barriers stated that this is an easy way to prevent accidents, potentially including the risk of electrocution of people standing near cranes. In situations where the mounted barriers cannot be used, for example, because of a tight work space, a signal person could be required to warn personnel of hazards. Some Committee members stated that the barriers do not protect against a crushing hazard from counter weights, which often swing beyond the barrier perimeter.

Questions remain regarding whether the signal person would only watch the pinch points; who is responsible if an employee violates the barricade; and situations when barricading is impractical or impossible.

Public Comment

Larry Brumbaugh of Hunt Construction stated that the user, not the general contractor, should be responsible for site and ground conditions, given that general contractors rely on an operator’s judgment to determine appropriate site and ground bearing conditions. He also suggested a written work plan and measurable, enforceable documentation.

Jim Brown of AGC Indiana said that it would not be reasonable for the Department of Labor to define “adequate” as it applies to site and ground bearing conditions and also felt that the user should bear responsibility for site conditions. He suggested inclusion of an appendix in the regulations to help crane users decide the adequacy of site conditions.

Lewis Williams of the North Carolina Department of Transportation (NC DOT) spoke about a range of issues including the scarcity of qualified persons in small companies and NC DOT; the need for Subpart N terminology to be parallel to Subpart R to reduce confusion; the benefits of in-house mechanics rather than third parties for annual inspections; the usefulness of man-baskets pinned directly to the boom; and the need to write a standard that will not deter future innovation.

Hugh Pratt of Insulatus, Inc., discussed operator training practices in the United Kingdom and distributed copies of a British crane operators’ manual.

Logistics

Meeting Dates/Locations: C-DAC will hold its January meeting in Las Vegas, at the Carpenters International Training Center, 6801 Placid Street, Las Vegas, NV. This meeting will start at 1:00pm on Monday, January 5th and end at 4:30pm on Wednesday, January 7th. Lodging information will be provided prior to the meeting.

Next Steps

Documents: The October 5-7 meeting summary will be revised as discussed and distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the December meeting.

Scheduling of additional issues: C-DAC members have scheduled discussions of the following additional issues to accommodate members of the public that want to be present for particular issues. Additional issues are likely to be discussed at these meetings as well.

December: Wire Rope; Environmental Considerations & Site Conditions, Ground Conditions; Work Zone Control (access & egress); Overhead & Gantry Cranes; Hoisting Personnel (if experts are available to attend).

January: Operating Near Power Lines

February: Verification criteria for the structural adequacy of crane components; Cranes on barges

Panels: OSHA is continuing to invite participants for panels on dedicated pile drivers and cranes on barges.

Conference Call Work Group on Assembly of Crane Attachments: To be held on Monday, November 17, 1:00 - 3:00pm EST. The call-in number information will be emailed to C-DAC work group members prior to the call.

C-DAC Attendance – November 5-7, 2003

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
Dale Shoemaker, Carpenters International Training Center
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors

Meeting 5 Summary
December 2003

**U. S. Department of Labor
Occupational Safety and Health Administration**

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – December 3-5, 2003

Agenda Review

C-DAC members reviewed and accepted the December meeting agenda.

Review and Approve November 5-7 Meeting Summary

C-DAC members reviewed the November 5-7 draft meeting summary and made two minor editorial changes. It was approved as final and will be available through the OSHA docket.

Review Issues Update and Schedule

C-DAC members reviewed a list of issues that included new issues to be discussed; issues discussed and draft regulatory text reviewed; and issues discussed and regulatory text not reviewed. The Committee set a tentative goal of discussing all the new issues by the end of the February meeting so that at the March meeting, C-DAC may have draft regulatory text for all issues and might begin to finalize each section of the standard.

Presentation on Crane Fatality Statistics

Dr. Richard Rinehart, CIH, ScD, Epidemiologist, OSHA-Directorate of Construction, gave a presentation on crane fatality statistics in the construction industry from OSHA and the Bureau of Labor Statistics (BLS). OSHA and BLS statistics indicated the greatest number of crane-related fatalities occurred as a result of contact with objects. In the data he presented, electrocutions were the second greatest cause of crane-related fatalities. Other statistics reflected the number of fatalities relative to the activity of the victim, the type of industry, and the size of the employer. A copy of Dr. Rinehart's PowerPoint presentation will be distributed to C-DAC members.

Discussion of New Issues

C-DAC discussed several issues for the first time including Environmental Considerations and Site Conditions, Ground Conditions; Work Zone Control; Wire Rope; and Overhead and Gantry Cranes.

Environmental Considerations and Site Conditions, Ground Conditions

C-DAC members reviewed text from Section 1926.752(c) of Subpart R. The key issues discussed were: the party responsible for ground conditions, and the adequacy of certain measures that affect site and ground conditions.

Responsibility for ground conditions: C-DAC members discussed the Subpart R concept of the "controlling contractor" as the party responsible for providing

adequate site conditions. Some Committee members stated that there has been a marked improvement since Subpart R became law. They added that crane operators do not have access, for example, to dirt moving equipment to create adequate ground conditions for the crane.

Other Committee members suggested that a crane operator could refuse to set up a crane if the site conditions are unsafe. In response, some C-DAC members noted that such a refusal could result in termination and no improvement in site conditions for a safer subsequent crane operation. In addition, a concern was raised regarding who the “controlling contractor” is in situations of multiple prime contractors. A Committee member will work with his constituents to develop a proposal for the situation of multiple primes.

Site access and ground conditions: C-DAC members discussed questions regarding what would be considered adequate and decided to add text to allow for the use of mats and cribbing to create adequate site conditions. The Committee noted that in some areas, such as wetlands or marshes, legal requirements might preclude draining a site. An additional issue that will require further discussion concerned sites for which construction site boundaries could not be clearly defined.

Underground voids: The Committee discussed the need for identification of known underground voids such as sewer lines, power lines, and abandoned dumps, and the transmission of such information.

Work Zone Control (access and egress)

C-DAC members discussed controlling access to crane work zones with some emphasis on protecting the area around traveling cranes and the potential hazards associated with the operation of multiple cranes within reach of each other.

Controlling access to crane work zone: C-DAC members discussed key hazards of working in the immediate vicinity of a crane, including load and pinch point areas. The Committee discussed B 30 language that limits cab access to authorized individuals, and the barricading of the crane work zone around the outriggers and front bumpers to protect employees from pinch point, crushing, and struck-by hazards. Additional discussion is required concerning counter weights, including those in the air, which swing beyond the barricade. Possible solutions suggested included alarms and visual warnings, such as blinking lights or striped paint. Additional work zone control strategies discussed included pre-planning overhead hoisting for multiple cranes operating on a site and moving loads via pathways of least intermittent exposure.

Traveling cranes: C-DAC members discussed how to protect the area near a crane as it moves. Some members thought these situations posed less risk than

when the crane is stationery because employees are less likely to approach a moving crane. The Committee discussed requiring a signal person to walk with a moving crane to deter employees from approaching hazardous areas.

Multiple crane activities: Committee members stated that collisions among multiple cranes in a work zone have been avoided through the use of radios, pre-planning meetings, and swing stops. Some C-DAC members raised concerns about cranes entering the site without notice and planning, which led to a suggestion to require pre-planning meetings for sites using multiple cranes.

Wire Rope

C-DAC members reviewed draft text for wire rope including general requirements, inspection, replacement, and maintenance. Committee members grappled with the question of the level of wire rope detail appropriate for the crane and derrick standards.

General Requirements: In cases where a crane or wire rope manufacturers' requirements are different from those set out in the standard, the employer will be required to comply with manufacturer specifications.

Inspection: C-DAC members decided to include wire rope inspection requirements in the Inspections Section of the standard and to include much of the detail provided in the draft wire rope text in a non-mandatory appendix. After some discussion, the Committee agreed to mirror for wire rope, the pre-shift, monthly, annual/periodic, and idle equipment crane inspection requirements. In addition, the Committee agreed that the qualifications of the person doing the inspection of the wire rope would be the same as in the general inspection.

Pre-shift/Monthly inspections: C-DAC members discussed current practices of visually inspecting wire rope and raised concerns about requirements for pre-shift visual inspections of wire rope, which would require booming down. For jobs where, for a long period of time, the crane can not be boomed down, some suggested requiring new or like new wire rope at the start of the job. In addition, some stated that employees visually inspect wire rope for problems throughout a shift and check potential problems as they appear.

C-DAC members developed a list of deficiencies to inspect for on a pre-shift and monthly basis to reflect conditions that could be visually identified without booming down or partially disassembling the crane.

Annual/Periodic inspections: C-DAC members discussed a requirement to inspect all wire ropes, including those typically hidden or inaccessible for visual inspection during pre-shift inspections.

Written records: C-DAC members discussed who should be responsible for keeping written records of wire rope inspections. Some members were concerned that in rental situations, it is unclear whether the crane rental company or the renter is responsible for these records. OSHA explained that the entity that controls the detailed performance of the crane operator is the “employer” and therefore, it would be responsible for keeping these records. The Committee will work to clarify this concept and its application to rental situations in the regulation. C-DAC members decided that monthly wire rope inspection records shall be retained for three months. A Committee member suggested that an employer should only have to retain the records that it generates.

Wire Rope Replacement: C-DAC members discussed the time frame within which an employer would have to take action to replace a wire rope that showed signs of deficiency; the deficiencies that would necessitate a rope replacement; and the selection of, and in some instances, approval required for replacement of wire rope.

Action: The key issue discussed was the time frame for rope replacement once a deficiency has been identified. The Committee examined the current B30 standard which states that wire rope may be replaced at the end of the work shift based upon the determination of a qualified person; but such replacement shall not occur later than the beginning of the next work shift.

Some C-DAC members stated that this was overly conservative given that wire rope tests have indicated significant additional life to a wire rope after it meets the deficiency criteria. They also stated that it takes time to order replacement ropes and that given the number of wire ropes required for a fleet of cranes and the cost of wire rope, it is not typical business practice to warehouse all the necessary wire ropes. Suggestions were made to allow time for ordering and receiving replacement ropes once a deficiency was identified, which lead to enforceability questions. However, some members expressed concern with changing manufacturer removal criteria. Other members expressed concern about allowing a deficient rope to be used at all after the deficiency was identified.

Criteria: C-DAC members discussed the draft list of deficiencies that would necessitate replacing wire rope. Committee members agreed to add an additional requirement that any wire rope that comes into contact with power lines must be replaced. In addition, the Committee discussed questions about different replacement criteria for rope running on non-steel sheaves and drums.

Selection: There was a debate about what approval would be necessary when selecting a wire rope replacement, which deviates from the original’s size, grade, or construction. The options include the crane manufacturer, the wire rope manufacturer or an approval through the modifications section of the standard.

Some Committee members suggested that it could be difficult to get a timely approval for a wire rope from a crane manufacturer and stated that they currently rely on wire rope manufacturers. The Committee discussed the possibility of requiring approval from the crane manufacturer within a certain time frame, and then providing alternative requirements if the crane manufacturer did not respond within that time frame. C-DAC members also discussed the possibility of requiring crane manufacturer approval only for deviations in boom hoist ropes. Some Committee members will discuss this issue prior to the next meeting to develop a proposal.

Disposal: C-DAC members tentatively decided that it was not necessary to regulate disposal of deficient wire rope.

Maintenance: C-DAC members agreed to refer to manufacturer recommendations for wire rope maintenance.

Overhead & Gantry Cranes

C-DAC members discussed the unique characteristics of overhead and gantry cranes to determine if additional items need to be addressed in the crane standard. The Committee discussed the possibility of referring to the General Industry 1910 standard for these types of cranes. It will review the 1910 standard and examples of overhead and gantry crane inspection checklists used by industry. C-DAC members will consider whether or not to include hydraulic jacking systems in this standard after reviewing the 1910 standard. The Committee discussed the possibility of excluding hydraulic jacking systems if the industry creates a consensus standard.

Report on U.S. Department of Commerce/ASME Meeting

Russell B. Swanson, Director, Directorate of Construction, OSHA, reported on a meeting attended by the U.S. Department of Commerce (National Institute for Standards and Technology), OSHA, and the American Society of Mechanical Engineers (ASME), concerning ASME's desire that the Agency incorporate ASME B30 standards by reference rather than drafting regulatory language. He noted that OSHA does not plan to preclude the use of the B30 standards; however, he emphasized several points that might conflict with their incorporation by reference: 1) the Agency's focus on the user/employer; 2) the government's preference for use of plain language; 3) enforceability issues associated with B30's use of "should;" and 4) the government's interest in providing the public with easy access to regulations (requirements are set forth in the text, rather than incorporated by reference).

Public Comment

Lewis Williams of the North Carolina Department of Transportation (NC DOT) discussed crane operator qualifications; the use of personnel platforms that attach to boom tips; and the need to prevent employees from working under suspended loads. In addition, he stated that in NC, operator error and not equipment failure is the greatest cause of accidents.

Sean Grieve of PAT America, Inc., conducted a presentation on existing crane operator aids designed to increase efficiency and safety, such as anti-two block devices, load movement indicators, working area limiters, outrigger monitoring systems and power line avoidance technologies. He also discussed possible future technologies.

Tom Chamberlain of Northrop Grumman-Newport News Shipbuilding stated that he is not aware of any wire rope-related accidents in any of the 600 cranes his company operates, and suggested that the Committee was getting too detailed in its wire rope requirements. He suggested that the standard simply refer to manufacturer requirements. In addition, he reiterated a request that a general industry representative be added to C-DAC because the Committee's decisions may ultimately affect general industry crane use.

Logistics

Meeting Dates/Locations: C-DAC will hold its January meeting in Las Vegas, at the Carpenters International Training Center, 6801 Placid Street, Las Vegas, NV. The meeting will begin at 1:00 pm on Monday, January 5th and conclude at 4:30 pm on Wednesday, January 7th. OSHA has reserved a room block for C-DAC members at the MGM Grand Hotel. Committee members should call the hotel at 1-877-313-5757 to confirm their rooms.

Next Steps

Documents: The November 5-7 meeting summary will be revised as discussed and distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the January meeting.

Scheduling of additional issues: C-DAC members have scheduled discussions of the following additional issues to accommodate members of the public that want to be present for particular issues. Additional issues are likely to be discussed at these meetings as well.

January: Operating Near Power Lines and Safety devices related to power lines.

February: Verification criteria for the structural adequacy of crane components; Cranes on barges; and Safety devices (excluding those related to power lines).

Panels: OSHA is continuing to invite participants for panels on dedicated pile drivers and cranes on barges.

C-DAC Attendance – December 3-5, 2003

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
William Smith, Maxim Crane Works
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Dale Shoemaker, Carpenters International Training Center
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)

Meeting 6 Summary
January 2004

**U.S. Department of Labor
Occupational Safety and Health Administration**

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – January 5-7, 2004

Agenda Review

C-DAC members reviewed and accepted the January meeting agenda.

Review and Approve December 3-5 Meeting Summary

C-DAC members reviewed the December 3-5 draft meeting summary and made two editorial changes. It was approved as final and will be available through the OSHA docket.

Welcome by the United Brotherhood of Carpenters and Joiners of America

William Irwin, Executive Director of the Carpenters International Training Fund, welcomed the Committee to the UBC International Training Center.

Discussion of New Issues

C-DAC discussed the following new issues: Operating Near Power Lines; Safety Devices related to Operating Near Power Lines; and Derricks.

Operating Near Power Lines

C-DAC members discussed a range of strategies for protecting workers operating near power lines including strategies to: 1) Eliminate the Hazard; 2) Avoid the Hazard, including identifying and understanding the hazard, controlling crane movement near the prohibited area, warning systems, improving visibility of the power lines, and improving visibility of the prohibited area around the power line; and 3) Protect Against Injury from Contact. In addition, the Committee discussed problems that contribute to electrocution accidents; possible approaches for the standard, and reached an agreement in concept for addressing the issue of operating cranes near power lines.

Protecting workers operating near power lines: Below is the list of strategies identified by C-DAC members.

ELIMINATE HAZARD

- De-energize and ground power lines
- Re-route power lines for long-term jobs

AVOID HAZARD

Identify and understand hazard

- Pre-planning meetings
 - Advanced site planning - walk the site, meet with power company to identify potential hazards, voltage of power lines, possibilities for moving, grounding, de-energizing, insulating and marking, etc. of the lines
 - Require power company to respond to crane operator requests for advanced planning meetings (already required by some states)
 - Require pre-lift meeting and pre-lift trial whenever crane may get close to prohibited area
 - Hazard analysis
- Require close-proximity permit process when work must be done in “trigger zone”
- Crane Operator Training
 - Including aids that show operators what happens with different levels of power lines, for example, in railroad industry
- Crew Training or Crew Awareness
- Require set policy and procedure for operating near power lines
- Accountability of crane operator, supervisors through a “zero tolerance policy” where an accident leads to termination of person responsible
- Decals on crane
- Require controlling contractor to take responsibility for pre-planning– as part of responsibility to provide adequate site conditions
- Strike alarm recorder (incentive for operator to avoid contact)
- Survey information on location and height of power lines
- Use of GPS systems to identify location of power lines
- Maintain absolute clearance for crane with boom fully extended

Control crane movement near the prohibited area

- Maintain clearance of specified distance (currently 10 ft, perhaps increase)
- Barricade area near power lines
- Restrict crane operations to pre-determined safe zone
- Swing limitation device (more complicated for mobile cranes, but still possible)
- Safety buffer area surrounding the prohibited area – entry into the safety buffer area would trigger additional precautions

Warning systems

- Range control
- Audio proximity alarms
- “Banger beams” – rope placed in front of power lines, which gets hit first
- Signal person
- Dedicated spotter
- Strobe lights – lights that are activated when ropes in front of power lines are struck

Improve visibility of the power lines

- Marking/signage of power lines – for example, using engineers' tape
- Tag the lines
- Erect signs (35-40 feet) in front of power line that signals the hazard

Improve visibility of the prohibited area around the power line

- Mark the prohibited distance on the ground
- Accurately measure distance from power line – for example, using sonar
- Lay out caution tape at 150% of the safe distance from the power line

PROTECT AGAINST INJURY FROM CONTACT

- Insulating links
- Other insulation/ non-conductive rigging between hook and load
- Isolate the load using non-conductive tag lines
- Barricade around crane (keep employee from touching crane)
- Ground the crane
- Insulate/Blanket the line – to keep crane from actually touching line

Problems that contribute to electrocution accidents: C-DAC members discussed the problems that contribute to electrocution accidents. Below is the list of contributing factors identified by C-DAC members.

- Pressure on operator to “push the envelope” on distance from power line
- Operator doesn't know the line is there
- Operator knows the line is there but forgets or can't see it (blends into background, early evening)
- Operator knows the line is there and can see it but can't judge the distance correctly
- Not enough time before start of job to do pre-planning or to walk the site
- No one working near crane knows how many volts are going through the line
- Power companies are not cooperative
- Operator complacency and lack of awareness
- Human error is inevitable
- Increased use of engineering controls could lead to decreased operator awareness and attention to hazards
- Failure to use a spotter
- Contractor-installed temporary power lines
- Concerns about the cost of precautions
- Operation under the lines to pick up load (which may be under lines or on other side)
- Storing material near power lines (because this is a non-operating zone)
- Unexpected boom movement / boom “drift”

Possible approaches for the standard: In discussions, C-DAC members identified some possible approaches for framing the regulation of crane operations near power lines. These options included:

- Require multiple levels of protection
- Keep standard relative to power lines as is, and focus on increasing compliance through enforcement and training
- Modify existing OSHA regulations to be consistent with B30.5 2000
- List some possible safety devices in the standard as either options or requirements
- Require strategies to address the various components of the problem
- Increase the table values for triggering regulatory requirements

Agreement in Concept

Ultimately, C-DAC members agreed in concept to identify different risk zones and to require different safety strategies within each zone. For purposes of discussion, the Committee referred to red, yellow, and green zones. The “red zone” will encompass an area that includes the power line and extends some specified distance out from the power line. The “red zone,” the area of greatest risk of contact with a power line, will require multiple safety strategies. The “yellow zone” will identify the area outside the red zone within which there is risk of a part of the crane or load breaching the red zone. Once in this zone, an employer will choose from a menu of safety strategies to deal with power line hazards. The “green zone” will identify the area within which there is no risk of crane contact with a power line. The Committee considered several options for the size of each zone, and will work to determine the parameters of each.

In all instances, the regulations will require an initial determination of the proximity of power lines to crane activity. Once the location of power lines is determined, if the crane’s fully-extended boom and, possibly luffing jib, if applicable, breach the green zone thereby entering the yellow or red zone, the voltage of the power line must be determined and additional safety strategies will be triggered.

Safety strategies for working in the “red zone”: The safety strategies required when working in the red zone, except when a qualified person has determined that following them would create a greater safety hazard, will include:

- 1) **Pre-planning meeting** with power line owners to determine if the hazard can be eliminated, that is, the power lines de-energized or re-routed. If this is infeasible, then the meeting will lead to procedures to enhance worker safety.

The Committee will continue to discuss how to ensure that power line owners respond to meeting requests in a timely manner, whether to require power line owners to be present during lifts in the “red zone,” and whether someone besides a representative of the utility should ground the crane or load line.

- 2) **Safety strategies:** The Committee agreed to require safety strategies where the power line is not de-energized, including proper grounding of the crane, barricading the work zone, a non-conductive insulator between the hook and

load, conductive-resistant rigging and tag lines, range control devices, not permitting contact with crane unless directed to do so by a qualified person, and a spotter with a visual aid and communication device. The standard will also clarify the difference in protection provided by insulating snakes or boots on the power line, insulated barriers in front of the power lines, and the actual installation of insulated power lines.

Safety strategies for working in the “yellow zone”:

The safety strategies required for working in the “yellow zone,” except when a qualified person has determined that following them would create a greater safety hazard, will include:

- 1) **Pre-lift meeting** of the entire crew to identify the location of power lines and strategies for avoiding them;
- 2) **Safety Mechanisms:** Employers will choose from a “menu” of safety strategies, including a method for preventing contact with power lines such as a spotter with a visual aid, proximity warning devices, range control devices, GPS system or other technology that may become available, clear marking of power lines and “red zone” boundaries, barricading around the power line, not permitting contact with crane unless directed to do so by a qualified person, and safety devices to reduce risk of electrocution if the crane does touch the power line. The Committee will continue to discuss the number of “menu” items that will be required in the “yellow zone.”

“Red Zone” Size: Several distances from the power line were considered, including the current minimum of 10 feet for 50kV, and other distances used to identify the “prohibited zone” in B30.5 2000; a distance of 15 feet; or a distance of 20 feet. Some members were concerned that a minimum distance of 10 feet for 50kV lines was insufficient. The Committee agreed that the area underneath power lines would always be considered the “red zone.”

“Yellow Zone” Size: The Committee identified the “yellow zone” as the work area outside the “red zone” in which it would be possible for some part of the crane or load to enter the “red zone.” C-DAC members considered requiring a distance plus the full length or working length of the boom and/or luffing jib, and load to be the outer limit of the “yellow zone,” beyond which a crane could work without any power line related safety measures. The Committee considered adopting the distances used in B30.5 2000, which vary with power line voltage. Some suggested using the “worst case” of 45 feet plus the full length or working length of the boom and/or luffing jib, which is the distance given by B30.5 for the highest voltage lines.

Relying on operators’ judgment vs. safety devices: In discussing how to reduce the risk of power line accidents, some members thought that relying on safety devices could lead operators to depend on the devices over their own good judgment, even though the devices could malfunction. Others thought that safety devices were necessary to

C-DAC

Meeting Summary – January 5-7, 2004

Approved 3/3/04

Page 5 of 9

protect against possible errors in judgment. All agreed to consider a combination of both types of safety measures, which will provide multiple layers of protection.

Training: Committee members discussed how operator training could increase operator awareness of power line hazards and safety strategies. Many members consider training a key component in reducing electrocution accidents. Suggestions for training requirements will be discussed during the Power Lines work group conference call.

Working in the dark: Setting up or operating cranes in darkness or low light will be discussed in the Power Lines work group conference call.

Transit near power lines: Electrocution accidents are less likely when the crane is in transit, according to many Committee members. Safety measures for traveling near power lines will be discussed during the Power Lines work group conference call.

Exceptions: A number of potential exceptions to the “red zone” and “yellow zone” requirements were raised, including situations where a crane could be considered to be in the “yellow zone,” given its swing radius, but is working exclusively outside the “yellow zone.”

In addition, a C-DAC member raised the question of an exemption for electrical workers who work in the “red zone.” Electrical workers always work in the “red zone,” and have stringent practices for worker protection. However, it is unclear whether an exemption is necessary, given that current practices may exceed the safety measures being considered for the “red zone.”

Derricks

Presentation on Derricks: Douglas Smith, of Chicago Bridge and Iron, presented on derricks and hoists, including guyless derricks and stiff leg derricks. Key differences between cranes and derricks include variable load charts, the need to constantly readjust the rigging, to inspect each rope after the ropes have been slackened, and to have a “lift director” supervise lifts. He also stated that although the “hoists” sections of Subpart N are not included in this rulemaking, hoists used for derricks should be included because derricks can not be used without them. He noted that two consensus standards apply to derricks, B30.6 and B30.7.

Issues to be addressed by workgroup: OSHA staff will work with C-DAC volunteers and Mr. Smith in reviewing the B30 standards.

Public Comment

Hugh Pratt, of Insulatus, Inc. presented on his company’s insulating link, and its ability to prevent electrocution accidents by stopping the flow of electricity through the load line.

Allen Papcsy of Miller Products, Inc. stated that insulating link technology has improved over time while their price has decreased.

Bruce Moore, father of Rory Moore, spoke about the death of his son, Rory Moore, who died after touching electrified rigging while working on a construction site. He asked the Committee to ensure greater safety for employees working with cranes near power lines and to require insulating links, which he said would have saved Rory's life.

Kevin Cunningham, of Special Risk Services Group, explained that his company requires that three parties be in constant communication for projects involving power lines. He also stated that the current regulations are insufficient to prevent electrocution accidents, and asked that OSHA increase enforcement and monetary fines for violations.

Jim Andrews, of Fred Weber, Inc., discussed the importance of safety devices in preventing electrocution deaths.

Douglas Smith, of Chicago Bridge & Iron, described safety measures to avoid power line contact, including hazard analyses and approval requirements when the cranes will be operating in the red zone.

Larry Brumbaugh of Hunt Construction Group stated that checklists for general contractors reduced the safety risk of operating near power lines.

Thomas Broderick, of the Construction Safety Council, described his organization's research on best practices for working near power lines including a survey of employers' knowledge of power line danger, in which they found the risk was largely underestimated. He described the "power line awareness permit system" created by his organization, which is a pre-lift aid documenting the placement of power line hazards at a given site and the safety measures taken to prevent contact with power lines.

Lance Burney, of Sigalarm, described his company's proximity warning alarm safety device. He explained that the sensitivity can be adjusted and that the price of safety devices has generally decreased.

Jennifer Moore, mother of Rory Moore, spoke about the pain of dealing with the death of her son. She asked the Committee members to help her find justice for her son's death, in part, by requiring insulating links on cranes.

Joseph Alexander, Jr., of Mithoff & Jacks, LLP described the legal case brought by the Estate of Rory Moore, and emphasized the need for insulating links. He discussed the Texas law that requires insulating links on all cranes, but which has not been enforced.

Ernie Brown of Pouk & Steinle, Inc., Scott Pendergrast of Rocky Mountain Contractors, Inc., Ward Andrews of Wilson Construction Company, and Jules Weaver of Western C-DAC

Meeting Summary – January 5-7, 2004

Approved 3/3/04

Page 7 of 9

Line Constructors, presented on the electric power industry's use of cranes. They described the safety measures they employ when working on or near power lines, and explained that because they always work in the "red zone" and have developed their own practices for preventing accidents, they should be exempt from the power line safety measures of the crane safety standards.

C-DAC Process Update

By the end of the February meeting, it is expected that C-DAC will have discussed, at least once, virtually every issue that will be included in the standard. Beginning in March, the meetings will focus almost completely on reviewing and revising draft regulatory text. At that time, the Committee will work to reach tentative agreements on each section of the standard. Tentative agreements will be reviewed only at the end of the negotiated rulemaking process or if changes need to be made because of decisions on related sections. Issues for which draft regulatory text is fully reviewed, but no agreement reached, will be tabled and reviewed again at a later meeting. Late in the process, C-DAC members will work to finalize decisions on the remaining difficult issues. At the final C-DAC meeting, members will review all tentative agreements before deciding on the final consensus.

Next Steps

Documents: The December 3-5 meeting summary will be revised as discussed and distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the February meeting.

Power Lines work group conference call: To be held on Wednesday, January 28, from 1:30 - 3:00 pm EST.

Derricks work group: will be established to assist OSHA in developing the derricks section of the standard.

Scheduling of additional issues: C-DAC members have scheduled discussions of the following additional issues to accommodate members of the public that want to be present for particular issues. Additional issues are likely to be discussed at these meetings as well.

February: Verification criteria for the structural adequacy of crane components; Cranes on barges; Pile drivers panel; Hoisting personnel (boom tip baskets), Overhead & Gantry Cranes.

March: Safety devices (excluding those related to power lines)

Panels: Panels on verification criteria, cranes on barges, and dedicated pile drivers will present during the February meeting.

C-DAC Attendance – January 5-7, 2004

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
Dale Shoemaker, Carpenters International Training Center
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers

Meeting 7 Summary
February 2004

**U.S. Department of Labor
Occupational Safety and Health Administration**

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – February 4-6, 2004

Agenda Review

C-DAC members reviewed and accepted the February meeting agenda.

Review and Approve January 5-7 Meeting Summary

C-DAC members reviewed the January 5-7 draft meeting summary and approved it as final with no changes. It will be available through the OSHA docket.

Structural Testing

Panel: Hans-Dieter Willim, Chief Designer, Liebherr Werk Ehingen, and Craig Percy, Vice President, All Test and Inspection, Inc., described their procedures for verifying crane design modeling. Mr. Willim explained that the draft European standard prEN13000, which includes safety standards for crane design, (projected adoption date end of 2004) does not specify a particular verification process. He explained that his company uses strain gauge testing on critical boom configurations to verify computer modeling. He noted that strain gauge testing is not practical for all boom configurations since they can number in the thousands. Mr. Willim suggested that CDAC adopt verification criteria that would require a “CE” certification as well as require 1) verification of calculation methods by appropriate tests of a single boom configuration or 2) if that verification is not available, strain gauge testing for “all relevant boom configurations” in accordance with SAE J987 and J1063.

Mr. Percy described his company’s use of strain gauge testing as required under the U.S. Society of Automotive Engineers (SAE) standards (SAE J987 and SAE J1063). He stated that many prototype cranes fail strain gauge testing, despite the use of computer calculations, in part because stress concentration areas can be difficult to predict. He recommended that CDAC adopt SAE test methods in the revised regulation, either through B30.5 or as stand-alone requirements.

Discussion: The key issue discussed was whether employers may only use cranes that have been tested under SAE standards or whether there are other standards, e.g. the European standard, which will ensure worker safety. Some Committee members agreed that the European draft standard is sufficient while others stated a continued preference for the SAE standards, which have historically ensured worker safety. The Committee agreed in concept to allow the use of the SAE testing method and to allow the use of the prEN13000 standard or other industry consensus or government standards if the manufacturer’s modeling system had an authenticated history of verification through testing.

Some Committee members raised a concern about design testing for tower cranes. Since there is no U.S. testing criteria standard for tower cranes, the Committee agreed in concept to reference the appropriate DIN standard or other standard that is equally safe for tower cranes.

The C-DAC Derricks workgroup will consider appropriate testing standards for Derricks.

Discussion of Additional New Issues

C-DAC discussed the following additional new issues: Free Fall/Power Down; Critical Lifts/Engineered Lifts; Tower Cranes; Operator Cab Criteria; and Signals (standard methods).

Free Fall/Power Down: Committee members discussed when to allow the use of free fall to lower the boom or load.

Boom hoists: C-DAC members discussed the dangers of using free fall to lower the boom, and considered prohibiting its use. Since a number of older cranes do not have a power down function for the boom hoist, the Committee agreed to allow free fall for cranes built before 1972 (the first full year following the adoption of Section 1926.550), but prohibit its use on boom hoists for cranes manufactured in 1972 or later. The Committee also discussed allowing free fall of the boom hoist for cranes on barges.

Load hoists: C-DAC members agreed that the use of free fall on load hoist lines is more typical than on boom hoist lines. The Committee agreed to require power down (or prohibit free fall) when hoisting personnel or when a load is directly over a person or a power line. The Committee discussed free fall of load hoists for cranes on barges given that there are instances when it is safer to shed the load rather than to handle it. The Committee also discussed free fall during critical lifts.

Critical Lifts/Engineered Lifts: C-DAC members discussed the definition of “critical lifts” and possible requirements for such lifts. Ultimately, the Committee determined that critical lifts are defined differently depending upon a company’s “usual” work. The Committee decided not to include the concept of critical lifts in the standard, but will require pre-planning for all lifts involving two or more cranes.

Tower Cranes: The Committee reviewed draft text for tower cranes, which included topics such as foundation design, signage, structural hazards related to erecting and dismantling, climbing procedures, and additional inspection activities. The Committee decided to include tower cranes under all applicable sections of the standard and to include a separate tower cranes section for requirements that differ from the general crane requirements.

Operator Cab Criteria: C-DAC members reviewed requirements for operator cabs in the 1926.550 standard and in ASME B30.5, and discussed requirements for access to and exit from the operator cab, fire extinguishers, and additional issues.

C-DAC

Meeting Summary – February 4-6, 2004

Approved 3/3/04

Page 2 of 7

Committee members discussed requirements for access to the operator cab, including steps and handholds. The Committee discussed the need to provide safe entry to and exit from the cab, roof and other access points. C-DAC members decided that cranes manufactured after a certain future date must be equipped with handholds and steps for safe and easy access to and from the ground to the cab and car. For cranes built prior to that date, original access points provided by the manufacturer will be required to be maintained. Additionally, principal walking surfaces will be required to be skid-resistant.

The Committee discussed the large number of OSHA violations for missing fire extinguishers. Some members stated that extinguishers are necessary for crane safety, especially with regard to electrical fires. Others noted that the fire extinguisher in the cab may be the only one available on the job site. The Committee decided to require that an accessible 10BC-rated fire extinguisher be located in or on the crane.

In addition, the Committee agreed in concept to maintain current requirements to prevent exhaust leaks and prohibit window distortion. The Committee also discussed whether to require seatbelt use for transit and travel, and provide locks for cab doors to prevent sudden opening or closing.

Signals (standard methods): C-DAC members discussed standardized voice signals and agreed to require that voice signals be given in the following order: function, direction, distance/ speed, and stop. Examples of voice signals will be included in a non-mandatory appendix. In addition, the international hand signals chart will be included in the standard as a mandatory appendix.

Cranes on Barges Panel and Discussion

Don Wright of Pile Drivers Local Union 2375 (Southern California), Dan Kuhs of Pile Drivers Local Union 56 (New England), Mitch White of Manson Construction Company, James Pritchett of Crane Inspection Service, Inc., John Colletti of John P. Colletti and Associates, and Steven Hebert of Global Industries discussed issues related to the use of cranes on barges.

Don Wright and Dan Kuhs discussed the importance of securely tying down cranes on barges, providing proper matting, ensuring barges are capable of supporting a crane for the job it will perform, and reliable communication between crane operators and divers.

Mitch White stated that in some cases tying cranes to barges or barricading around them is not practical, especially for small cranes working in designated areas on large barges because a crane may need to move to perform other tasks.

James Pritchett emphasized the need for independent certified inspectors with knowledge of cranes on barges.

John Colletti reviewed existing standards as they relate to cranes on barges and proposed new regulatory language for more stringent safety measures especially with regard to having a qualified person make certain determinations relative to cranes on barges.

Steven Hebert described the unique challenge of operating cranes on water and recommended increased preventative maintenance programs for such cranes.

After an initial discussion of cranes on barges, the Committee decided to form a work group to review issues raised by the panel discussion.

Overhead and Gantry Cranes

Tom Chamberlain of Northrop Grumman-Newport News Shipbuilding described the differences between the 1910 General Industry Standard and the current ASME B30.2, as well as the 1926 Construction Standard regarding overhead and gantry cranes. Mr. Chamberlain recommended regulating overhead and gantry cranes used in construction under 1910, despite some additional stringencies in B30.2.

Although some aspects of the 1910 standard are less stringent than the 1926 standard, members were concerned that requiring two different standards would cause confusion when overhead and gantry cranes in general industry facilities are used for construction purposes. The Committee agreed in concept to reference the 1910 standard and to add provisions of the 1926 standard, if necessary, to address hazards or other issues, such as operator training/certification specific to construction.

Boom Tip Attached Personnel Baskets

Dan Wolff, National Crane Corporation – Manitowoc Crane Group, discussed boom tip attached personnel baskets. He identified key hazards, including putting the outriggers on firm footing and power lines. Mr. Wolff advised against lifting loads with personnel basket equipment, in part because the load could snag and/or because a sudden drop of the load could jolt workers out of the basket. The Committee considered a prohibition against lifting loads with personnel except for equipment specifically designed and manufactured with limited capacity jibs for tools and materials. OSHA will research the aerial lift standard for additional information on the question of including specific requirements for boom tip attached personnel baskets.

Pile Drivers Panel and Discussion

Pat Karinen of Pile Drivers Local Union 34 (Northern California/ Nevada/ Utah), Dan Kuhs of Pile Drivers Local Union 56 (New England), Ahti Knopp of Junttan and Pentti Heinonen, President of Junttan, discussed pile drivers.

Pat Karinen and Dan Kuhs discussed tip over hazards and lack of inspection requirements for dedicated pile drivers. They recommended that the Committee include pile drivers under the crane standard because they function the same way as a crane. They have hoisting and booming (although limited) capabilities. Also, Dan Kuhs noted that oversight is needed as pile driving is stressful on the equipment. Ahti

C-DAC

Meeting Summary – February 4-6, 2004

Approved 3/3/04

Page 4 of 7

Knopp and Pentti Heinonen described the pile driving equipment their company manufactures. They do not consider their equipment to be cranes. However, they support the inclusion of dedicated pile drivers in the crane standard provided that specific provisions are included that reflect the particular construction and functions of that equipment.

C-DAC members discussed whether to include dedicated pile drivers under the standard. Some Committee members stated that pile drivers should be included because many of the functions and hazards are similar to cranes, and pile driver regulations are not likely to be revised in the foreseeable future. Other members were concerned that including pile drivers would encourage incorrect use of the equipment and would subject them to provisions in the standard that should not apply to pile drivers. The Committee is considering the inclusion of dedicated pile drivers only for applicable and appropriate provisions of the crane standard.

Review of Draft Regulatory Text – §1408 “Signals – General Requirements”

C-DAC members reviewed draft regulatory text for §1408 “Signals – General Requirements.” After revisions related to the non-mandatory appendix for voice and audible signals and a few other issues, the Committee reached a tentative agreement on this section. Tentative agreements will not be reviewed again until the end of the negotiated rulemaking process, unless an agreed upon section is linked to another under discussion.

Public Comment

James Pritchett of Crane Inspection Service, Inc., stated that crane operators should be tested on their equipment in the environment in which they will be working and certified for particular equipment. He also recommended that inspectors be independent and that OSHA delegate authority “to qualified companies” to conduct inspections.

Tim Merinar, National Institute for Occupational Safety and Health, stated that engineered critical lift plans should be developed by registered professional engineers for every critical lift.

Delynn Burkhalter, Burkhalter Rigging, stated that OSHA should reference other standards in addition to the SAE standard regarding structural testing verification criteria given that domestic crane companies are affiliated with non-U.S. manufacturers and because the current fleet of cranes, which are not tested according to SAE requirements, would otherwise be devalued.

Robert Wilson, Dockbuilders and Pile Drivers Local Union 1456 (New York City), described the hazards associated with using cranes and pile drivers on barges and the need for better regulation of their use. He is in favor of tying down cranes on barges.

Louis Rioux, Dockbuilders and Pile Drivers Local Union 1456 (New York City), stated that pile drivers should be included in the crane safety standard, that pile drivers should be subject to inspection requirements, and that operators should have additional certification requirements for work on the water.

Dick Vourhes, Weeks Marine, Inc., stated that work on water should fall under marine regulations, not as an aside to land-based regulations. He also stated that the employer was often the most capable of having the specific knowledge needed to train employees.

Pat Karinen, Pile Drivers Local Union 34 (Northern California/ Nevada/ Utah) stated that training specific to pile drivers is needed.

Logistics

Meeting Dates: C-DAC will hold two meetings in March: Wednesday-Friday, March 3-5 and Monday-Wednesday, March 29-31. Meetings will begin 8:30 am each day.

Meeting Locations: The March meetings will be held in Washington, DC. The May meeting, originally planned for Chicago, will likely be held in San Antonio. C-DAC members will be notified when the location of the May meeting is confirmed.

Next Steps

Documents: The approved January 5-7 meeting summary will be distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the March 3-5 meeting.

Derricks work group: will be established to assist OSHA in developing draft regulatory text for the derricks section of the standard.

Cranes on barges work group: will be established to assist OSHA in developing draft regulatory text for the cranes on barges section of the standard.

Schedule of remaining new issues: Aside from Safety Devices/Operational Aids (other than those used near Power Lines), which will be discussed at the March 3-5 meeting; and Limited requirements for cranes with a rated capacity of 2000 pounds or less, which will be discussed at the March 29-31 meeting, C-DAC has discussed all issues of the standard at least once.

Agenda for Future Meetings: For the remainder of its meetings, C-DAC will review and revise draft regulatory text with the goal of reaching tentative agreements on each section of the standard. Once tentative agreements are reached on all sections, or as many sections as possible, they will be reviewed prior to reaching any final consensus.

C-DAC Attendance – February 4-6, 2004

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Larry Means, Wire Rope Technical Board, ASME
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
Dale Shoemaker, Carpenters International Training Center
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
Charles Yorrio, Acordia

Meeting 8 Summary
March 2004

**U.S. Department of Labor
Occupational Safety and Health Administration**

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – March 3-5, 2004

Agenda Review

C-DAC members reviewed and accepted the March meeting agenda.

Review and Approve February 4-6 Meeting Summary

C-DAC members reviewed the February 4-6 draft meeting summary and made a number of editorial changes, including clarification of statements made by Juntan representatives during the pile drivers panel. It was approved as final and will be available through the OSHA docket. C-DAC members also approved an additional change to the January 5-7 meeting summary, and re-approved it as final.

Review of Draft Regulatory Text

The Committee reviewed and revised draft regulatory text in an effort to reach tentative agreements on each section of the standard. Tentative agreements will be reviewed at the end of the negotiated rulemaking process or if changes need to be made as a result of decisions on related sections. Issues for which draft regulatory text was fully reviewed, but no agreement reached, were tabled and will be reviewed again at a later meeting.

C-DAC members reached tentative agreements on the following sections:

- §1400 Scopeⁱ
- §1402 Assembly/Disassembly- Selection of Manufacturer or Employer Procedures
- §1403 Assembly/Disassembly- General Requirements (pending review of new language for §1403(h)(12))
- §1404 Assembly/Disassembly- Additional Requirements for Dismantling Booms and Jibs
- §1405 Assembly/Disassembly- Employer Proceduresⁱⁱ
- §1406 Operation- Procedures
- §1407 Authority to Stop Operation
- §1409 Signals- Radio, telephone or other electronic transmission of signals
- §1410 Signals- Voice, Additional Requirements

ⁱ The Committee agreed to include in the scope knuckle boom cranes, dedicated pile drivers, and hybrid machines that can rotate, have a jib, hook, or winch and have a load capacity of over 2000 pounds. With regard to pile drivers, the Committee will determine which particular sections will apply. C-DAC members also agreed to exclude drilling rigs.

ⁱⁱ The Committee deleted a documentation requirement for Employer Procedures because members felt that such a requirement was overly burdensome.

§1411 Hand Signal Chart, Standardized Voice Signals
§1416 Equipment Modificationsⁱⁱⁱ
§1423 Keeping Clear of the Load

The following issues were discussed and will be revisited at a future meeting: §1401 General Requirements; §1412 Signal Person Qualifications; §1417 Training; §1422 Operator Qualifications; and §1435 Free Fall/Power Down.

§1412 Signal Person Qualifications: The key issue discussed concerned documentation of signal person qualifications. Some Committee members want to require documentation of signal person qualifications given the signal person's significant effect on safety. There was general agreement that documentation from a qualified evaluator should be required for blind picks. There is not yet agreement on whether such documentation should be required in other circumstances. Some members think documentation will create an unnecessary burden on small business owners.

§1417 Training: C-DAC members discussed topics that will require mandatory training such as operating near overhead power lines, assembly/disassembly, cranes on barges, and signals. In addition, this section will include information sources, such as industry consensus standards, from which training materials may be developed. C-DAC will return to this section after completing the operator qualifications section.

§1422 Operator Qualifications: C-DAC members discussed issues related to operator qualifications, including physical examination requirements, drug testing, certification entities, certification criteria, and written exams.

Physical examination: C-DAC members discussed requiring a physical examination every two, three, or five years; the criteria associated with a physical; and the definition and consequences of "failing" a physical. Some Committee members stated a preference for using some of the Department of Transportation regulations that govern physicals. Others favor using the criteria set forth in B30. The Committee will further discuss these issues after a panel presentation by a team of medical professionals.

Certification by employer or accredited testing agency: The key issue discussed was whether an interim period should be provided in which employers may certify their own employees, after which all operators will be required to be certified by an independent, accredited testing agency. Some Committee members stated that employers and state or local governments should be allowed to certify their crane operators indefinitely, while others supported limiting employer certification to a few years after promulgation of the standard. Still others recommended requiring

ⁱⁱⁱ Committee members modified draft regulatory text so that a manufacturer's rejection of a proposed modification/addition only acts as a prohibition for that modification/addition where the manufacturer provides detailed reasons for the rejection in writing.

certification to be done solely by independent, accredited testing agencies, but with a longer period for compliance after promulgation of the standard.

Certification criteria: C-DAC members discussed the information upon which a written test will be constructed. The Committee agreed to specify key subject areas that should be included in the test such as technical knowledge specific to the equipment, site conditions and site preparation, load charts, and operations.

In addition, the Committee agreed that on written tests a crane operator may prove his/her ability to calculate load capacity information with the use of a calculator.

Written exam: Some Committee members expressed concern that competent crane operators with difficulty reading or completing written tests will be forced to retire. Others stated that all crane operators must be able to read given the complexity of modern cranes and the need to consult manufacturer manuals. Some members suggested the use of readers or allowing for an extended test-taking period.

§1435 Free Fall/Power Down: C-DAC members discussed prohibiting the use of cranes in which the boom hoist mechanism can free fall.

Discuss of New Issue: Safety Devices/Operational Aids

C-DAC members categorized required safety equipment as follows: 1) safety devices, which will be mandatory and must be in proper operating condition; 2) operational aids, which will be mandatory , but will not require an immediate end to crane operations upon failure if certain conditions are met; and 3) future safety devices or operational aids, which will be required by a specified date after promulgation of the new standard. C-DAC members will discuss recommended alternative parameters for continued operation when operational aids fail.

Public Comment

Leonard Assante and Frank Gabriel, National Groundwater Association, recommended that drilling rigs be exempted from the standard because their masts do not swivel and all work is confined to the back of the machine.

Tom Chamberlain, Northrop Grumman-Newport News Shipbuilding, described his organization's crane operator certification process, which includes testing on specialized equipment not offered by independent testing programs. He asked the Committee not to penalize employers who have rigorous certification programs by prohibiting them from certifying their own operators. He also stated his concerns relative to the cost and the lack of control over criteria associated with third party certification.

Lewis Williams, North Carolina Department of Transportation, recommended that OSHA allow employers to certify in writing that their employee has been tested on a specific crane and stated that some crane types are not covered by third-party certifying entities.

Jerry Teeler, American Road and Transportation Builders Association, recommended giving employers an option to certify their crane operators.

Graham Brent, National Commission for the Certification of Crane Operators, described the time and cost his organization has invested in developing its certification programs.

Logistics

Meeting Dates: The March 29-31 C-DAC meeting has been cancelled, and a day has been added to the May meeting. The next C-DAC meeting will be held Tuesday - Friday, May 4-7. The meeting will begin each day at 8:30 am and end at 4:30 pm, except for Friday, May 7, which will end at 12 noon.

Meeting Locations: C-DAC may hold one of its meetings in Phoenix. C-DAC members and the public will be informed about meeting locations as soon as such information becomes available.

Next Steps

Documents: The approved February 4-6 meeting summary will be distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the May meeting.

Derricks work group: will be established to assist OSHA in developing draft regulatory text for the derricks section of the standard.

Cranes on barges work group: will be established to assist OSHA in developing draft regulatory text for the cranes on barges section of the standard.

Agenda of remaining meetings: For the remainder of its meetings, C-DAC will review and revise draft regulatory text with the goal of reaching tentative agreements on each section of the standard. Once tentative agreements are reached on all sections, or as many sections as possible, they will be reviewed prior to reaching a final consensus.

C-DAC Attendance – March 3-5, 2004

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Dale Shoemaker, Carpenters International Training Center

Meeting 9 Summary
May 2004

**U.S. Department of Labor
Occupational Safety and Health Administration**

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – May 4 - 7, 2004

Agenda Review

C-DAC members reviewed and accepted the May meeting agenda.

Review and Approve March 3-5 Meeting Summary

C-DAC members reviewed the March 3-5 draft meeting summary and made two editorial changes. It was approved as final and will be available through the OSHA docket.

Review of Draft Regulatory Text

The Committee reviewed and revised draft regulatory text in an effort to reach tentative agreements on each section of the standard. Tentative agreements will be reviewed at the end of the negotiated rulemaking process or if changes need to be made as a result of decisions on related sections. Issues for which draft regulatory text was fully reviewed, but no agreement reached, were tabled and will be reviewed again at a later meeting.

C-DAC members reached tentative agreements on the following sections:

- §1400 Scope¹
- §1414 Safety Devices
- §1415 Inspections
- §1425 Hoisting Personnel
- §1426 Qualifications of Maintenance & Repair Workers
- §1427 Machine Guarding
- §1428 Ground Conditions
- §1429 Work Area Control (access/egress)

The following issues were discussed and will be revisited at a future meeting: §14XX Operational Aids, §1422 Operator Qualifications, §1424 Fall Protection, and §1430 Power Line Safety.

§14XX Operational Aids: Operational aids will be mandatory, but will not require an immediate end to crane operations upon failure if certain conditions are met. C-DAC members discussed the temporary measures necessary to continue crane operations in case of operational aid failure and required repair times. Key aids discussed included: anti two-blocking device, boom hoist limiting device, boom length indicator if the equipment has a telescopic boom, crane level indicator, and capacity/load weight

¹ The Committee will review §1400(d) Limited requirements after discussing the remaining draft regulatory text sections.

devices. Noting that some operational aids were more critical than others to safe crane operations, CDAC members discussed creating a two-tier repair schedule (either 30 or 7 days). The Committee also discussed excusing failure to meet the 7-day limit provided documented evidence reflects a good faith effort to comply.

Anti two-blocking device: C-DAC members considered requiring anti two-blocking devices on telescopic boom cranes and lattice boom cranes manufactured after February 28, 1992. The Committee discussed whether to require an automatic device on lattice boom cranes manufactured one year after the effective date of these regulations. Members also discussed a 30-day repair period for this device on lattice boom cranes and a 7-day repair period for this device on telescopic boom cranes.

Boom hoist limiting device: C-DAC members discussed the importance of replacing this device quickly. Members considered marking the cable and limiting boom radius as temporary measures for continuing operations, and repair or proof of replacement part ordered within 7 days of device failure.

Boom length indicator if the equipment has a telescopic boom: C-DAC members considered defining "boom length indicator" to include painted marks on the boom. As a temporary alternative, the Committee discussed knowing the angle and radius to calculate the length, or measuring the length of the boom.

Crane level indicator: C-DAC members discussed the importance of cranes being level when in operation. This can be measured with an external level or a properly working crane level indicator. C-DAC discussed clearly marking malfunctioning devices.

Rated capacity/load weighing devices: The Committee is considering requiring the use of one of these devices as an operational aid on equipment manufactured on or after March 29, 2003, with a rated capacity of 6,000 pounds or more. As a temporary alternative, the Committee is considering the requirement that an operator be provided with the accurate load weight from a reliable source.

Future mandate for operational aids: Committee members discussed requiring several devices as required operational aids on equipment manufactured after January 1, 2008. Those devices are outrigger position sensor/monitors (on equipment with outriggers), drum rotation indicators and counterweight sensors.

Reliance on operator aids: Committee members proposed adding a provision prohibiting sole reliance on operator aids, out of concern for the hazards posed by operator aid failure.

§1422 Operator Qualifications: C-DAC members discussed issues related to operator qualifications, including certifying entities and certification criteria.

Certification criteria: The Committee discussed including an example of the core technical knowledge required of a crane operator in a non-mandatory appendix.

Test standards: The Committee considered requiring written tests to be valid, reliable, and meet national testing standards.

Certifying entities: The key issue was who may certify operators and whether certifying entities would have to be accredited by an accreditation organization, such as the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA). The Committee discussed allowing accredited testing organizations, state and local governments, and employers to certify crane operators.

State and local government: C-DAC members considered whether to allow state and local government crane licenses to be equivalent to certification of crane operators. Some thought that state and local governments licensing programs that meet the testing criteria of the standard should not also need to be accredited by an outside organization. Others were concerned that not requiring outside accreditation would leave room for licensing of unqualified operators. The possibility of “grandfathering” existing state or local government licensing programs was also discussed.

Employer-based: C-DAC members considered two key questions: Should employers be allowed to certify their own employees, and, if so, should certifying employers be required to be accredited? Most committee members stated that employers should be able to certify their own employees, but there was clear disagreement over whether employers must be accredited to do so. The large majority of members felt that accreditation is critical for ensuring that employers do not certify unqualified operators, and that their training and testing programs are separate. Others felt the accreditation requirement is too great a burden to place on small businesses and may cause some employers to hire uncertified crane operators.

Audits vs. accreditation: The Committee discussed allowing employers to undergo an annual audit of their testing program in place of getting accredited. As described, the auditor would assess the employer’s test relative to OSHA’s standard and look at some of those employees who were previously tested. Some members were concerned that auditors could be misled while others questioned whether the audits would be sufficiently rigorous. Some members indicated that if the audit was sufficiently rigorous, it would be the same as certification; if it was less rigorous, there would be little point in doing it.

Accredited independent testing organizations: The Committee agreed that organizations that were accredited by an accrediting organization and met the testing criteria could certify operators.

Transferability: In discussing certifying entities, C-DAC members stated that certification by an accredited independent testing organization would be valid at any job site and considered whether certification by an employer would only be valid for work with that employer.

§1424 Fall Protection: C-DAC members discussed issues related to fall protection, including the use of guardrails on boom walkways, cab access/egress, and threshold height requirements.

Boom walkway guardrails: After discussing the snag hazards posed by guardrails on boom walkways and the fall hazards related to removing and reinstalling temporary guardrails, the Committee moved to prohibit temporary boom walkway guardrails that increase worker exposure to safety hazards as well as those guardrails on booms supported by pendant ropes or bars that create a snag hazard.

Operator cab access and egress: The Committee discussed how to provide means of exiting the operator's cab when it rotates away from the usual access point. C-DAC members considered requiring safe access at three points: at operator's work station and at the front and rear positions of the crane.

Threshold height requirement: The key issues discussed were the height at which fall protection would be required and how to accommodate situations in which an employee is walking along the boom or moving from one point to another. Concerns were raised about snagging hazards when using fall protection while moving along the boom. C-DAC members discussed requiring fall protection at 15 feet and above when at a workstation or climbing a boom that is not horizontal and 30 feet and above when employees are moving along a horizontal boom to or from one workstation to another. The rationale provided for requiring fall protection at a height of 15 feet or greater for employees at their work station was that such employees often are performing multiple tasks.

§1430 Power line safety: C-DAC members discussed issues related to power line safety during assembly/disassembly near power lines. Topics discussed included requirements for controlling entities, mandated safety devices, and storing materials under power lines.

Assembly/disassembly near power lines: C-DAC members discussed the power line safety requirements that might be applied where power lines were within 20 feet of the assembly area or where any part of the crane, load line or load could get within the minimum approach distances specified in Table A during assembly/disassembly. After discussing whether to require a spotter for such situations, C-DAC members included a spotter in a list of safety measures, one of which would be required. C-DAC members discussed excluding insulating links from that list. The Committee also noted that assembly/disassembly within 20 feet of power lines confirmed to be de-energized and grounded, would not be subject to the list of safety requirements.

Crane operations near power lines: C-DAC members discussed the following issues concerning crane operations near power lines.

Controlling entity's responsibility: The Committee discussed whether to require controlling entities to make an attempt to have the lines de-energized and if the lines remain energized, to mark lines 20 feet and 10 feet from any power lines near or on

the construction site. Concerns were raised about the burden this would place on controlling entities, especially on large sites where the crane will only operate in one part of the site.

Required safety devices: In regards to required safety devices when any part of the crane, load line or load could get within 20 feet of power lines, C-DAC members decided to include insulating links as a menu option, among other measures, rather than as a required safety device. The Committee discussed requiring a minimum of two safety measures from the menu of items.

Storing material under power lines: After discussing instances in which materials could only be stored under power lines, C-DAC members moved to allow the storage of materials but prohibit any part of the crane, load line or load to be below an energized power line. The Committee will continue to discuss how to address situations where work under power lines is necessary.

Crane Operator Physical Qualifications Panel

Tressi Cordaro of the Directorate of Construction, OSHA, explained the procedural and substantive aspects of substance abuse testing requirements under Department of Transportation (DOT) regulations, including pre-employment and post-accident testing, and required responses to positive tests. Dr. Don Wright, Director, Office of Occupational Medicine, Directorate of Science, Technology, and Medicine, OSHA, presented on the relatively high rate of substance abuse among construction workers and the probability of workplace substance abuse. He also presented on the need for physical testing requirements for conditions and illnesses that could pose a workplace hazard.

Public Comment

William Shuzman, Steel Institute of New York, described the City of New York's crane operator licensing program and asked that the committee allow state and local governments that meet the testing criteria to certify crane operators.

James Conway, International Union of Operating Engineers, Local 14-14B, described the City of New York's crane operator licensing application and testing process, emphasizing its accessibility to a wide range of applicants. He also stated that accidents involving licensed crane operators are reported to the New York City Commissioner of Buildings.

Robert Iulo, Assistant Commissioner, and Michael Carbone of New York City Department of Buildings, read a letter from Patricia Lancaster, NYC Commissioner of Buildings, and described the NYC's crane operator licensing program, which requires applicants to pass a written test that is prepared by professional psychometricians and a practical test.

Thomas Auringer, Super Structure Cranes Rental, Inc., stated a preference for the NCCCO Certification process and recommended that a New York City crane operator license should include NCCCO Certification.

Richard Voorhees, Weeks Marine, Inc., stated that specialized equipment manufacturers should be considered separately from “crane builders.” He also cautioned the Committee on the use of non-mandatory appendices, given that they could be used in court proceedings to show lack of due diligence. He expressed his preference for employer certification of its crane operators.

John O’Donovan, Gilbane, asked the Committee to not to assign responsibility to “controlling contractors” in the standard due to the many situations in which no one group controls the construction site and the complexity of contractual arrangements.

Dr. Anthony Mitchell, International Assessment Institute, explained the elements of a certification process, stated that licensure is given by government entities and certification is given by non-governmental entities, and defined validity and reliability of tests. He stated that the cost of developing a test can range from between \$50,000-\$500,000, depending in part on whether subject-matter experts volunteer their time.

Howard Pebley, McAllen Construction, Inc., spoke against a “one-size-fits-all” testing approach and recommended testing that is appropriate to the type of crane being used and that does address non-English speakers.

Randy Rogers, Williams Brothers Construction, spoke against a national certification requirement and supported instead minimum testing requirements and mandatory drug testing. He also noted that crane operators with low math and reading skills might still be competent operators and further requested that the Committee consider the needs of Hispanic workers.

Dean Bernac, J.D. Abrams, spoke in favor of mandatory drug testing and asked the committee to allow employers to certify their operators.

Timothy Robinson, Northrop Grumman, described his company’s training and testing program and spoke in favor of allowing employers to certify their operators.

Dave Anthony, National Association of Tower Erectors, described the use of boatswain chairs during the erection of communication towers and expressed interest in participating in the work group on boatswain’s chairs.

Palmer Hickman, National Joint Apprenticeship & Training Committee, recommended that the Committee require verification of power line de-energization before each shift as well as documented confirmation of power line voltage.

Hugh Pratt, Crane Power Line Safety Organization, explained that organization’s goals, which include providing safe products, reducing risk and damage, and providing data

on crane power line contacts. He also offered a series of visual representations of power line safety requirements under discussion by the Committee.

Logistics

Meeting Dates and Locations: The next C-DAC meeting will be held Tuesday - Friday, June 1-4 in Phoenix. The meeting will begin each day at 8:30 am and end at 5:00 pm, except for Tuesday, June 1, which will begin at 1pm. The meeting will be held at the offices of the National Association of Home Builders of Central Arizona, 3200 E Camelback Rd, Suite 180, Phoenix AZ. The final C-DAC meeting is scheduled for July 7-9 in Washington, DC.

Next Steps

Documents: The approved March 3-5 meeting summary will be distributed as final. The facilitators will draft the meeting summary for this meeting and distribute it prior to the June meeting.

Cranes on barges work group: will review draft regulatory text for the cranes on barges section of the standard, if available prior to the meeting.

Boatswain Chair Work Group: will hold a conference call to discuss requirements for boatswain chairs to be included in the standard.

Requirements for ≤ 2000 lbs, pile drivers, overhead and gantry cranes Work Group: will hold a conference call to identify the limited requirements of the standard that will apply to such equipment.

Transit near power lines Work Group: will hold a conference call to review existing ANSI language for transit near power lines.

C-DAC Attendance – May 4-7, 2004

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Larry Means, Wire Rope Technical Board, ASME
Dale Shoemaker, Carpenters International Training Center

Meeting 10 Summary
June 2004

U.S. Department of Labor
Occupational Safety and Health Administration

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – June 1-4, 2004

Agenda Review

C-DAC members reviewed and accepted the June meeting agenda.

Review and Approve May 4-7 Meeting Summary

C-DAC members reviewed the May 4-7 draft meeting summary and made one editorial change. It was approved as final and will be available through the OSHA docket.

Review of Draft Regulatory Text

The Committee reviewed and revised draft regulatory text in an effort to reach tentative agreements on each section of the standard. During the June meeting, C-DAC reached tentative agreements on §1406 Operation – Procedures, §1412 Signal Person Qualifications, §1413 Requirements for equipment with a manufacturer-rated hoisting/lifting capacity of 2,000 pounds or less, §1418 Wire Rope – Inspection, §1419 Wire Rope – Selection and Installation criteria, §14XX Operational Aids, §1424 Fall Protection, §1430 Power line safety, §1432 Design, Construction and Testing, §1435 Free Fall/Controlled Load Lowering, §1436 Multiple Crane Lifts, §1437 Tower Cranes (except operational aids) and §1439 Overhead & Gantry Cranes.

The following reflects C-DAC discussions relative to some of the sections listed above.

§1406 Operation – Procedures: Among many other items, Committee members discussed and agreed upon a lockout/tag out procedure for when a crane or derrick is taken out of service.

§1412 Signal Person Qualifications: The Committee agreed that documentation required under this section must come from a qualified evaluator. The Committee agreed that the use of a qualified evaluator is necessary because that person needs to be both knowledgeable and able to evaluate. In addition, although a signal person will not be required to carry a card documenting his qualifications, the Committee decided to include language in the Preamble regarding the value employees carrying such cards. Finally, C-DAC members decided that documentation of signal person qualifications issued by a third party will be transferable while the same issued by his employer will not.

§1413 Requirements for equipment with a manufacturer-rated hoisting/lifting capacity of 2000 pounds or less: C-DAC members discussed whether to exclude safety devices and operational aids from being required on this equipment.

Significantly, the Committee decided, among other points, to limit inspections to manufacturer's specifications and to qualify signal persons by training only as opposed to training and testing.

§14XX Operational Aids: C-DAC members agreed to extend the seven day repair/replacement exception to category II operational aids.

§1418 Wire Rope – Inspection: C-DAC members decided to require replacement of wire rope that has come into electrical contact with a power line.

§1424 Fall Protection: After much discussion, the Committee agreed (with some exceptions) that fall protection will be required for employees on a walking/working surface with an unprotected side or edge of 6 feet or more above a lower level. However, the Committee agreed to only require fall protection for workers engaged in assembly/disassembly at heights greater than 15 feet. Finally, C-DAC members decided to allow workers to tie off to the crane or derrick hook (as well as other points on the load line) provided a qualified person has evaluated and approved the set up and rated capacity as set forth in this section. One Committee member questioned the prohibition of removable guardrails/railings on boom walkways; C-DAC members responded that the risks associated with their use (i.e., unsecured guardrails falling off the boom) outweighed the benefits of their use.

§1430 Power line safety: Among other items, C-DAC members discussed the eleven procedures required for work inside the Table A Zone. Although one member expressed concern that the use of this list of safety procedures would create a false sense of security, the Committee ultimately agreed that the work in this zone is already taking place and that procedures were needed to address the dangers. The Committee also discussed who shall supervise the implementation of those procedures. Several members expressed concern relative to potential liability associated with such supervision.

§1432 Design, Construction and Testing: C-DAC members resolved the issues related to testing under CEN's EN 13000 by: (1) requiring physical testing in accordance with SAE J1063 or SAE 987 unless the computer modeling analysis has been demonstrated by a documented history of verification, and (2) requiring the computer modeling to show that all strength margins for the load cases listed in J1063 and J987 have been met. In addition, the Committee agreed that compliance with the design and construction requirements set forth in this section can be demonstrated by referral to the manufacturer's documentation.

§1435 Free Fall/Controlled Load Lowering: In addition to other items, the Committee agreed that operators will be trained on the emergency procedures related to Free Fall/Controlled Load Lowering. The training requirement will be referenced in this section and included in §1417 Training.

At its final meeting in July, C-DAC will work to address all outstanding issues and then review its tentative agreements for clarity and consistency with all other sections of the draft standard. C-DAC members were asked to identify any tentative agreements that may need to be re-negotiated prior to the July meeting.

Outstanding Issues

The following list reflects outstanding issues that still need to be addressed by C-DAC members as well as related ongoing efforts to develop consensus regulatory text.

§1400(d)(2) Scope, Limited requirements (dedicated pile drivers): A C-DAC Work Group will discuss which requirements of the standard will apply to dedicated pile drivers.

§1417 Training: OSHA will draft this section to reflect previous discussions. It will include training requirements referenced elsewhere in the standard, such as emergency procedures for free fall/controlled load lowering, power line safety, avoiding holds and crush/pinch points, and principles necessary for safe operation of cranes/derricks.

§1422 Operator Qualifications: The Committee did not discuss operator qualifications during the June meeting. A C-DAC Work Group will meet June 30 to attempt to develop a proposal for review by the full Committee. (Note: After the Phoenix C-DAC meeting, the Work Group meeting was cancelled.)

§1425(o) Hoisting personnel in drill shafts (Use of Boatswain's Chair) and (p) Hoisting personnel for pile driving equipment: These sections were discussed by a Work Group, drafted to reflect those discussions, and will be reviewed by the Committee.

§14XX Power Line Safety – equipment in transit under Power Lines (on the construction site): This section will be revised to reflect C-DAC discussions. The proposed language parallels the current ANSI standard, but addresses transit under power lines on the construction site rather than transit on roadways. This section will be reviewed again at the final meeting.

§14XX Power Line Safety – exclusion for work covered by Subpart V: C-DAC members will compare the proposed requirements of Subpart N to Subpart V to determine if an exclusion for work covered by Subpart V is reasonable and necessary.

§1431 Derricks: The Derricks Work Group will review draft regulatory text, which will be presented to the C-DAC Committee.

§1433 Floating Cranes & Cranes on Barges: The Floating Cranes & Cranes on Barges Work Group will review draft regulatory text, which will be presented to the C-DAC Committee.

§1437.XXX Tower Cranes – Operational Aids (alternative measures): This section will be drafted for review at the final meeting.

§14XX Supplemental Requirements for Sideboom Cranes: The Committee is obtaining the most current B30.14 and J743A for further review.

§1440 Definitions: CDAC members will review and provide comments on this section to OSHA by Friday, June 18th. It will then be reviewed with the tentative agreements already reached.

Comprehensive Tentative Agreement List

C-DAC members have reached tentative agreements on the sections listed below.

- §1400 Scope¹
- §1402 Assembly/Disassembly- Selection of Manufacturer or Employer Procedures
- §1403 Assembly/Disassembly- General Requirements
- §1404 Assembly/Disassembly- Additional Requirements for Dismantling Booms and Jibs
- §1405 Assembly/Disassembly- Employer Procedures
- §1406 Operation- Procedures
- §1407 Authority to Stop Operation
- §1408 Signals – General Requirements
- §1409 Signals- Radio, telephone or other electronic transmission of signals
- §1410 Signals- Voice, Additional Requirements
- §1411 Hand Signal Chart, Standardized Voice Signals
- §1412 Signal Person Qualifications
- §1413 Requirements for equipment with manufacturer-rated capacity of 2,000 pounds or less²
- §1414 Safety Devices
- §14XX Operational Aids
- §1415 Inspections
- §1416 Equipment Modifications
- §1419 Wire Rope – Inspection
- §1420 Wire Rope – Selection and Installation Criteria

¹ C-DAC members tentatively agreed to specifically exclude wheel (rubber-tired) loaders, loaders with a backhoe, and track loaders.

² One C-DAC member dissented from this tentative agreement.

- §1423 Keeping Clear of the Load
- §1424 Fall Protection
- §1425 Hoisting Personnel (except (o) Hoisting personnel in drill shafts (Use of Boatswain's Chairs) and (p) Hoisting personnel for pile driving equipment)
- §1426 Qualifications of Maintenance & Repair Workers
- §1428 Ground Conditions
- §1429 Work Area Control
- §14XX Power Line Safety (up to 350 kV) – assembly and disassembly
- §14XX Power Line Safety (up to 350 kV) – crane operations
- §14XX Power Line Safety (over 350 kV)
- §14XX Power Line Safety (all voltages) – crane operations inside Table A Zone
- §1432 Design, Construction, and Testing
- §1435 Free Fall/Controlled Load Lowering
- §1436 Multiple Crane Lifts
- §1437 Tower Cranes (except operational aids)
- §1439 Overhead & Gantry Cranes

Public Comment

Jennifer Moore, mother of Rory Moore, who died after touching electrified rigging while working on a construction site, asked the Committee to require insulating links on all cranes because she believes that some companies will not implement the safety measures required under the standard.

Bruce Moore, father of Rory Moore, asked the Committee to require insulating links on all cranes because crane rentals will often not be able to conduct pre-planning to identify power line hazards. He emphasized the need to make insulating link use a matter of habit.

Ben Salinas, Summit Contracting, spoke against mandatory third party certification of crane operators and stated that a required written test would discriminate against Hispanic operators who do not read or write English.

Jim Ahern, Ahern & Associates, Inc., stated that accidents more often result from poor project management decisions. Thus, he suggested allowing supervisors to be certified on the written test and operators to be certified on a practical test. He indicated that certifying in this manner would also lessen the risk of economic loss associated with a certified employee leaving the company. In addition, Mr. Ahern stated that he would like to be able to certify his operators in-house based upon "reasonable criteria." Finally, he recommended including all text in the standard rather than incorporating regulations by reference.

Dan Kuhs, Pile Drivers Local Union #56 (New England), stated that third-party standardized training is critical and that operators need to be trained and tested

on the specific equipment they will use. He also favors the inclusion of drug testing and physical requirements.

Jay Hirtzer, H.J. Hirtzer & Associates, Inc., described the price range, based upon size, of the insulating links offered by his company and stated that they are recertified annually.

Homer Peterson, Peterson Beckner Industries, spoke in favor of mandatory certification and of allowing employers to train their employees. He also stressed the need for the certification to be portable. He also asked that OSHA resubmit the final version of the rule to the Committee for its re-approval by consensus.

Michael Eggenberger, Bay Ltd., stated that NCCCO certification often does not test operators on the specific equipment they will operate. He asked that employers be given a choice as to whether to certify in-house or use a third party. He recommended letting clients decide whether or not they want to hire crane operators with third-party certification.

Alfonso Fernandez, J.D. Abrams, stated that the written exam requirement would put Hispanic operators who do not read or write English at a disadvantage, and asked that multiple certification options be provided. After describing his organization's lift plan meetings, he recommended the use of a certified person to supervise non-certified operators during critical lifts.

Jim Andoga, Austin Bridge and Road, stated that third party operator certification would disadvantage Hispanic operators, and asked the Committee to allow employers to certify their employees, given that employers are ultimately liable for their operators. He suggested that certain employers could get approved to certify their operators.

Art Daniel, Boring & Tunneling Company of America, spoke in favor of training, physical qualifications, and drug testing, and against mandatory third party certification. Because NCCCO is currently the only existing organization that can independently certify crane operators, he asked Committee members affiliated with NCCCO to abstain from voting on operator certification issues. He also suggested that Hispanic employees who do not read or write English be given the option of an oral exam. He also asked that the wheel-loaded portion of rubber-tired backhoes be specifically excluded from the standard.

Mary Lou Reece, Reece Construction Company, Inc., suggested requiring different certification levels for different crane sizes and certification of only the supervisor in control. She expressed concern that some contractors might try to get around the independent operator certification requirement by making lifts with non-crane equipment not intended for such uses.

Hugh Pratt, Crane Power Line Safety Organization, presented laws from several U.S. states requiring insulating links and questioned whether any two of the options in the “menu” of proposed safety measures would be sufficient for operating where the crane or load could get within 20 feet or the Table A distance of a power line. He also stated that insulating links cost 1-2% of crane costs. He suggested that insulating links be added to the list of safety devices required by §1414.

Tom Chamberlain, Northrop Grumman-Newport News Shipbuilding, recommended that the Committee require overhead and gantry cranes to be tagged out of service during maintenance. He also stated that computer aids that control braking on overhead and gantry cranes sometimes fail, and that a secondary device must be retrofitted to prevent accidents due to this failure.

Palmer Hickman, National Joint Apprenticeship & Training Committee, spoke against excluding power line work-covered by Subpart V from the Power line safety requirements set forth in Subpart N. He stated that Subpart V, which covers power line work, is less stringent than the draft Subpart N text.

Logistics

Meeting Dates and Locations: The final C-DAC meeting will be held Tuesday - Friday, July 6-9 at the U.S. Department of Labor, Francis Perkins Building, 200 Constitution Ave, NW, Washington, DC. The meeting will begin each day at 8:30 am and end at 5:00 pm, except for Tuesday, July 6, which will begin at 1pm.

Next Steps

Documents: The approved May 4-7 meeting summary will be distributed as final. The facilitators will draft the meeting summary for this meeting and the July meeting agenda for distribution prior to the July meeting. OSHA will distribute the revised version of the standard as soon as it is available.

Operator Qualifications Work Group: will meet June 30 in Baltimore. (Note: After the Phoenix C-DAC meeting, the Work Group meeting was cancelled.)

Power Line Safety – exclusion for work covered by Subpart V: CDAC members will review the revised draft to compare the proposed requirements of Subpart N to Subpart V.

Derricks Work Group: will reconvene by conference call before the July meeting to review draft regulatory text.

Floating Cranes & Cranes on Barges Work Group: will reconvene by conference call before the July meeting to review draft regulatory text.

Definitions: CDAC members will provide comments on this section to OSHA by Friday, June 18th.

C-DAC Attendance – June 1-4, 2004

Present:

Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor / OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Emmett Russell, International Union of Operating Engineers
Dale Shoemaker, Carpenters International Training Center
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB)
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Stephen Brown, International Union of Operating Engineers
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructors

Meeting 11 Summary
July 2004

**U.S. Department of Labor
Occupational Safety and Health Administration**

Cranes and Derricks Negotiated Rulemaking Advisory Committee

Meeting Summary – July 6-9, 2004

FINAL CONSENSUS

Final consensus was reached at 3:15 pm EDT on July 9, 2004, on all issues of the proposed safety standards for construction Cranes and Derricks.

Given that the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) reached a final consensus agreement on all issues, OSHA will use the consensus-based language as its proposed standard (subject to regulatory review requirements), and C-DAC members will refrain from providing formal written negative comments on the consensus-based regulatory language published in the Federal Register.

If OSHA alters the C-DAC consensus regulatory language in its proposed standard, OSHA will reopen the negotiated rulemaking process or provide to C-DAC members a detailed statement of the reasons for altering the consensus-based language. This written explanation will be provided to C-DAC members sufficiently in advance of publication of the proposed standard so as to provide C-DAC members with an opportunity to express their concerns to OSHA. If OSHA alters consensus-based language, it will identify such changes in the preamble to the proposed standard, and C-DAC members may provide formal written negative or positive comments on those changes and on other parts of the proposed standard to which that issue was "linked." (Per C-DAC Ground Rules (adopted 9/26/2003), Section IV: Agreement).

According to the C-DAC Ground Rules, Section III: Decision Making, C-DAC considered consensus to have been reached when there was no dissent by more than two non-federal C-DAC members. Upon the request of a dissenter to an agreement, OSHA will include the dissenter's reasons for dissenting in the preamble of the proposed rule.

All issues were agreed to unanimously except §1422, Operator Qualifications, from which the Associated General Contractors (AGC) and National Association of Home Builders (NAHB) dissented. Since only two C-DAC members dissented, final consensus agreement¹ was reached on §1422, Operator Qualifications, and those two members may request that OSHA include their reasons for dissenting in the preamble. They must still refrain from providing formal written negative comments on the consensus-based regulatory language published in the Federal Register.

¹ One of the Committee members indicated to the Committee that he had been requested by the American Road and Transportation Builders Association (ARTBA) to dissent on Section 1422 (Operator Qualifications). However, with approval from Zachary Construction Corporation, he declined to do so and did not dissent on Section 1422 (Operator Qualifications).

Agenda Review

The Committee reviewed and accepted the meeting agenda.

Review and Approve June 1-4 Meeting Summary

The Committee reviewed and approved the June 1-4, 2004 draft meeting summary and made no changes to it. It was approved as final and will be available through the OSHA docket.

Review draft regulatory language

The Committee reviewed the draft regulatory language document as a whole with special attention to the remaining outstanding issues. All outstanding issues were resolved, and all tentative agreements were reviewed, and in some cases, revised.

The outstanding issues discussed and agreed to were: §1400(d)(2) Scope, Limited Requirements (dedicated pile drivers); §1417 Training; §1422 Operator Qualifications; §1425 (o), (p) Hoisting Personnel in drill shafts (Use of Boatswain's Chair) and Hoisting Personnel for pile driving equipment; §14XX Power Line Safety – equipment in transit under Power Lines (on construction sites); §14XX Power Line Safety – exclusion for work covered Subpart V; §1431 Derricks; §1433 Floating Cranes & Cranes on Barges; §1437.XXX Tower Cranes – Operational Aids (alternative measures); and §14XX Supplemental Requirements for Sideboom Cranes.

The following reflects C-DAC discussions relative to some of the sections listed above.

§1422 Operator Qualifications. C-DAC members agreed to include a section addressing crane operator certification. Among other requirements, the section provided for a phase-in period of 4 years after the effective date of the standard, after which crane operators will (except as noted below with regard to the U.S. Military or government entities) be required to be certified in one of two ways. They may be certified by either: (1) any testing organization accredited by a nationally recognized accrediting agency, or (2) an employer's qualification program, which must be evaluated by an auditor, who is certified by an accredited crane/derrick operator testing organization. The auditor will be required to evaluate the employer's tests based upon nationally recognized testing development standards. Provision was also made for qualification of operators by the U.S. Military as well as treating licensing of operators by a government entity as meeting the certification requirement under specified circumstances. It should be noted that another suggestion that provided for certification by an accredited educational institution or program was discussed and rejected by the Committee. C-DAC members also decided to delete any reference to language requirements in this section and Section 1406 Operation – Procedures.

§1430 Power line safety. C-DAC members agreed to certain exceptions/modifications to the power line safety requirements for work covered by 29 CFR 1926 Subpart V. In addition, the Committee agreed to exempt such work from the prohibition of working below power lines. The Committee also made the application of several provisions

governing crane operations inside the Table A zone subject to the minimum table distances specified in Subpart V. Those provisions require the use of several safety measures, which are outlined in the standard.

§1433 Floating Cranes & Land Cranes on Barges. C-DAC members decided to include a provision with supplemental requirements for floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation (“vessels”). In addition to the §1415 inspection requirements for cranes/derricks, the vessels are subject to inspections on a shift, monthly, annual (external) and quadrennial (internal) basis. Subject to an exception allowing for the limited use of auxiliary cranes, the Committee also agreed to a requirement that subjects land cranes on vessels to one of the following four options (designed by a qualified person) to limit or prevent shifting: physical attachment, corralling, rails, or centerline cable system.

Additional Issues Discussed

The Committee discussed the additional issues of controlled substance and alcohol testing for all crane operators and various other employees such as signal persons, and physical qualification requirements for crane operators. C-DAC decided not to include either in the standard for various reasons, including legal and enforcement concerns, as outlined by OSHA.

Controlled substances and testing: C-DAC considered incorporating by reference the U.S. Department of Transportation regulations for controlled substance and alcohol testing, which regulates all commercial drivers. Committee members discussed implementation and enforcement concerns such as an employer’s inability to “stand down” (remove) a crane operator, based on an unconfirmed test result, until a positive result is verified by a medical review officer.

Physical qualifications: C-DAC members discussed the lack of an agreed upon list establishing physical demands associated with being a crane operator, and the consequences of such a list.

Public Comment

Al Papcsy, Miller Products, described his company’s insulating devices, which are built into balls and hooks, and stated that of their approximately 10,000 devices produced, none have failed or led to litigation. He requested that the mechanical design criteria be consistent with the type of equipment being operated.

Joel Dandrea, Specialized Carriers & Rigging Association, spoke in favor of crane operator certification by a nationally accredited certifying organization. He stated that leaving certification to individual employers is not sufficient to achieve increased worker safety.

Kevin Cunningham, Special Risk Services Group, LLC, recommended that the standard only allow certification by a nationally accredited certifying organization. He stated

that his insurance company statistics reflected a 400% decrease in fatal accidents for policies written for companies employing third party certified crane operators.

Bob Moore, Stone & Moore, whose law firm has handled claims and litigation related to the crane industry, stated that the benefits of certification by an organization accredited by ANSI or the National Commission for Certifying Agencies (NCCA) outweigh the costs.

George Young, George Young Company and Specialized Carriers & Rigging Association, stated that third party testing was needed to ensure that crane operators have a predictable skill set.

Michael Vlaming, Crane Owners Association, stated that only operator certification by a nationally accredited certifying organization satisfies the goal of objective, valid, and meaningful certification.

James Pritchett, Crane Inspection Service, Inc., recommended that the standard require that third party certified inspectors conduct annual crane inspections. He also stated that operators should be trained and tested on the specific equipment they will use and that written and practical exams should be more stringent than they currently are.

Dr. John Kuffel, Kinetrics, described his company's testing procedures for insulators and other electrical safety devices and materials. He stated that testing requirements for crane insulating links could easily be developed.

Mark Savit, Patton Boggs LLP, stated that if crane operators test positive for drug use by an unverified test, they should be reassigned or suspended with pay until the results are confirmed.

George Kennedy, National Utility Contractors Association, requested that the standard provide the underground utility industry with the same exemptions as those provided for work covered by Subpart V. He also recommended that allowance be made for certification by construction industry associations, that audits of employers' certification programs take place every five years rather than three, that employers rather than auditors retain documentation, and that older operators who cannot read be allowed to continue to work under the new standard. He also expressed his opposition to including side boom tractors in the standard because he believes they pose different hazards.

Brad Giles, Washington Group International, spoke in favor of strict crane operator certification requirements. He also expressed concern that the U.S. Department of Transportation drug testing procedures do not include certain drugs, and he stated that employers should have the right to suspend an employee while waiting for confirmation of a positive drug test.

J. Nigel Ellis, Ellis Fall Safety Solutions, provided the percentage and number of fall-related deaths at heights of six feet and ten feet. He recommended requiring horizontal grab rails and guard rails.

Douglas Sidelinger, Cianbro Corporation, spoke in favor of certification of crane operators, by a nationally accredited agency. He stated that the cost of such certification is less than the loss associated with accidents.

Mitch White, Manson Construction, recommended having a qualified person rather than a marine surveyor conduct the quadrennial inspections of the internal portion of the means of flotation used to support land cranes and derricks operating on water. He also stated that void compartments were not usually inspected on a weekly basis and that power line safety training should not be mandated for crews working with water-based cranes since they are rarely near power lines. Finally, he questioned the requirement in the Equipment Modifications section that requires manufacturer approval and suggested the insertion of a parallel option to use a registered professional engineer.

Michael Eggenberger, Bay Ltd., expressed concern that requiring employers to certify their employees using nationally accredited exams would result in certification of crane operators for larger cranes than they are capable of operating. He recommended allowing employer-based certification, as that set forth in the ASME standard.

Dan Kuhs, Pile Drivers Local Union #56 (New England), recommended that the Committee further consider drug testing requirements and asked that qualifications for qualified crane inspectors be more clearly defined.

Hugh Pratt, Crane Power Line Safety Organization, stated that one in eight crane fatalities in the U.S. annually could be avoided by the presence of an insulating link, and that the inclusion of insulating links could ultimately reduce the cost of cranes. He reiterated his recommendation that all new mobile cranes be equipped with insulating links.

Tom Chamberlain, Northrop Grumman-Newport News Shipbuilding, recommended that the standard incorporate Appendix Q as a general requirement for all cranes and include additional separate testing requirements for each type of crane, for example, tower, gantry, etc.

Kenneth Anderson, Modern Continental, recommended requiring certified crane inspectors and stated that drug testing procedures need to be more rigorous.

Steve Marquis, Modern Continental, spoke in favor of a national certification program for crane inspectors, and stated that only requiring inspectors to be "competent" allows insufficiently qualified persons to perform inspections.

Next Steps

Documents: The approved June 1-4 meeting summary will be distributed as final. The facilitators will draft and distribute the meeting summary for the July meeting. Committee members will be asked to provide comments and approvals by email. If necessary, a revised version will be sent to Committee members for review and approval.

Regulatory Language: OSHA will distribute the final consensus regulatory language.

Preamble: OSHA will provide the draft preamble to C-DAC members for review prior to publication of the proposed standard.

Rulemaking Process: The final consensus regulatory language will undergo an economic analysis, a Small Business Regulatory Flexibility Act (SBRFA) review and a review by the Office of Management and Budget (OMB). Upon completion of these reviews, the proposed standard will be published in the Federal Register. Following publication, there will be a public comment period and possibly a public hearing. OSHA will take into account significant comments and respond to them in the preamble to the final rule, which, along with the final rule, will be published in the Federal Register.

C-DAC Attendance – July 6-9, 2004

Present:

Stephen Brown, International Union of Operating Engineers
Michael Brunet, Manitowoc Cranes, Inc., Crane Manufacturers (AEM/CIMA)
Stephen P. Charman, Viacom Outdoor, Inc., Outdoor Advertising Association of America (OAAA)
Joseph Collins, Zachry Construction Corporation, American Road and Transportation Builders (ARTBA)
Noah Connell, U.S. Department of Labor/OSHA
Peter Juhren, Morrow Equipment Company, L.L.C.
Bernie McGrew, Link-Belt Construction Equipment Co
Larry Means, Wire Rope Technical Board, ASME
Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers
Brian Murphy, Sundt Construction, Associated General Contractors (AGC)
George R. "Chip" Pocock, C.P. Buckner Steel Erection, Steel Erectors Association of America
David Ritchie, The St. Paul Companies, Training and Testing
Dale Shoemaker, Carpenters International Training Center
William Smith, Maxim Crane Works
Craig Steele, Schuck & Sons Construction Company, Inc., National Association of Home Builders (NAHB).
Darlaine Taylor, Century Steel Erectors, Co., Association of Union Constructor
Wallace Vega, III, Entergy Corporation, Inc.
William J. "Doc" Weaver, National Electrical Contractors Association, Inc.
Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., Allied Building Metal Industries
Doug Williams, Buckner Heavylift Cranes, Specialized Carriers and Rigging Association
Charles Yorio, Acordia
Susan Podziba, Facilitator, Susan Podziba & Associates
Alexis Gensberg, Facilitator, Susan Podziba & Associates

Absent:

Emmett Russell, International Union of Operating Engineers
Stephen Wiltshire, Turner Construction Company, Associated Builders and Contractors

Appendix L

Cranes and Derricks Advisory Committee Members

Cranes and Derricks Negotiated Rulemaking Advisory Committee Members

Stephen Brown
Director, Construction Training
International Union of Operating Engineers
1125 17th Street, N.W.
Washington, D.C. 20036

Michael Brunet
Director, Product Support
Manitowoc Cranes, Inc.
2401 S. 30th Street
Manitowoc, WI 54220

Stephen P. Charman
Vice President - Operations Manager
New York Outdoor, Special Projects
Viacom Outdoor, Inc.
49-29 Maspeth Ave.
Maspeth, NY 11378

Joseph Collins
Manager, Crane Fleet
Zachry Construction Corporation
P.O. Box 240130
San Antonio, TX 78224

Noah Connell
Office Director, Construction Standards & Guidance
Directorate of Construction
Occupational Safety and Health Administration
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Peter Juhren
Manager, National Service
Morrow Equipment Company, L.L.C.
3218 Pringle Road SE
Salem, OR 97302

Bernie McGrew
Link-Belt Construction Equipment Co.
2651 Palumbo Drive
Lexington Kentucky 40509

Larry Means
Engineer
Wire Rope Technical Board
801 North Fairfax Street
Suite 211
Alexandria, VA 22314

Frank Migliaccio
Executive Director, Safety & Health
International Association of Bridge, Structural, Ornamental and Reinforcing Iron
Workers (IRONWORKERS)
1750 New York Avenue, N.W., Suite 400
Washington, D.C. 20006

Brian Murphy
Vice President and Safety Director
Sundt Construction, Inc.
4101 E. Irvington Road
Tucson, AZ 85726

George R. "Chip" Pocock
Manager, Safety & Risk
C.P. Buckner Steel Erection
P.O. Box 598
Graham, NC 27253

David Ritchie
Crane & Rigging Specialist
The St. Paul Companies
P.O. Box 1419
Bastrop, TX 78602

Emmett Russell
Director, Safety & Health
International Union of Operating Engineers
1125 17th Street, N.W.
Washington, D.C. 20036

Dale Shoemaker
Carpenters International Training Center
6801 Placid Street
Las Vegas, NV 89119

William Smith
Manager, Corporate Safety/Labor Relations
Maxim Crane Works
508-C DiGiulian Blvd.
Glen Burnie, MD 21061

Craig Steele
President & CEO
Schuck & Sons Construction Company, Inc.,
8205 North 67th Avenue
Glendale, AZ 85302

Darlaine Taylor
Vice President
Century Steel Erectors
210 Washington Avenue
Dravosburg, PA 15034

Wallace Vega, III, Entergy Corporation, Inc.
Director of Safety
Entergy
850 Bridge City Ave
Bridge City, LA 70094

William J. "Doc" Weaver
National Electrical Contractors Association, Inc.
8065 S. Overhill Circle
Salt Lake City, UT 84121

Robert Weiss
Vice President, Cranes Inc.
Project Manager
A.J. McNulty & Company, Inc.
53-20 40th Street
Maspeth, NY 11378

Doug Williams
President
Buckner Heavylift Cranes
C.P. Buckner Steel Erection
P.O. Box 598
Graham, NC 27253

Stephen Wiltshire
National Safety Director, Market Segment Business Units
Turner Casualty and Surety
Turner Construction Company
6108 Waterman Drive
Fredericksburg, Virginia 22407

Charles Yorio
Assistant Vice President
Acordia Insurance Company
Two Gateway Center
603 Stanwix Street, Suite 1900
Pittsburgh, PA 15222

Appendix M

C-DAC Consensus Regulatory Text of
Proposed Revisions to
Worker Safety Standards for the Use of
Cranes and Derricks in Construction
29 CFR 1926.550 Subpart N

C-DAC CONSENSUS DOCUMENT

Table of Contents

- 1400 Scope
- 1401 Definitions
- 1402 Ground conditions
- 1403 Assembly/Disassembly – Selection of Manufacturer
or Employer Procedures
- 1404 Assembly/Disassembly – General Requirements
- 1405 Disassembly – Additional Requirements for disassembly of booms and jibs
- 1406 Assembly/Disassembly – Employer Procedures
- 1407 Power line safety (up to 350 kV) – assembly and disassembly
- 1408 Power line safety (up to 350 kV) – crane operations
- 1409 Power line safety (over 350 kV)
- 1410 Power line safety (all voltages) – crane operations inside the Table A zone
- 1411 Power line safety – equipment while traveling
- 1412 Inspections
- 1413 Wire Rope – Inspection
- 1414 Wire Rope – Selection and installation criteria
- 1415 Safety Devices
- 1416 Operational Aids
- 1417 Operation
- 1418 Authority to Stop Operation
- 1419 Signals – General Requirements
- 1420 Signals – Radio, telephone or other electronic transmission of signals
- 1421 Signals – Voice, additional requirements
- 1422 Signals – Hand signal chart
- 1423 Fall Protection
- 1424 Work Area Control
- 1425 Keeping Clear of the Load
- 1426 Free Fall/Controlled Load Lowering
- 1427 Operator Qualification and Certification
- 1428 Signal Person Qualifications
- 1429 Qualifications of Maintenance & Repair Workers
- 1430 Training
- 1431 Hoisting Personnel
- 1432 Multiple Crane/Derrick Lifts
- 1433 Design, Construction and Testing
- 1434 Equipment Modifications
- 1435 Tower Cranes
- 1436 Derricks
- 1437 Floating Cranes & Land Cranes on Barges
- 1438 Overhead & Gantry Cranes
- 1439 Dedicated pile drivers
- 1440 Sideboom Cranes

1441 Requirements for equipment with a manufacturer-rated hoisting/lifting capacity 2,000 pounds or less.

1400 Scope

(a) This standard applies to power-operated equipment used in construction that can hoist, lower and horizontally move a suspended load. Such equipment includes, but is not limited to: articulating cranes (such as knuckle-boom cranes); crawler cranes; floating cranes; cranes on barges; locomotive cranes; mobile cranes (such as wheel-mounted, rough-terrain, all-terrain, commercial truck-mounted, and boom truck cranes); multi-purpose machines when configured to hoist and lower (by means of a winch or hook) and horizontally move a suspended load; industrial cranes (such as carry-deck cranes); dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes (such as fixed jib (“hammerhead boom”), luffing boom and self-erecting); pedestal cranes; portal cranes; overhead and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment. However, items listed in paragraph 1400(c) are excluded from the scope of this standard.

(b) *Attachments.* This standard applies to equipment included in paragraph 1400(a) when used with attachments. Such attachments, whether crane-attached or suspended include, but are not limited to: hooks, magnets, grapples, clamshell buckets, orange peel buckets, concrete buckets, drag lines, personnel platforms, augers or drills and pile driving equipment.

(c) *Exclusions.* This Subpart does not cover:

(1) Equipment included in paragraph 1400(a) while it has been converted or adapted for a non-hoisting/lifting use. Such conversions/adaptations include, but are not limited to, power shovels, excavators and concrete pumps.

(2) Power shovels, excavators, wheel loaders, backhoes, loader backhoes, track loaders. This machinery is also excluded when used with chains, slings or other rigging to lift suspended loads.

(3) Automotive wreckers and tow trucks when used to clear wrecks and haul vehicles.

(4) Service trucks with mobile lifting devices designed specifically for use in the power line and electric service industries, such as digger derricks (radial boom derricks), when used in these industries for auguring holes to set power and utility poles, or handling associated materials to be installed or removed from utility poles.

(5) Equipment originally designed as vehicle-mounted aerial devices (for lifting personnel) and self-propelled elevating work platforms.

(6) Hydraulic jacking systems, including telescopic/hydraulic gantries [We need a picture/drawing of this].

(7) Stacker cranes.

(8) Powered industrial trucks (forklifts).

(9) Mechanic's truck with a hoisting device when used in activities related to equipment maintenance and repair.

(10) Equipment that hoists by using a come-a-long or chainfall.

(11) Dedicated drilling rigs.

(12) Gin poles used for the erection of communication towers.

(13) Tree trimming and tree removal work.

(14) Anchor handling with a vessel or barge using an affixed A-frame.

(15) Roustabouts.

(d) All Sections of this standard apply to the equipment covered by this standard unless specified otherwise.

(e) The duties of controlling entities under this subpart include, but are not limited to, the duties specified in Sections 1402(c), 1402(e) and 1424(b).

(f) Where provisions of this standard direct an operator, crewmember, or other employee to take certain actions, the employer shall establish, effectively communicate to the relevant persons, and enforce work rules, to ensure compliance with such provisions.

1401 Definitions

<i>A/D Supervisor</i>	means an individual who meets this standard's requirements for an A/D supervisor, irrespective of the person's formal job title or whether the person is non-management or management personnel.
<i>Alongside</i>	means the part of the fall zone that is outside the area directly under the load.
<i>Appointed Person</i>	Means a person assigned specific responsibilities by the employer or by the employer's representative.

<i>Articulating crane</i>	a crane whose boom consists of a series of folding, pin connected structural members, typically manipulated to extend or retract by power from hydraulic cylinders.
<i>Assist crane</i>	A crane used to assist in assembling or disassembling a crane.
<i>Attachments</i>	means any device that expands the range of tasks that can be done by the equipment. Examples include, but are not limited to: an auger, drill, magnet, pile-driver, and boom-attached personnel platform.
<i>Audible signal</i>	means a signal made by a distinct sound or series of sounds. Examples include, but are not limited to, sounds made by a bell, horn, or whistle.
<i>Blind pick</i>	A lift in which the operator's view of the load is obstructed.
<i>Blocking</i>	(also referred to as "cribbing") is wood or other material used to support equipment or a component and distribute loads to the ground. Typically used to support latticed boom sections during assembly/ disassembly and under outrigger floats.
<i>Boatswain's chair</i>	A single-point adjustable suspension scaffold consisting of a seat or sling (which may be incorporated into a full body harness) designed to support one employee in a sitting position.
<i>Bogie</i>	See "travel bogie."
<i>Boom (equipment other than tower crane)</i>	an inclined spar, strut, or other long structural member which supports the upper hoisting tackle on a crane or derrick. Typically, the length and vertical angle of the boom can be varied to achieve increased height or height and reach when lifting loads. Booms can usually be grouped into general categories of hydraulically extendible, cantilevered type, latticed section, cable supported type or articulating type.
<i>Boom (tower cranes)</i>	On tower cranes: if the "boom" (i.e., principle horizontal structure) is fixed, it is referred to as a jib; if it is moveable up and down, it is referred to as a boom.
<i>Boom angle indicator</i>	A device which measures the angle of the boom relative to

	horizontal.
<i>Boom hoist limiting device</i>	includes boom hoist disengaging device, boom hoist shut-off, boom hoist disconnect, boom hoist hydraulic relief, boom hoist kick-outs, automatic boom stop device, or derricking limiter. This type of device disengages boom hoist power when the boom reaches a predetermined operating angle. It also sets brakes or closes valves to prevent the boom from lowering after power is disengaged.
<i>Boom length indicator</i>	indicates the length of the permanent part of the boom (such as ruled markings on the boom) or, as in some computerized systems, the length of the boom with extensions/attachments.
<i>Boom stop</i>	includes boom stops, (belly straps with struts/standoff), telescoping boom stops, attachment boom stops, and backstops. These devices restrict the boom from moving above a certain maximum angle and toppling over backward.
<i>Boom suspension systems</i>	A system of pendants, running ropes, sheaves, and other hardware which supports the boom tip and controls the boom angle.
<i>Builder</i>	means an employer builder/constructor of equipment.
<i>Calculate</i>	includes use of a calculator.
<i>Center of gravity</i>	The center of gravity of any object is the point in the object around which its weight is evenly distributed. If you could put a support under that point, you could balance the object on the support.
<i>Certified welder</i>	A welder who meets nationally recognized certification requirements applicable to the task being performed.
<i>Climbing</i>	The process in which a tower crane is raised to a new working height, either by adding additional tower sections to the top of the crane (top climbing), or by a system in which the entire crane is raised inside the structure (inside climbing).
<i>Come-a-long</i>	means a mechanical device typically consisting of a chain or cable attached at each end that is used to facilitate movement of materials through leverage.
<i>Competent Person</i>	means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

<i>Controlled load lowering</i>	means lowering a load by means of a mechanical hoist drum device that allows a hoisted load to be lowered with maximum control using the gear train or hydraulic components of the hoist mechanism. Controlled load lowering requires the use of the hoist drive motor, rather than the load hoist brake, to lower the load.
<i>Controlling Entity</i>	means a prime contractor, general contractor, construction manager or any other legal entity which has the overall responsibility for the construction of the project – its planning, quality and completion.
<i>Counterweight</i>	Weight used to supplement the weight of equipment in providing stability for lifting loads by counterbalancing those loads.
<i>Crane/derrick</i>	Includes all equipment covered by this Subpart.
<i>Crawler crane</i>	Equipment that has a type of base mounting which incorporates a continuous belt of sprocket driven track.
<i>Crossover points</i>	Locations on a wire rope which is spooled on a drum where one layer of rope climbs up on and crosses over the previous layer. This takes place at each flange of the drum as the rope is spooled onto the drum, reaches the flange, and begins to wrap back in the opposite direction.
<i>Dedicated Channel</i>	A line of communication assigned by the employer who controls the communication system to only one signal person and crane/derrick or to a coordinated group of cranes/derricks/signal person(s).
<i>Dedicated pile-driver</i>	is a machine that is designed to function exclusively as a pile-driver. These machines typically have the ability to both hoist the material that will be pile-driven and to pile-drive that material.
<i>Dedicated spotter (power lines)</i>	In order to be considered a dedicated spotter, the requirements of Section 1428 (signal person requirements) must be met and his/her sole responsibility is to watch the separation between the power line and: the equipment, load line and load (including rigging and lifting accessories), and ensure through communication with the operator that the applicable minimum approach distance is not breached.
<i>Directly under the load</i>	means a part or all of an employee is directly beneath the load.

<i>Dismantling</i>	includes partial dismantling (such as dismantling to shorten a boom or substitute a different component).
<i>Drum rotation indicator</i>	A device on a crane or hoist which indicates in which direction and at what relative speed a particular hoist drum is turning.
<i>Electrical contact</i>	When a person, object, or equipment makes contact or comes in close proximity with an energized conductor or equipment that allows the passage of current.
<i>Employer-made equipment</i>	means equipment designed and built by an employer for its own use.
<i>Encroachment</i>	is where any part of the crane, load line or load (including rigging and lifting accessories) breaches a minimum clearance distance that this Subpart requires to be maintained from a power line.
<i>Equipment</i>	means equipment covered by this subpart.
<i>Equipment criteria</i>	means instructions, recommendations, limitations and specifications.
<i>Fall protection equipment</i>	means guardrail systems, safety net systems, personal fall arrest systems, positioning device systems or fall restraint systems.
<i>Fall restraint system</i>	means a fall protection system that prevents the user from falling any distance. The system is comprised of either a body belt or body harness, along with an anchorage, connectors and other necessary equipment. The other components typically include a lanyard, and may also include a lifeline and other devices.
<i>Fall zone</i>	means the area (including but not limited to the area directly beneath the load) in which it is reasonably foreseeable that partially or completely suspended materials could fall in the event of an accident.
<i>Flange points</i>	A point of contact between rope and drum flange where the rope changes layers.
<i>Floating cranes/derricks</i>	means equipment designed by the manufacturer (or employer) for marine use by permanent attachment to a barge, pontoons, vessel or other means of flotation.
<i>For example</i>	means “one example, although there are others.”
<i>Free fall (of the load line)</i>	Where only the brake is used to regulate the descent of the load line (the drive mechanism is not used to drive the load down faster or retard its lowering).
<i>Free surface effect</i>	Uncontrolled transverse movement of liquids in

	compartments which reduce a vessel's transverse stability.
<i>Hoist</i>	A mechanical device for lifting and lowering loads by winding rope onto or off a drum.
<i>Hoisting</i>	The act of raising, lowering or otherwise moving a load in the air with equipment covered by this standard. As used in this standard, "hoisting" can be done by means other than wire rope/ hoist drum equipment.
<i>Include/including</i>	means "including, but not limited to"
<i>Insulating link/device</i>	an insulating device approved by a Nationally Recognized Testing Laboratory.
<i>Jib stop</i>	also referred to as a jib backstop, is the same type of device as a boom stop but is for a fixed or luffing jib.
<i>Land crane/derrick</i>	Equipment not originally designed by the manufacturer for marine use by permanent attachment to barges, pontoons, vessels, or other means of floatation.
<i>List</i>	Angle of inclination about the longitudinal axis of a barge, pontoons, vessel or other means of floatation.
<i>Load</i>	the weight of the object being lifted or lowered, including the weight of the load-attaching equipment such as the load block, ropes, slings, shackles, and any other ancillary attachment.
<i>Load moment (or rated capacity) indicator</i>	A system which aids the equipment operator by sensing the overturning moment on the equipment, i.e. load X radius. It compares this lifting condition to the equipment's rated capacity, and indicates to the operator the percentage of capacity at which the equipment is working. Lights, bells, or buzzers may be incorporated as a warning of an approaching overload condition.
<i>Load moment (or rated capacity) limiter</i>	A system which aids the equipment operator by sensing the overturning moment on the equipment, i.e. load X radius. It compares this lifting condition to the equipment's rated capacity, and when the rated capacity is reached, it shuts off power to those equipment functions which can increase the severity of loading on the equipment, e.g., hoisting, telescoping out, or luffing out. Typically, those functions which decrease the severity of

	loading on the equipment remain operational, e.g., lowering, telescoping in, or luffing in.
<i>Locomotive crane</i>	a crane mounted on a base or car equipped for travel on a railroad track.
<i>Luffing Jib limiting device</i>	is similar to a boom hoist limiting device, except that it limits the movement of the luffing jib.
<i>Marine hoisted personnel transfer device</i>	a device, such as a “transfer net”, that is designed to protect the employees being hoisted during a marine transfer and to facilitate rapid entry into and exit from the device. Such devices do not include boatswain’s chairs when hoisted by equipment covered by this standard.
<i>Marine worksite</i>	a construction worksite located in, on or above the water.
<i>Mobile Cranes</i>	A lifting device incorporating a cable suspended latticed boom or hydraulic telescopic boom designed to be moved between operating locations by transport over the road. These are referred to in Europe as a crane mounted on a truck carrier.
<i>Moving point-to-point</i>	Means the times during which an employee is in the process of going to or from a work station.
<i>Multi-purpose machine</i>	means a machine that is designed to be configured in various ways, at least one of which allows it to hoist (by means of a winch or hook) and horizontally move a suspended load. For example, a machine that can rotate and can be configured with removable tongs (for use as a forklift) or with a winch pack, jib (with a hook at the end) or jib used in conjunction with a winch. When configured with the tongs, it is not covered by this Subpart. When configured with a winch pack, jib (with a hook at the end) or jib used in conjunction with a winch, it is covered by this Subpart.
<i>Nationally recognized accrediting agency</i>	is an organization that, due to its independence and expertise, is widely recognized as competent to accredit testing organizations.
<i>Nonconductive</i>	means that, because of the nature and condition of the materials used, and the conditions of use (including environmental conditions and condition of the material), the object in question has the property of not becoming

	energized (that is, it has high dielectric properties offering a high resistance to the passage of current under the conditions of use).
<i>Operational Controls</i>	levers, switches, pedals and other devices for controlling equipment operation
<i>Operational aids</i>	devices that assist the operator in the safe operation of the crane by providing information or automatically taking control of a crane function. These include, but are not limited to, the devices listed in Section 1416 (“listed operational aids”).
<i>Operator</i>	is a person who is operating the equipment.
<i>Overhead and gantry cranes</i>	includes overhead/bridge cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, launching gantry cranes, and similar equipment, irrespective of whether it travels on tracks, wheels, or other means.
<i>Paragraph</i>	refers to a paragraph in the same section of this Subpart that the word “paragraph” is used, unless otherwise specified.
<i>Pendants</i>	includes both wire and bar types. Wire type: a fixed length of wire rope with mechanical fittings at both ends for pinning segments of wire rope together. Bar type: instead of wire rope, a bar is used. Pendants are typically used in a latticed boom crane system to easily change the length of the boom suspension system without completely changing the rope on the drum when the boom length is increased or decreased.
<i>Personal fall arrest system</i>	means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, a body harness and may include a lanyard, deceleration device, lifeline, or suitable combination of these.
<i>Portal Cranes</i>	A type of crane consisting of a rotating upperstructure, hoist machinery, and boom mounted on top of a structural gantry which may be fixed in one location or have travel capability. The gantry legs or columns usually have portal openings in between to allow passage of traffic beneath

	the gantry.
<i>Power down</i>	see “controlled load lowering”
<i>Power lines</i>	electrical distribution and electrical transmission lines.
<i>Procedures</i>	include, but are not limited to: instructions, diagrams, recommendations, warnings, specifications, protocols and limitations.
<i>Proximity alarm</i>	a device that provides a warning of proximity to a power line that has been approved by a Nationally Recognized Testing Laboratory.
<i>Qualified evaluator (not a third party)</i>	means a person employed by the signal person’s employer who, has demonstrated that he/she is competent in accurately assessing whether individuals meet the Qualification Requirements in this Subpart for a signal person.
<i>Qualified Person</i>	means a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, successfully demonstrated the ability to solve/resolve problems relating to the subject matter, the work, or the project.
<i>Qualified Rigger</i>	is a rigger who meets the criteria for a qualified person.
<i>Rated capacity</i>	The maximum working load permitted by the manufacturer under specified working conditions. Such working conditions typically include a specific combination of factors such as equipment configuration, radii, boom length, and other parameters of use.
<i>Rated capacity indicator</i>	See load moment indicator
<i>Rated capacity limiter</i>	See load moment limiter
<i>Range control warning device</i>	A device that can be set by an equipment operator to warn that the boom or jib tip is at a plane or multiple planes.
<i>Repetitive pickup points</i>	When operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.
<i>Running wire rope</i>	a wire rope that moves over sheaves or drums.
<i>Section</i>	means a section of this Subpart, unless otherwise specified.
<i>Side-boom tractor</i>	is synonymous with “side-boom crane.”

<i>Special hazard warnings</i>	means warnings of site-specific hazards (for example, proximity of power lines).
<i>Stability</i>	means the tendency of a barge, pontoons, vessel or other means of floatation to return to an upright position after having been inclined by an external force.
<i>Standard Method</i>	means the protocol in Appendices for hand signals.
<i>Such as</i>	means “such as, but not limited to”
<i>Superstructure</i>	See: Upperstructure.
<i>Taglines</i>	A rope (usually fiber) attached to a lifted load for purposes of controlling load spinning and pendular motions or used to stabilize a bucket or magnet during material handling operations.
<i>Tender</i>	An individual responsible for monitoring and communicating with a diver.
<i>Tilt up or tilt down operation</i>	raising/lowering a load from the horizontal to vertical or vertical to horizontal.
<i>Tower Crane</i>	A type of lifting structure which utilizes a vertical mast or tower to support a working boom (jib) suspended from the working boom. While the working boom may be fixed horizontally or have luffing capability, it can always rotate about the tower center to swing loads. The tower base may be fixed in one location or ballasted and moveable between locations.
<i>Travel bogie (tower cranes)</i>	An assembly of two or more axles arranged to permit vertical wheel displacement and equalize the loading on the wheels.
<i>Trim</i>	Angle of inclination about the transverse axis of a barge, pontoons, vessel or other means of floatation.

<i>Two blocking</i>	means a condition in which a component that is uppermost on the hoist line such as the load block, hook block, overhaul ball, or similar component, comes in contact with the boom tip, fixed upper block or similar component. This binds the system and continued application of power can cause failure of the hoist rope or other component.
<i>Unavailable procedures</i>	means procedures that are no longer available from the manufacturer, or have never been available, from the manufacturer.
<i>Upperstructure</i>	See upperworks.
<i>Upperworks</i>	The revolving frame of equipment on which the engine and operating machinery are mounted along with the operator's cab. The counterweight is typically supported on the rear of the upperstructure and the boom or other front end attachment is mounted on the front.
<i>Up to</i>	means "up to and including"
<i>Wire rope</i>	means rope made of wire.

1402 Ground conditions.

(a) *Definitions.*

(1) "Ground conditions" means the ability of the ground to support the equipment (including slope, compaction and firmness).

(2) "Supporting materials" means blocking, mats, cribbing, marsh buggies (in marshes/wetlands), or similar supporting materials or devices.

(b) The equipment shall not be assembled or used unless ground conditions are firm, drained (except for marshes/wetlands), and graded to a sufficient extent so that, in conjunction (if necessary) with the use of supporting materials, the equipment manufacturer's specifications for adequate support and degree of level of the equipment are met.

(c) The controlling entity shall:

(1) Ensure that ground preparations necessary to meet the requirements in paragraph (b) are provided.

(2) Inform the user of the equipment and the operator of the location of hazards beneath the equipment set-up area (such as voids, tanks, utilities) that are identified in documents (such as site drawings, as-built drawings, and soil analyses) if they are available to the controlling entity.

(d) If there is no controlling entity for the project, the requirement in paragraph (c)(1) shall be met by the employer that has authority at the site to make or arrange for ground preparations needed to meet paragraph (b).

(e) If the individual supervising the equipment assembly or the operator determines that ground conditions do not meet the requirements in paragraph (b), that person's employer shall have a discussion with the controlling entity regarding the ground preparations that are needed so that, with the use of suitable supporting materials/devices (if necessary), the requirements in paragraph (b) can be met.

1403 Assembly/Disassembly – Selection of Manufacturer or Employer Procedures

When assembling and disassembling equipment (or attachments), the employer shall comply with either:

(a) Manufacturer procedures applicable to assembly and disassembly, or

(b) Employer procedures for assembly and disassembly. Employer procedures may be used only where the employer can demonstrate that the procedures used meet the requirements in section 1406.

1404 Assembly/Disassembly – General Requirements (applies to all assembly and disassembly operations)

(a) *Supervision – Competent-qualified person.*

(1) Assembly/disassembly must be supervised by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons (“A/D supervisor”).

(2) Where the assembly/disassembly is being performed by only one person, that person must meet the criteria for both a competent person and a qualified person. For purposes of this standard, that person is considered the A/D supervisor.

(b) *Knowledge of procedures.* The A/D supervisor must understand the applicable assembly/disassembly procedures.

(c) *Review of procedures.* The A/D supervisor must review the applicable assembly/disassembly procedures immediately prior to the commencement of assembly/disassembly unless the A/D supervisor has applied them to the same type and configuration of equipment (including accessories, if any) so that they are already known and understood.

(d) *Crew instructions.*

(1) Before commencing assembly/disassembly operations, the A/D supervisor must determine that the crew members understand the following:

(i) Their tasks.

(ii) The hazards associated with their tasks.

(iii) The hazardous positions/locations that they need to avoid.

(2) During assembly/disassembly operations, before a crew member takes on a different task, or when adding new personnel during the operations, the requirements in paragraphs (d)(1)(i) through (d)(1)(iii) must be met with respect to the crew member's understanding regarding that task.

(e) *Protecting assembly/disassembly crew members out of operator view.*

(1) Before a crew member goes to a location that is out of view of the operator and is either: in, on or under the equipment, or near the equipment (or load) where the crew member could be injured by movement of the equipment (or load), the crew member shall inform the operator that he/she is going to that location.

(2) Where the operator knows that a crew member went to a location covered by paragraph 1404(e)(1), the operator shall not move any part of the equipment (or load) until the operator:

(i) Gives a warning that is understood by the crew member as a signal that the equipment (or load) is about to be moved and allows time for the crew member to get to a safe position, or

(ii) Is informed in accordance with a pre-arranged system of communication that the crew member is in a safe position.

(f) *Working under the boom, jib or other components.*

(1) When pins (or similar devices) are being removed, employees must not be under the boom, jib or other components, except where the requirements of paragraph 1404(f)(2) are met.

(2) *Exception.* Where the employer demonstrates that site constraints require one or more employees to be under the boom, jib or other components when pins (or similar devices) are being removed, the A/D supervisor must implement procedures that minimize the risk of unintended dangerous movement and minimize the duration and extent of exposure under the boom. [see Non-Mandatory Appendix __ for an example].

(g) *Capacity limits.* During all phases of assembly/disassembly, rated capacity limits for loads imposed on the equipment, equipment components (including rigging), lifting lugs and equipment accessories must be met for the equipment being assembled/disassembled.

(h) *Addressing specific hazards.* The A/D supervisor supervising the assembly/disassembly operation must address the hazards associated with the operation with methods to protect the employees from them, as follows:

(1) *Site and ground bearing conditions.* Site and ground conditions must be adequate for safe assembly/disassembly operations and to support the equipment during assembly/disassembly (see Section 1402 for ground condition requirements).

(2) *Blocking material.* The size, amount, condition and method of stacking blocking must be sufficient to sustain the loads and maintain stability.

(3) *Proper location of blocking.* When used to support lattice booms or components, blocking must be appropriately placed to:

(i) Protect the structural integrity of the equipment, and

(ii) Prevent dangerous movement and collapse.

(4) *Verifying assist crane loads.* When using an assist crane, the loads that will be imposed on the assist crane at each phase of assembly/disassembly must be verified in accordance with Section 1417(o)(3) before assembly/disassembly begins in order to prevent exceeding rated capacity limits for the assist crane.

(5) *Boom and jib pick points.* The point(s) of attachment of rigging to a boom (or boom sections or jib or jib sections) must be suitable for preventing structural damage and facilitating safe handling of these components.

(6) *Center of gravity.*

(i) The center of gravity of the load must be identified if that is necessary for the method used for maintaining stability.

(ii) Where there is insufficient information to accurately identify the center of gravity, measures designed to prevent unintended dangerous movement

resulting from an inaccurate identification of the center of gravity must be used. (See Non-mandatory Appendix XX for examples of techniques).

(7) *Stability upon pin removal.* The boom sections, boom suspension systems (such as gantry A-frames and jib struts) or components must be rigged or supported to maintain stability upon the removal of the pins.

(8) *Snagging.* Suspension ropes and pendants must not be allowed to catch on the boom or jib connection pins or cotter pins (including keepers and locking pins).

(9) *Struck by counterweights.* The potential for unexpected movement from inadequately supported counterweights and from hoisting counterweights.

(10) *Boom hoist brake failure.* Where reliance is placed on the boom hoist brake to prevent boom movement during assembly/disassembly, the brake shall be tested to determine if it sufficient to prevent boom movement. If it is not sufficient, a boom hoist pawl, other locking device/back-up braking device, or another method of preventing dangerous movement of the boom (such as blocking or using an assist crane) from a boom hoist brake failure shall be used.

(11) *Loss of backward stability.* Backward stability must be considered before swinging the upperworks, travel, and when attaching or removing equipment components.

[Insert illustration (without text) from pg 191 of Ontario Handbook]

(12) *Wind speed and weather.* Wind speed and weather must be considered so that the safe assembly/ disassembly of the equipment is not compromised.

(i) [Reserved]

(j) *Cantilevered boom sections.* Manufacturer limitations on the maximum amount of boom supported only by cantilevering shall not be exceeded. Where these are unavailable, a registered professional engineer familiar with the type of equipment involved shall determine this limitation in writing, which shall not be exceeded.

(k) *Weight of components.* The weight of the components must be readily available.

(l) [Reserved]

(m) *Components and Configuration.*

(1) The selection of components and configuration of the equipment that affect the capacity or safe operation of the equipment must be in accordance with:

(i) Manufacturer instructions, limitations, and specifications. Where these are unavailable, a registered professional engineer familiar with the type of equipment involved must approve, in writing, the selection and configuration of components; or

(ii) Approved modifications that meet the requirements of section 1434 (Equipment Modifications).

(2) *Post-assembly inspection.* Upon completion of assembly, the equipment must be inspected to ensure compliance with paragraph 1404(m)(1) (see section 1412(c) for post-assembly inspection requirements).

(n) *Manufacturer prohibitions.* The employer must comply with applicable manufacturer prohibitions.

(o) *Shipping pins.* Reusable shipping pins, straps, links, and similar equipment must be removed and stowed in accordance with manufacturer instructions.

(p) *Pile driving.* Equipment used for pile driving shall not have a jib attached during pile driving operations.

(q) *Outriggers.* When the load to be handled and the operating radius require the use of outriggers, or at any time when outriggers are used, the following requirements shall be met:

(1) The outriggers shall be either fully extended or, if manufacturer procedures permit, deployed as specified in the load chart.

(2) The outriggers shall be set to remove the equipment weight from the wheels, except for locomotive cranes (see paragraph 1404(q)(6) for use of outriggers on locomotive cranes).

(3) When outrigger floats are used, they shall be attached to the outriggers.

(4) Each outrigger shall be visible to the operator or to a signal person during extension and setting.

(5) Outrigger blocking shall:

(i) Meet the requirements in paragraph 1404(h)(2) and 1404(h)(3).

(ii) Be placed only under the outrigger float/pad of the outrigger jack or, where the outrigger is designed without a jack, under the outer bearing surface of the extended outrigger beam.

(6) For locomotive cranes, when using outriggers to handle loads, the manufacturer's procedures shall be followed. When lifting loads without using outriggers, the manufacturer's procedures shall be met regarding truck wedges or screws.

1405 Disassembly – Additional requirements for disassembly of booms and jibs (applies to both the use of manufacturer procedures and employer procedures).

Dismantling (including dismantling for changing the length of) booms and jibs.

(a) None of the pins in the pendants are to be removed (partly or completely) when the pendants are in tension.

[Insert new diagram]

(b) None of the pins (top and bottom) on boom sections located between the pendant attachment points and the crane/derrick body are to be removed (partly or completely) when the pendants are in tension.

[Insert Diagrams A, B and C].

(c) None of the pins (top and bottom) on boom sections located between the uppermost boom section and the crane/derrick body are to be removed (partly or completely) when the boom is being supported by the uppermost boom section resting on the ground (or other support).

[Insert Diagram per Dave R.]

(d) None of the top pins on boom sections located on the cantilevered portion of the boom being removed (the portion being removed ahead of the pendant attachment points) are to be removed (partly or completely) until the cantilevered section to be removed is fully supported.

[Insert diagrams D and E]

1406 Assembly/Disassembly – Employer Procedures – General Requirements

(a) When using employer procedures instead of manufacturer procedures for assembling or disassembling, the employer shall ensure that the procedures are designed to:

(1) Prevent unintended dangerous movement, and to prevent collapse, of part or all of the equipment.

(2) Provide adequate support and stability of all parts of the equipment during the assembly/disassembly process.

(3) Position employees involved in the assembly/disassembly operation so that their exposure to unintended movement or collapse of part or all of the equipment is minimized.

(b) *Qualified person.* Employer procedures must be developed by a qualified person.

1407 Power line safety (up to 350 kV) – assembly and disassembly

(a) Before assembling or disassembling a crane, the employer must determine if any part of the crane, load line or load (including rigging and lifting accessories) could get, in the direction or area of assembly, within 20 feet of a power line during the assembly/disassembly process. If so, the employer must meet the requirements in Option (1), Option (2), or Option (3), as follows:

(1) *Option (1) – Deenergize and ground.* Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the worksite.

(2) *Option (2) – 20 foot clearance.* Ensure that no part of the crane, load line or load (including rigging and lifting accessories), gets within 20 feet of the power line by implementing the measures specified in (b).

(3) *Option (3) – Table A clearance.*

(i) Determine the line's voltage and the minimum approach distance permitted under Table A.

(ii) Determine if any part of the crane, load line or load (including rigging and lifting accessories), could get within the minimum approach distance of the power line permitted under Table A. If so, then the employer must follow the requirements in paragraph (b).

(b) *Preventing encroachment/electrocution.* Where encroachment precautions are required under Option (2), or Option (3), the following requirements must be met:

(1) Conduct a planning meeting with the competent-qualified person who will supervise the assembly/disassembly process, operator, assembly/disassembly crew and the other workers who will be in the assembly/disassembly area to review the location of the power line(s) and the steps that will be implemented to prevent encroachment/electrocution.

(2) If tag lines are used, they must be non-conductive.

(3) At least one of the following additional measures must be in place:

(i) Use a dedicated spotter who is in continuous contact with the crane operator. The spotter must:

(A) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: a line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the spotter and a building corner ahead of the spotter).

(B) Be positioned to effectively gauge the clearance distance.

(C) Where necessary, use equipment that enables the spotter to communicate directly with the crane operator, in accordance with Section 1420 (Radio, telephone, or other electronic transmission of signals).

(D) Give timely information to the crane operator so that the required clearance distance can be maintained.

(ii) A proximity alarm set to give the operator sufficient warning to prevent encroachment.

(iii) A device that automatically warns the operator when to stop movement, such as a range control warning device. Such a device must be set to give the operator sufficient warning to prevent encroachment.

(iv) A device that automatically limits range of movement, set to prevent encroachment.

(v) An elevated warning line, barricade, or line of signs, in view of the operator, equipped with flags or similar high-visibility markings.

(c) *Assembly/disassembly below power lines prohibited.* No part of a crane, load line or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed below a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line.

(d) *Assembly/disassembly inside Table A clearance prohibited.* No part of a crane, load line or load (including rigging and lifting accessories), whether partially or fully assembled, is allowed within the minimum approach distance under Table A of a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line.

(e) *Voltage information.* Where Option (3) is used, owner/operators of power lines must provide the requested voltage information within two working days of the employer's request.

(f) *Power lines presumed energized.* The employer must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the worksite.

(g) *Posting of electrocution warnings.* There must be at least one electrocution hazard warning conspicuously posted in the cab so that it is in view of the operator and (except for overhead gantry and tower cranes) at least two on the outside of the equipment.

1408 Power line safety (up to 350 kV) – crane operations

(a) *Hazard assessments and precautions inside the work zone.* Before beginning crane operations, the employer must:

(1) *Identify the work zone.*

(i) Define a work zone by demarcating boundaries (such as with flags, or a device such as a range limit device or range control warning device) and prohibit the operator from operating the crane past those boundaries, or

(ii) Define the work zone as the area 360 degrees around the crane, up to the crane's maximum working radius.

(2) Determine if any part of the crane, load line or load (including rigging and lifting accessories), if operated up to the crane's maximum working radius in the work zone, could get within 20 feet of a power line. If so, the employer must meet the requirements in Option (1), Option (2), or Option (3), as follows:

(i) *Option (1) – Deenergize and ground.* Confirm from the utility owner/operator that the power line has been deenergized and visibly grounded at the worksite.

(ii) *Option (2) – 20 foot clearance.* Ensure that no part of the crane, load line or load (including rigging and lifting accessories), gets within 20 feet of the power line by implementing the measures specified in (b).

(iii) *Option (3) – Table A clearance.*

(A) Determine the line's voltage and the minimum approach distance permitted under Table A.

(B) Determine if any part of the crane, load line or load (including rigging and lifting accessories), while operating up to the crane's maximum working radius in the work zone, could get within the minimum approach distance of the power line permitted under Table A. If so, then the employer must follow the requirements in paragraph (b).

(b) *Preventing encroachment/electrocution.* Where encroachment precautions are required under Option (2), or Option (3), the following requirements must be met:

(1) Conduct a planning meeting with the operator and the other workers who will be in the area of the crane or load to review the location of the power line(s), and the steps that will be implemented to prevent encroachment/electrocution.

(2) If tag lines are used, they must be non-conductive.

(3) Erect and maintain an elevated warning line, barricade, or line of signs, in view of the crane operator, equipped with flags or similar high-visibility markings, at 20 feet from the power line (if using Option (2)) or at the minimum approach distance under Table A (if using Option (3)).

(4) Implement at least one of the following measures:

(i) A proximity alarm set to give the operator sufficient warning to prevent encroachment.

(ii) A dedicated spotter who is in continuous contact with the crane operator. Where this measure is selected, the spotter must:

(A) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: a line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the spotter and a building corner ahead of the spotter).

(B) Be positioned to effectively gauge the clearance distance.

(C) Where necessary, use equipment that enables the spotter to communicate directly with the crane operator.

(D) Give timely information to the crane operator so that the required clearance distance can be maintained.

(iii) A device that automatically warns the operator when to stop movement, such as a range control warning device. Such a device must be set to give the operator sufficient warning to prevent encroachment.

(iv) A device that automatically limits range of movement, set to prevent encroachment.

(v) An insulating link/device installed at a point between the end of the load line (or below) and the load.

(5) The requirements of paragraph (b)(4) do not apply to work covered by 29 CFR 1926 Subpart V.

(c) *Voltage information.* Where Option (3) is used, operators of power lines must provide the requested voltage information within two working days of the employer's request.

(d) *Operations below power lines.*

(1) No part of a crane, load line or load (including rigging and lifting accessories) is allowed below a power line unless the employer has confirmed that the utility owner/operator has deenergized and (at the worksite) visibly grounded the power line, except where one of the exceptions in (d)(2) applies.

(2) *Exceptions.* Paragraph (d)(1) is inapplicable where the employer demonstrates that one of the following applies:

(i) The work is covered by 29 CFR 1926 Subpart V.

(ii) For equipment with non-extensible booms: The uppermost part of the equipment, with the boom at true vertical, would be more than 20 feet below the plane of the power line or more than the Table A minimum clearance distance below the plane of the power line.

(iii) For equipment with articulating or extensible booms: The uppermost part of the equipment, with the boom in the fully extended position, at true vertical, would be more than 20 feet below the plane of the power line or more than the Table A minimum clearance distance below the plane of the power line.

(iv) The employer demonstrates that compliance with paragraph (d)(1) is infeasible and meets the requirements of Section 1410.

(e) *Power lines presumed energized.* The employer must assume that all power lines are energized unless the utility owner/operator confirms that the power line has been and continues to be deenergized and visibly grounded at the worksite.

(f) When working near transmitter/communication towers where the equipment is close enough for an electrical charge to be induced in the equipment or materials being handled, the transmitter shall be de-energized or the following precautions shall be taken when necessary to dissipate induced voltages:

- (1) The equipment shall be provided with an electrical ground.
- (2) Non-conductive rigging or an insulating link/device shall be used.

(g) *Training.*

(1) Operators and crew assigned to work with the equipment shall be trained on the following:

(i) The procedures to be followed in the event of electrical contact with a power line. Such training shall include:

(A) Information regarding the danger of electrocution from the operator simultaneously touching the equipment and the ground.

(B) The importance to the operator's safety of remaining inside the cab except where there is an imminent danger of fire, explosion, or other emergency that necessitates leaving the cab.

(C) The safest means of evacuating from equipment that may be energized.

(D) The danger of the potentially energized zone around the equipment.

(E) The need for crew in the area to avoid approaching or touching the equipment.

(F) Safe clearance distance from power lines.

(ii) Power lines are presumed to be energized unless the utility owner/operator confirms that the line has been and continues to be deenergized, and visibly grounded at the worksite.

(iii) Power lines are presumed to be uninsulated unless the utility owner/operator or a registered engineer who is a qualified person with respect to electrical power transmission and distribution confirms that a line is insulated.

(iv) The limitations of an insulating link/device, proximity alarm, and range control (and similar) device, if used.

(2) Employees working as dedicated spotters shall be trained to enable them to effectively perform their task, including training on the applicable requirements of this Section.

(h) Devices originally designed by the manufacturer for use as: a safety device (see Section 1415), operational aid, or a means to prevent power line contact or electrocution, when used to comply with this Section, shall meet the manufacturer's procedures for use and conditions of use.

Table A – Minimum Clearance Distances

Voltage (nominal, kV, alternating current)	Minimum clearance distance (feet)
up to 50	10
over 50 to 200	15
over 200 to 350	20
over 350 to 500	25
over 500 to 750	35
over 750 to 1000	45
over 1000	(as established by the power line owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution)

1409 Power line safety (over 350 kV)

The requirements of sections 1407 and 1408 apply to power lines over 350 kV, except “50 feet” applies instead of “20 feet”.

1410 Power line safety (all voltages) – crane operations inside the Table A zone

Crane operations in which any part of the crane, load line or load (including rigging and lifting accessories) is within the minimum approach distance under Table A of an energized power line is prohibited, except where the employer demonstrates that the following requirements are met:

(a) The employer determines that it is infeasible to do the work without breaching the minimum approach distance under Table A.

(b) The employer determines that, after consultation with the utility owner/operator, it is infeasible to deenergize and ground the power line or relocate the power line.

(c) *Minimum clearance distance.*

(1) The power line owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution determines the minimum clearance distance that must be maintained to prevent electrical contact in light of the on-site conditions. The factors that must be considered in making this determination include, but are not limited to: conditions affecting atmospheric conductivity; time necessary to bring the equipment, load line and load (including rigging and lifting accessories) to a complete stop; wind conditions; degree of sway in the power line; lighting conditions, and other conditions affecting the ability to prevent electrical contact.

(2) Paragraph (c)(1) does not apply to work covered by 1926 Subpart V; instead, for such work, the minimum clearance distances specified in 1926.950 Table V-1 apply.

(d) A planning meeting with the employer and power line operator (or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution) is held to determine the procedures that will be followed to prevent electrical contact and electrocution. At a minimum these procedures shall include:

(1) If the power line is equipped with a device that automatically reenergizes the circuit in the event of a power line contact, the automatic reclosing feature of the circuit interrupting device must be made inoperative before work begins.

(2) A dedicated spotter who is in continuous contact with the crane operator. The spotter must:

(i) Be equipped with a visual aid to assist in identifying the minimum clearance distance. Examples of a visual aid include, but are not limited to: a line painted on the ground; a clearly visible line on stanchions; a set of clearly visible line-of-sight landmarks (such as a fence post behind the spotter and a building corner ahead of the spotter).

(ii) Be positioned to effectively gauge the clearance distance.

(iii) Where necessary, use equipment that enables the spotter to communicate directly with the crane operator.

(iv) Give timely information to the crane operator so that the required clearance distance can be maintained.

(3) An elevated warning line, or barricade (not attached to the crane), in view of the operator (either directly or through video equipment), equipped with flags or similar high-visibility markings, to prevent electrical contact. However, this provision does not apply to work covered by 1926 Subpart V.

(4) *Insulating link/device.*

(i) An insulating link/device installed at a point between the end of the load line (or below) and the load.

(ii) For work covered by 1926 Subpart V, the requirement in paragraph (d)(4)(i) applies only when working inside the 1926.950 Table V-1 clearance distances.

(5) Non-conductive rigging if the rigging may be within the Table A distance during the operation.

(6) If the crane is equipped with a device that automatically limits range of movement, it must be used and set to prevent any part of the crane, load line or load (including rigging and lifting accessories) from breaching the minimum approach distance established under paragraph (c).

(7) If a tag line is used, it must be of the non-conductive type.

(8) Barricades forming a perimeter at least 10 feet away from the equipment to prevent unauthorized personnel from entering the work area. In areas where obstacles prevent the barricade from being at least 10 feet away, the barricade shall be as far from the equipment as feasible.

(9) Workers other than the crane operator must be prohibited from touching the load line above the insulating link/device and crane.

(10) Only personnel essential to the operation shall be permitted to be in the area of the crane and load.

(11) The crane must be properly grounded.

(12) Insulating line hose or cover-up shall be installed by the utility owner/operator except where such devices are unavailable for the line voltages involved.

(e) The procedures developed to comply with paragraph (d) are documented and immediately available on-site.

(f) The crane user and utility owner/operator meet with the crane operator and the other workers who will be in the area of the crane or load to review the procedures that will be

implemented to prevent breaching the minimum approach distance established in paragraph (c) and prevent electrocution.

(g) The procedures developed to comply with paragraph (d) are implemented.

(h) The utility owner/operator and all employers of employees involved in the work shall identify one person who will direct the implementation of the procedures. The person identified in accordance with this paragraph shall direct the implementation of the procedures and shall have the authority to stop work at any time to ensure safety.

(i) [Reserved]

(j) If a problem occurs implementing the procedures being used to comply with paragraph (d), or indicating that those procedures are inadequate to prevent electrocution, the employer shall safely stop operations and either develop new procedures to comply with paragraph (d) or have the utility owner/operator deenergized and visibly ground or relocate the power line before resuming work.

(k) Devices originally designed by the manufacturer for use as: a safety device (see Section 1415), operational aid, or a means to prevent power line contact or electrocution, when used to comply with this Section, shall meet the manufacturer's procedures for use and conditions of use.

1411 Power line safety – equipment while traveling

(a) This section applies to equipment while traveling under a power line on the construction site with no load and the boom/mast and boom/mast support system lowered sufficiently to meet the requirements of paragraph (b).

(b) The employer shall ensure that:

(1) The clearances specified in paragraph (c), Table T, are maintained.

(2) The effects of speed and terrain on equipment movement (including movement of the boom/mast) are considered so that those effects do not cause the clearances to be reduced below those specified in Table T.

(3) *Dedicated spotter.* If any part of the equipment while traveling will get within 20 feet of the power line, the employer shall ensure that a dedicated spotter who is in continuous contact with the crane operator is used. The spotter must:

(i) Be positioned to effectively gauge the clearance distance.

(ii) Where necessary, use equipment that enables the spotter to communicate directly with the crane operator.

(iii) Give timely information to the crane operator so that the required clearance distance can be maintained.

(4) *Additional precautions for traveling in poor visibility.* When traveling at night, or in conditions of poor visibility, in addition to the measures specified in paragraphs (b)(1)-(3), the employer shall ensure that:

(i) The power lines are illuminated or another means of identifying the location of the lines shall be used.

(ii) A safe path of travel is identified.

**Table T – Minimum Clearance Distances While Traveling
With No Load And Boom/Mast Lowered**

Voltage (nominal, kV, alternating current)	While Traveling – Minimum clearance distance (feet)
up to 0.75	4 (while traveling/boom lowered)
over .75 to 50	6 (while traveling/boom lowered)
over 50 to 345	10 (while traveling/boom lowered)
over 345 to 750	16 (while traveling/boom lowered)
over 750 to 1000	20 (while traveling/boom lowered)
over 1000	(as established by the power line owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution)

1412 Inspections

(a) *Modified equipment.*

(1) Equipment that has had modifications or additions which affect the safe operation of the equipment (such as modifications or additions involving a safety device or operator aid, critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism) or capacity shall be inspected by a qualified person after such modifications/additions

have been completed, prior to initial use. The inspection shall meet the following requirements:

(i) The inspection shall assure that the modifications have been done in accordance with the approval obtained pursuant to Section 1434 (Equipment Modifications).

(ii) The inspection shall include functional testing.

(2) Equipment shall not be used until an inspection under this paragraph demonstrates that the requirements of paragraph (a)(1)(i) have been met.

(b) *Repaired/adjusted equipment.*

(1) Equipment that has had a repair or adjustment that relates to safe operation (such as: a repair or adjustment to a safety device or operator aid, or to a critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism), shall be inspected by a qualified person after such a repair or adjustment has been completed, prior to initial use. The inspection shall meet the following requirements:

(i) The qualified person shall determine if the repair/adjustment meets manufacturer equipment criteria (where applicable and available).

(ii) Where manufacturer equipment criteria are unavailable or inapplicable, the qualified person shall:

(A) Determine if a registered professional engineer (RPE) is needed to develop criteria for the repair/adjustment. If an RPE is not needed, the employer shall ensure that the criteria are developed by the qualified person. If an RPE is needed, the employer shall ensure that they are developed by an RPE.

(B) Determine if the repair/adjustment meets the criteria developed in accordance with subparagraph (A).

(iii) The inspection shall include functional testing.

(4) Equipment shall not be used until an inspection under this paragraph demonstrates that the repair/adjustment meets the requirements of paragraph (b)(1)(i) (or, where applicable, (b)(1)(ii)).

(c) *Post-assembly.*

(1) Upon completion of assembly, the equipment shall be inspected by a qualified person to assure that it is configured in accordance with manufacturer equipment criteria.

(2) Where manufacturer equipment criteria are unavailable, a qualified person shall:

(i) Determine if a registered professional engineer (RPE) familiar with the type of equipment involved is needed to develop criteria for the equipment configuration. If an RPE is not needed, the employer shall ensure that the criteria are developed by the qualified person. If an RPE is needed, the employer shall ensure that they are developed by an RPE.

(ii) Determine if the equipment meets the criteria developed in accordance with subparagraph (2)(i).

(3) Equipment shall not be used until an inspection under this paragraph demonstrates that the equipment is configured in accordance with the applicable criteria.

(d) *Each Shift.*

(1) A competent person shall begin a visual inspection prior to each shift, which shall be completed before or during that shift. The inspection shall consist of observation for apparent deficiencies. Disassembly is not required as part of this inspection unless the results of the visual inspection or trial operation indicate that further investigation necessitating disassembly is needed. Determinations made in conducting the inspection shall be reassessed in light of observations made during operation. At a minimum the inspection shall include the following:

(i) Control mechanisms for maladjustments interfering with proper operation.

(ii) Control and drive mechanisms for apparent excessive wear of components and contamination by lubricants, water or other foreign matter.

(iii) Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation.

(iv) Hydraulic system for proper fluid level.

(v) Hooks and latches for deformation, cracks, excessive wear, or damage such as from chemicals or heat.

(vi) Wire rope reeving for compliance with the manufacturer's specifications.

(vii) Wire rope, in accordance with section 1413(a).

(viii) Electrical apparatus for malfunctioning, signs of apparent excessive deterioration, dirt or moisture accumulation.

(ix) Tires (when in use) for proper inflation and condition.

(x) Ground conditions around the equipment for proper support, including ground settling under and around outriggers and supporting foundations, ground water accumulation, or similar conditions.

(xi) The equipment for level position, both shift and after each move and setup.

(xii) Operator cab windows for significant cracks, breaks, or other deficiencies that would hamper the operator's view.

(xiii) Rails, rail stops, rail clamps and supporting surfaces when the equipment has rail traveling.

(xiv) Safety devices and operational aids for proper operation.

(2) If any deficiency in (i) through (xiii) (or in additional inspection items required to be checked for specific types of equipment in accordance with other Sections of this standard) is identified, an immediate determination shall be made by the competent person as to whether the deficiency constitutes a safety hazard. If the deficiency is determined to constitute a safety hazard, the equipment shall be removed from service until it has been corrected.

(3) If any deficiency in (xiv)(safety devices/operational aids) is identified, the action specified in section 1415/1416 shall be taken prior to using the equipment.

(e) *Monthly.*

(1) Each month the equipment is in service it shall be inspected in accordance with paragraph (d) (shift inspections).

(2) Equipment shall not be used until an inspection under this paragraph demonstrates that no corrective action under paragraphs (d)(2) and (3) is required.

(3) *Documentation.*

(i) The following information shall be documented by the employer that conducts the inspection:

(A) The items checked and the results of the inspection.

(B) The name and signature of the person who conducted the inspection and the date.

(ii) This document shall be retained for a minimum of three months.

(f) *Annual/comprehensive.*

(1) At least every 12 months the equipment shall be inspected by a qualified person in accordance with paragraph (d) (shift inspections).

(2) In addition, at least every 12 months, the equipment shall be inspected by a qualified person for the following:

(i) Equipment structure (including the boom and, if equipped, the jib):

(A) Structural members: deformed, cracked, or significantly corroded.

(B) Bolts, rivets and other fasteners: loose, failed or significantly corroded.

(C) Welds for cracks.

(ii) Sheaves and drums for cracks or significant wear.

(iii) Parts such as pins, bearings, shafts, gears, rollers and locking devices for distortion, cracks or significant wear.

(iv) Brake and clutch system parts, linings, pawls and ratchets for excessive wear.

(v) Safety devices and operational aids for proper operation (including significant inaccuracies).

(vi) Gasoline, diesel, electric, or other power plants for safety-related problems (such as leaking exhaust and emergency shut-down feature), condition and proper operation.

(vii) Chains and chain drive sprockets for excessive wear of sprockets and excessive chain stretch.

(viii) Travel steering, brakes, and locking devices, for proper operation.

(ix) Tires for damage or excessive wear.

(x) Hydraulic, pneumatic and other pressurized hoses, fittings and tubing, as follows:

- (A) Flexible hose or its junction with the fittings for indications of leaks.
- (B) Threaded or clamped joints for leaks.
- (C) Outer covering of the hose for blistering, abnormal deformation or other signs of failure/impending failure.
- (D) Outer surface of a hose, rigid tube, or fitting for indications of excessive abrasion or scrubbing.

(xi) Hydraulic and pneumatic pumps and motors, as follows:

- (A) Performance indicators: unusual noises or vibration, low operating speed, excessive heating of the fluid, low pressure.
- (B) Loose bolts or fasteners.
- (C) Shaft seals and joints between pump sections for leaks.

(xiv) Hydraulic and pneumatic valves, as follows:

- (A) Spools: sticking, improper return to neutral, and leaks.
- (B) Leaks.
- (C) Valve housing cracks.
- (D) Relief valves: failure to reach correct pressure (if there is a manufacturer procedure for checking pressure, it must be followed).

(xv) Hydraulic and pneumatic cylinders, as follows:

- (A) Drifting caused by fluid leaking across the piston.
- (B) Rod seals and welded joints for leaks.
- (D) Cylinder rods for scores, nicks, or dents.
- (E) Case (barrel) for significant dents.
- (F) Rod eyes and connecting joints: loose or deformed.

- (xvi) Outrigger pads/floats and slider pads for excessive wear or cracks.
- (xvii) Electrical components and wiring for cracked or split insulation and loose or corroded terminations.
- (xviii) Warning labels and decals required under this standard: missing or unreadable.
- (xix) Operator seat: missing or unusable.
- (xx) Originally equipped steps, ladders, handrails, guards: missing.
- (xxi) Steps, ladders, handrails, guards: in unusable/unsafe condition.

(3) This inspection shall include functional testing to determine that the equipment as configured in the inspection is functioning properly.

(4) If any deficiency is identified, an immediate determination shall be made by the qualified person as to whether the deficiency constitutes a safety hazard or, though not yet a safety hazard, needs to be monitored in the monthly inspections.

(5) If the qualified person determines that a deficiency is a safety hazard, the equipment shall be removed from service until it has been corrected.

(6) If the qualified person determines that, though not presently a safety hazard, the deficiency needs to be monitored, the employer shall ensure that the deficiency is checked in the monthly inspections.

(7) *Documentation of annual/comprehensive inspection.* The following information shall be documented and maintained by the employer that conducts the inspection:

- (i) The items checked and the results of the inspection.
- (ii) The name and signature of the person who conducted the inspection and the date.
- (iii) This document shall be retained for a minimum of 12 months.

(g) *Severe Service.* Where the severity of use/conditions is such that there is a reasonable probability of damage or excessive wear (such as loading that may have exceeded rated capacity, shock loading that may have exceeded rated capacity, prolonged exposure to a corrosive atmosphere), the employer shall stop using the equipment and a qualified person shall:

- (1) Inspect the equipment for structural damage.

(2) Determine whether any items/conditions listed in paragraph (f) need to be inspected; if so, the qualified person shall inspect those items/conditions.

(3) If a deficiency is found, the employer shall follow the requirements in paragraphs (f)(4)-(6).

(h) *Equipment not in regular use.* Equipment that has been idle for 3 months or more shall be inspected by a qualified person in accordance with the requirements of paragraph 1412(e)(Monthly) before initial use.

(i) [Reserved]

(j) Any part of a manufacturer's procedures regarding inspections that relate to safe operation (such as to a safety device or operator aid, critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism) that is more comprehensive or has a more frequent schedule than the requirements of this section shall be followed. Additional documentation requirements by the manufacturer are not required.

1413 Wire Rope – Inspection

(a) *Shift Inspection.*

(1) A competent person shall begin a visual inspection prior to each shift, which shall be completed before or during that shift. The inspection shall consist of observation of wire ropes (running and standing) that are reasonably likely to be in use during the shift for apparent deficiencies, including those listed in paragraph (a)(2). Untwisting (opening) of wire rope or booming down is not required as part of this inspection.

(2) *Apparent deficiencies.*

(i) *Category I.* Apparent deficiencies in this category include the following:

(A) Significant distortion of the wire rope structure such as kinking, crushing, unstranding, birdcaging, signs of core failure or steel core protrusion between the outer strands.

(B) Significant corrosion.

(C) Electric arc (from a source other than power lines) or heat damage.

(D) Improperly applied end connections.

(E) Significantly corroded, cracked, bent, or worn end connections (such as from severe service).

(ii) *Category II*. Apparent deficiencies in this category are:

(A) Visible broken wires, as follows:

(1) In running wire ropes: six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay, where a rope lay is the length along the rope in which one strand makes a complete revolution around the rope.

[illustration?]

(2) In rotation resistant ropes: two randomly distributed broken wires in six rope diameters or four randomly distributed broken wires in 30 rope diameters.

(3) In pendants or standing wire ropes: more than two broken wires in one rope lay located in rope beyond end connections and/or more than one broken wire in a rope lay located at an end connection.

(B) A diameter reduction of more than 5% from nominal diameter.

(iii) *Category III*. Apparent deficiencies in this category include the following:

(A) In rotation resistant wire rope, core protrusion or other distortion indicating core failure.

(B) Electrical contact with a power line.

(C) A broken strand.

(3) *Critical Review Items*. The competent person shall give particular attention to:

(i) Rotation resistant wire rope in use.

(ii) Wire rope being used for boom hoists and luffing hoists, particularly at reverse bends [see diagram in Appendix ___].

(iii) Wire rope at flange points, crossover points and repetitive pickup points on drums.

(iv) Wire rope adjacent to end connections.

(v) Wire rope at and on equalizer sheaves.

(4) *Removal from service.*

(i) If a deficiency in Category I is identified, an immediate determination shall be made by the competent person as to whether the deficiency constitutes a safety hazard. If the deficiency is determined to constitute a safety hazard, operations involving use of the wire rope in question shall be prohibited until:

(A) The wire rope is replaced, or

(B) If the deficiency (other than power line contact) is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. Repair of wire rope that contacted an energized power line is also prohibited.

(ii) If a deficiency in Category II is identified, the employer shall comply with *Option A or Option B*, as follows:

(A) *Option A.* Consider the deficiency to constitute a safety hazard where it meets the wire rope manufacturer's established criterion for removal from service or meets a different criterion that the wire rope manufacturer has approved in writing for that specific wire rope. If the deficiency is considered a safety hazard, operations involving use of the wire rope in question shall be prohibited until the wire rope is replaced, or the damage is removed in accordance with paragraph (4)(i)(B).

(B) *Option B.* Institute the alternative measures specified in paragraph (4)(iii).

(iii) *Alternative measures for a Category II deficiency.* The wire rope may continue to be used if the employer ensures that the following measures are implemented:

(A) A qualified person assesses the deficiency in light of the load and other conditions of use and determines it is safe to continue to use the wire rope as long as the conditions established under this paragraph are met.

(B) A qualified person establishes the parameters for the use of the equipment with the deficiency, including a reduced maximum rated load.

(C) A qualified person establishes a specific number of broken wires, broken strands, or diameter reduction that, when reached, will require the equipment to be taken out of service until the wire rope is replaced or the damage is removed in accordance with paragraph (4)(i)(A) or (B).

(D) A qualified person sets a time limit, not to exceed 30 days from the date the deficiency is first identified, by which the wire rope must be replaced, or the damage removed in accordance with paragraph (4)(i)(B).

(E) The workers who will conduct the shift inspections are informed of this deficiency and the measures taken under this paragraph.

(F) The qualified person's findings and procedures in paragraphs (A)–(D) are documented.

(iv) If a deficiency in Category III is identified, operations involving use of the wire rope in question shall be prohibited until:

(A) The wire rope is replaced, or

(B) If the deficiency (other than power line contact) is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited. Repair of wire rope that contacted an energized power line is also prohibited.

(v) Where a wire rope is required to be removed from service under this Section, either the equipment (as a whole) or the hoist with that wire rope shall be tagged-out, in accordance with Section 1417(f)(1), until the wire rope is repaired or replaced.

(b) *Monthly inspection.*

(1) Each month an inspection shall be conducted in accordance with paragraph 1413(a) (wire rope shift inspection).

(2) Wire ropes on equipment shall not be used until an inspection under this paragraph demonstrates that no corrective action under paragraph 1413(a)(3) is required.

(3) The inspection shall be documented according to paragraph 1412(e)(3) (monthly inspection documentation).

(c) *Annual/comprehensive*

(1) At least every 12 months, wire ropes in use on equipment shall be inspected by a qualified person in accordance with paragraph 1413(a) (shift inspection).

(2) In addition, at least every 12 months, the wire ropes in use on equipment shall be inspected by a qualified person, as follows:

(i) The inspection shall be for deficiencies of the types listed in paragraph (a)(2).

(ii) The inspection shall be complete and thorough, covering the surface of the entire length of the wire ropes, with particular attention given to:

- (A) Critical review items listed in paragraph (a)(2).
- (B) Those sections that are normally hidden during shift and monthly inspections.
- (C) Wire rope in contact with saddles, equalizer sheaves or other sheaves where rope travel is limited.
- (D) Wire rope subject to reverse bends.
- (E) Wire rope passing over sheaves.
- (F) Wire rope at or near terminal ends.

(iii) *Exception:* In the event an inspection under paragraph (c)(2) is not feasible due to existing set-up and configuration of the equipment (such as where an assist crane is needed) or due to site conditions (such as a dense urban setting), such inspections shall be conducted as soon as it becomes feasible, but no longer than an additional 6 months for running ropes and, for standing ropes, at the time of disassembly.

(3) If a deficiency is identified, an immediate determination shall be made by the qualified person as to whether the deficiency constitutes a safety hazard.

(i) If the deficiency is determined to constitute a safety hazard, operations involving use of the wire rope in question shall be prohibited until:

- (A) The wire rope is replaced, or
- (B) If the deficiency is localized, the problem is corrected by severing the wire rope in two; the undamaged portion may continue to be used. Joining lengths of wire rope by splicing is prohibited.

(ii) If the qualified person determines that, though not presently a safety hazard, the deficiency needs to be monitored, the employer shall ensure that the deficiency is checked in the monthly inspections.

(4) The inspection shall be documented according to paragraph 1412 (f)(7) (annual/comprehensive inspection documentation).

(d) Rope lubricants that are of the type that hinder inspection shall not be used.

1414 Wire Rope – Selection and installation criteria

(a) Selection of replacement wire rope shall be in accordance with the recommendations of the wire rope manufacturer, the equipment manufacturer, or a qualified person.

(b) *Boom hoist reeving.*

(1) Fiber core ropes shall not be used for boom hoist reeving, except for derricks.

(2) Rotation resistant ropes shall be used for boom hoist reeving only where the requirements of paragraph (c) are met.

(c) *Rotation resistant ropes.*

(1) *Definitions.*

(i) *Type I rotation resistant wire rope (“Type I”).* Type I rotation resistant rope is stranded rope constructed to have little or no tendency to rotate or, if guided, transmits little or no torque. It has at least 15 outer strands and comprises an assembly of at least three layers of strands laid helically over a center in two operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(ii) *Type II rotation resistant wire rope (“Type II”).* Type II rotation resistant rope is stranded rope constructed to have significant resistance to rotation. It has at least 10 outer strands and comprises an assembly of two or more layers of strands laid helically over a center in two or three operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(iii) *Type III rotation resistant wire rope (“Type III”).* Type III rotation resistant rope is stranded rope constructed to have limited resistance to rotation. It has no more than nine outer strands, and comprises an assembly of two layers of strands laid helically over a center in two operations. The direction of lay of the outer strands is opposite to that of the underlying layer.

(2) *Requirements.*

(i) Types II and III with an operating design factor of less than 5 shall not be used for duty cycle or repetitive lifts.

(ii) Rotation resistant ropes (including Types I, II and III) shall have an operating design factor of no less than 3.5.

(iii) Type I shall have an operating design factor of no less than 5, except where the wire rope manufacturer and the equipment manufacturer approves the design factor, in writing.

(iv) Types II and III shall have an operating design factor of no less than 5, except where the requirements of paragraph (c)(3) are met.

(3) When Types II and III with an operating design factor of less than 5 are used (for non-duty cycle, non-repetitive lifts), the following requirements shall be met for each lifting operation:

(i) A qualified person shall inspect the rope in accordance with Section 1413(a). The rope shall be used only if the qualified person determines that there are no deficiencies constituting a hazard. In making this determination, more than one broken wire in any one rope lay shall be considered a hazard.

(ii) Operations shall be conducted in such a manner and at such speeds as to minimize dynamic effects.

(iii) Each lift made under these provisions shall be recorded in the monthly and annual inspection documents. Such prior uses shall be considered by the qualified person in determining whether to use the rope again.

(4) *Additional requirements for rotation resistant ropes for boom hoist reeving.*

(i) Rotation resistant ropes shall not be used for boom hoist reeving, except where the requirements of paragraph (ii) are met.

(ii) Rotation resistant ropes may be used as boom hoist reeving when load hoists are used as boom hoists for attachments such as luffing attachments or boom and mast attachment systems. Under these conditions, the following requirements shall be met:

(A) The drum shall provide a first layer rope pitch diameter of not less than 18 times the nominal diameter of the rope used.

(B) The requirements in 1426(b) (irrespective of the date of manufacture of the equipment), and 1426(c).

(C) The requirements in ASME B30.5 (2000) Section 5-1.3.2 (a), (a)(2) – (a)(4), (b) – (d).

(D) All sheaves used in the boom hoist reeving system shall have a rope pitch diameter of not less than 18 times the nominal diameter of the rope used.

(E) The design factor for the boom hoist reeving system shall be not less than five.

(F) The design factor for these ropes shall be the total minimum breaking force of all parts of rope in the system divided by the load imposed on the rope system when supporting the static weights of the structure and the crane rated load.

(d) Wire rope clips used in conjunction with wedge sockets shall be attached to the unloaded dead end of the rope only, except that the use of devices specifically designed for dead-ending rope in a wedge socket is permitted.

(e) Socketing shall be done in the manner specified by the manufacturer of the wire rope or fitting.

(f) Prior to cutting a wire rope, seizings shall be placed on each side of the point to be cut. The length and number of seizings shall be in accordance with the wire rope manufacturer's instructions.

1415 Safety Devices

(a) *Safety devices.* The following safety devices are required on all equipment covered by this Subpart, unless otherwise specified:

(1) *Crane level indicator.*

(i) The equipment shall have a crane level indicator that is either built into the equipment or is available on the equipment.

(ii) If a built-in crane level indicator is not working properly, it shall be tagged-out or removed.

(iii) This requirement does not apply to portal cranes, derricks, floating cranes/derricks and cranes/derricks on barges, pontoons, vessels or other means of flotation.

(2) Boom stops, except for derricks and hydraulic booms.

(3) Jib stops (if a jib is attached), except for derricks.

(4) Equipment with foot pedal brakes shall have locks, except for portal cranes and floating cranes.

(5) Hydraulic outrigger jacks shall have an integral holding device/check valve.

(6) Equipment on rails shall have rail clamps and rail stops, except for portal cranes.

(b) *Proper operation required.* Operations shall not begin unless the devices listed in this section are in proper working order. If a device stops working properly during operations, the operator shall safely stop operations. Operations shall not resume until the device is again working properly. Alternative measures are not permitted to be used.

1416 Operational Aids

(a) The devices listed in this section (“listed operational aids”) are required on all equipment covered by this Subpart, unless otherwise specified.

(b) Operations shall not begin unless the listed operational aids are in proper working order, except where the employer meets the specified temporary alternative measures. More protective alternative measures specified by the crane/derrick manufacturer, if any, shall be followed.

(c) If a listed operational aid stops working properly during operations, the operator shall safely stop operations until the temporary alternative measures are implemented or the device is again working properly. If a replacement part is no longer available, the use of a substitute device that performs the same type of function is permitted and is not considered a modification under Section 1434.

(d) *Category I operational aids and alternative measures.* Operational aids listed in this paragraph that are not working properly shall be repaired no later than 7 days after the deficiency occurs. *Exception:* If the employer documents that it has ordered the necessary parts within 7 days of the occurrence of the deficiency, the repair shall be completed within 7 days of receipt of the parts.

(1) *Boom hoist limiting device.*

(i) For equipment manufactured after December 16, 1969, a boom hoist limiting device is required. *Temporary alternative measures (use at least one):*

(A) Use a boom angle indicator.

(B) Clearly mark the boom hoist cable (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to keep the boom within the minimum allowable radius. In addition, install mirrors or remote video cameras and displays if necessary for the operator to see the mark.

(C) Clearly mark the boom hoist cable (so that it can easily be seen by a spotter) at a point that will give the spotter sufficient time to signal the operator and have the operator stop the hoist to keep the boom within the minimum allowable radius.

(ii) If the equipment was manufactured on or before December 16, 1969, and was not originally equipped with a boom hoist limiting device, at least one of the measures in paragraphs 1416(d)(1)(i)(A)-(C) shall be used, on a permanent basis.

(2) *Luffing jib limiting device.*

(i) Equipment with a luffing jib shall have a luffing jib limiting device. Temporary alternative measures are the same as in paragraph 1416(d)(1)(i), except to limit the movement of the luffing jib.

(3) *Anti two-blocking device.*

(i) Telescopic boom cranes manufactured after February 28, 1992, shall be equipped with a device which automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device(s) must prevent such damage at all points where two-blocking could occur. *Temporary alternative measures:* Clearly mark the cable (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, and use a spotter when extending the boom.

(ii) *Lattice boom cranes.*

(A) Lattice boom cranes manufactured after Feb 28, 1992, shall be equipped with a device that either automatically prevents damage and load failure from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component), or warns the operator in time for the operator to prevent two-blocking. The device(s) must prevent such damage/failure or provide adequate warning for all points where two-blocking could occur.

(B) Lattice boom cranes, and derricks, manufactured one year after the effective date of this standard shall be equipped with a device which automatically prevents damage and load failure from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device(s) must prevent such damage/failure at all points where two-blocking could occur.

(C) *Exception.* The requirements in paragraphs 1416(d)(3)(ii)(A) and (B) do not apply to such lattice boom equipment when used for dragline, clamshell (grapple), magnet, drop ball, container handling, concrete bucket, marine operations, and pile driving work.

(D) *Temporary alternative measures.* Clearly mark the cable (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, or use a spotter.

(e) *Category II operational aids and alternative measures.* Operational aids listed in this paragraph that are not working properly shall be repaired no later than 30 days after the deficiency occurs. *Exception:* If the employer documents that it has ordered the necessary parts within 7 days of the occurrence of the deficiency, and the part is not received in time to complete the repair in 30 days, the repair shall be completed within 7 days of receipt of the parts.

(1) *Boom angle or radius indicator.* The equipment shall have a boom angle or radius indicator readable from the operator's station. *Temporary alternative measures:* Radii or boom angle shall be determined by measuring the radii or boom angle with a measuring device.

(2) *Jib angle indicator if the equipment has a luffing jib.* *Temporary alternative measures:* Radii or jib angle shall be determined by ascertaining the main boom angle and then measuring the radii or jib angle with a measuring device.

(3) *Boom length indicator if the equipment has a telescopic boom, except where the load rating is independent of the boom length.* *Temporary alternative measures:* One of the following methods shall be used:

(i) Mark the boom with measured marks to calculate boom length; or

(ii) Calculate boom length from boom angle and radius measurements; or

(iii) Measure the boom with a measuring device.

(4) *Load weighing and similar devices.* Equipment (other than derricks) manufactured after March 29, 2003 with a rated capacity over 6,000 pounds shall have at least one of the following: load weighing device, load moment indicator, rated capacity indicator, or rated capacity limiter. *Temporary alternative measures:* The weight of the load shall be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information shall be provided to the operator prior to the lift.

(5) The following devices are required on equipment manufactured after January 1, 2008:

(i) Outrigger position (horizontal beam extension) sensor/monitor if the equipment has outriggers. *Temporary alternative measures:* the operator shall verify that the position of the outriggers is correct (in accordance with manufacturer procedures) before beginning operations requiring outrigger deployment.

(ii) Hoist drum rotation indicator if the drum is not visible from the operator's station. *Temporary alternative measures:* Mark the drum. In addition, install mirrors or remote video cameras and displays if necessary for the operator to see the mark.

1417 Operation

(a) The employer shall comply with all manufacturer procedures applicable to the operational functions of equipment, including its use with attachments.

(b) *Unavailable operation procedures.*

(1) Where the manufacturer procedures are unavailable, the employer shall develop and ensure compliance with all procedures necessary for the safe operation of the equipment and attachments.

(2) Procedures for the operational controls must be developed by a qualified person.

(3) Procedures related to the capacity of the equipment must be developed and signed by a registered professional engineer familiar with the equipment.

(c) *Accessibility of procedures.*

(1) The procedures applicable to the operation of the equipment, including rated load capacities (load charts), recommended operating speeds, special hazard warnings, instructions and operators manual, shall be readily available in the cab at all times for use by the operator.

(2) Where load capacities are available in the cab only in electronic form: in the event of a failure which makes the load capacities inaccessible, the operator must immediately cease operations or follow safe shut-down procedures until the load capacities (in electronic or other form) are available.

(d) The operator shall not engage in any practice that diverts his/her attention while actually engaged in operating the crane, such as the use of cell phones (other than when used for signal communications) or other attention-diverting activities.

(e) *Leaving the equipment unattended.*

(1) The operator shall not leave the controls while the load is suspended, except where the following are met:

(i) The operator remains adjacent to the equipment and is not engaged in any other duties.

(ii) The load is to be held suspended for a period of time exceeding normal lifting operations.

(iii) The competent person determines that it is safe to do so and implements measures necessary to restrain the boom hoist and telescoping, load, swing, and outrigger functions.

(iv) Barricades or caution lines, and notices, are erected to prevent all employees from entering the fall zone. No employees, including those listed in Section 1425(b)(1)-(3), 1425(d) or 1425(e), shall be permitted in the fall zone.

(2) *Storm warning.* When a local storm warning has been issued, the competent person shall determine whether it is necessary to implement manufacturer recommendations for securing the equipment.

(3) The provisions in paragraph 1417(e) do not apply to working gear (such as slings, spreader bars, ladders, and welding machines) where the load is not suspended over an entrance or exit.

(f) *Tag-out.*

(1) *Tagging out of service equipment/functions.* Where the employer has taken the equipment out of service, a tag shall be placed in the cab stating that the equipment is out of service and is not to be used. Where the employer has taken a function(s) out of service, a tag shall be placed in a conspicuous position stating that the function is out of service and not to be used.

(2) *Response to “do not operate”/ tag-out signs.*

(i) If there is a warning (tag-out or maintenance/do not operate) sign on the equipment or starting control, the operator shall not activate the switch or start

the equipment until the sign has been removed by a person authorized to remove it, or until the operator has verified that:

(A) No one is servicing, working on, or otherwise in a dangerous position on the machine.

(B) The equipment has been repaired and is working properly.

(ii) If there is a warning (tag-out or maintenance/do not operate) sign on any other switch or control, the operator shall not activate that switch or control until the sign has been removed by a person authorized to remove it, or until the operator has verified that the requirements in paragraphs (2)(i)(A) and (B) have been met.

(g) Before starting the engine, the operator shall verify that all controls are in the proper starting position and that all personnel are in the clear.

(h) [Delete]

(i) [Reserved]

(j) The operator shall be familiar with the equipment and its proper operation. If adjustments or repairs are necessary, the operator shall promptly inform the person designated by the employer to receive such information and, where there are successive shifts, to the next operator.

(k) Safety devices and operational aids shall not be used as a substitute for the exercise of professional judgment by the operator.

(l) [Reserved]

(m) If the competent person determines that there is a slack rope condition requiring re-spooling of the rope, it shall be verified (before starting to lift) that the rope is seated on the drum and in the sheaves as the slack is removed.

(n) The competent person shall consider the effect of wind, ice, and snow on equipment stability and rated capacity.

(o) *Compliance with rated capacity.*

(1) The equipment shall not be operated in excess of its rated capacity.

(2) The operator shall not be required to operate the equipment in a manner that would violate paragraph (o)(1).

(3) *Load weight.* The operator shall verify that the load is within the rated capacity of the equipment by at least one of the following methods:

(i) The weight of the load shall be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. In addition, when requested by the operator, this information shall be provided to the operator prior to the lift; or

(ii) The operator shall begin hoisting the load to determine, using a load weighing device, load moment indicator, rated capacity indicator, or rated capacity limiter, if it exceeds 75 percent of the maximum rated capacity at the longest radius that will be used during the lift operation. If it does, the operator shall not proceed with the lift until he/she verifies the weight of the load in accordance with paragraph (o)(3)(i).

(p) The boom or other parts of the equipment shall not contact any obstruction.

(q) The equipment shall not be used to drag or pull loads sideways.

(r) On wheel-mounted equipment, no loads shall be lifted over the front area, except as permitted by the manufacturer.

(s) The operator shall test the brakes each time a load that is 90% or more of the maximum line pull is handled by lifting the load a few inches and applying the brakes. In duty cycle and repetitive lifts where each lift is 90% or more of the maximum line pull, this requirement applies to the first lift but not to successive lifts.

(t) Neither the load nor the boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.

(u) *Traveling with a load.*

(1) Traveling with a load is prohibited if the practice is prohibited by the manufacturer.

(2) Where traveling with a load, the employer shall ensure that:

(i) A competent person supervises the operation, determines if it is necessary to reduce crane ratings, and makes determinations regarding load position, boom location, ground support, travel route, overhead obstructions, and speed of movement necessary to ensure safety.

(ii) The determinations of the competent person required in paragraph (u)(2)(i) are implemented.

(iii) For equipment with tires, tire pressure specified by the manufacturer is maintained.

(v) Rotational speed of the equipment shall be such that the load does not swing out beyond the radius at which it can be controlled.

(w) A tag or restraint line shall be used if necessary to prevent rotation of the load that would be hazardous.

(x) The brakes shall be adjusted in accordance with manufacturer procedures to prevent unintended movement.

(y) The operator shall obey a stop (or emergency stop) signal, irrespective of who gives it.

(z) *Swinging locomotive cranes.* A locomotive crane shall not be swung into a position where it is reasonably foreseeable that railway cars on an adjacent track could strike it, until it is determined that cars are not being moved on the adjacent track and that proper flag protection has been established.

(aa) *Counterweight/ballast.*

(1) The following applies to equipment other than tower cranes:

(i) Equipment shall not be operated without the counterweight or ballast in place as specified by the manufacturer.

(ii) The maximum counterweight or ballast approved by the manufacturer for the equipment shall not be exceeded.

(2) Counterweight/ballast requirements for tower cranes are specified in Section 1435(b)(8).

1418 Authority to stop operation

Whenever there is a concern as to safety, the operator shall have the authority to stop and refuse to handle loads until a qualified person has determined that safety has been assured.

1419 Signals – General Requirements

(a) A signal person must be provided in each of the following situations:

(1) The point of operation, meaning the load travel or the area near or at load placement, is not in full view of the operator.

(2) When the equipment is traveling, the view in the direction of travel is obstructed.

(3) Due to site specific safety concerns, either the operator or the person handling the load determines that it is necessary.

(b) *Types of signals.* Signals to crane operators must be by hand, voice, audible, or new signals.

(c) *Hand signals.*

(1) When using hand signals, the Standard Method must be used (see Appendix __). *Exception:* where use of the Standard Method for hand signals is infeasible, or where an operation or use of an attachment is not covered in the Standard Method, Non-standard hand signals may be used [See Appendix A for examples] in accordance with paragraph 1419(c)(2). The following requirements apply to the use of non-standard hand signals:

(2) *Non-standard hand signals.* When using non-standard hand signals, the signal person, crane operator, and lift supervisor (where there is one) shall contact each other prior to the operation and agree on the non-standard hand signals that will be used.

(d) *New signals.* Signals other than hand, voice or audible signals may be used where the employer demonstrates that:

(1) The new signals provide at least equally effective communication as voice, audible, or Standard Method hand signals, or

(2) There is an industry consensus standard for the new signals.

(e) *Suitability.* The signals used (hand, voice, audible, or new), and means of transmitting the signals to the operator (such as direct line of sight, video, radio, etc.), must be appropriate for the site conditions.

(f) During crane operations requiring signals, the ability to transmit signals between the crane operator and signal person shall be maintained. If that ability is interrupted at any time, the operator shall safely stop operations requiring signals until it is reestablished and a proper signal is given and understood.

(g) If the operator becomes aware of a safety problem and needs to communicate with the signal person, the operator must safely stop operations. Operations shall not resume until the operator and signal person agree that the problem has been resolved.

(h) Only one person gives signals to a crane/derrick at a time, except in circumstances covered by paragraph 1419(j).

(i) [Reserved].

(j) Anyone who becomes aware of a safety problem must alert the operator or signal person by giving the stop or emergency stop signal. (NOTE: 1417(y) requires the operator to obey a stop or emergency stop signal).

(k) All directions given to the crane operator by the signal person shall be given from the operator's direction perspective.

(l) [Reserved].

(m) *Communication with multiple cranes/derricks.* Where a signal person(s) is in communication with more than one crane/derrick, a system for identifying the crane/derrick each signal is for must be used, as follows:

(i) for each signal, prior to giving the function/direction, the signal person shall identify the crane/derrick the signal is for, or

(ii) an equally effective method of identifying which crane/derrick the signal is for must be used.

1420 Signals – Radio, telephone or other electronic transmission of signals.

(1) The device(s) used to transmit signals shall be tested on site before beginning operations to ensure that the signal transmission is clear and reliable.

(2) Signal transmission must be through a dedicated channel. *Exception:* Multiple cranes/derricks and one or more signal persons may share a dedicated channel for the purpose of coordinating operations.

(3) The operator's reception of signals must be by a hands-free system.

1421 Signals – Voice signals – additional requirements

(1) Prior to beginning operations, the crane operator, signal person and lift supervisor (if there is one), shall contact each other and agree on the signals that will be used. Once the signals are agreed upon, these workers need not meet again to discuss signals unless another worker is substituted, there is confusion about the signals, or a signal is to be changed.

(2) Each voice signal shall contain the following three elements, given in the following order: function (such as hoist, boom, etc.), direction; distance and/or speed; function, stop command.

(3) The crane operator, signal person and lift supervisor (if there is one), shall be able to effectively communicate in the language used.

1422 Signals – Hand signal chart. Hand signal charts must be either posted on the equipment or readily available at the site.

1423 Fall Protection

(a) *Application.*

(1) Paragraphs (b), (c)(2), (d) and (e) apply to all equipment covered by this Subpart except tower cranes.

(2) Paragraph (c)(1), (f) and (h) applies to all equipment covered by this Subpart.

(3) Paragraph (g) applies only to tower cranes.

(b) *Boom walkways.*

(1) Equipment manufactured after January 1, 2008 with lattice booms shall be equipped with walkways on the boom(s) if the vertical profile of the boom (from cord centerline to cord centerline) is 6 or more feet.

(2) *Boom walkway criteria.*

(a) The walkways shall be at least 12 inches wide.

(b) *Guardrails, railings and other permanent fall protection attachments along walkways are:*

(i) Not required.

(ii) Prohibited on booms supported by pendant ropes or bars if the guardrails/railings/attachments could be snagged by the ropes or bars.

(iii) Prohibited if of the removable type (designed to be installed and removed each time the boom is assembled/disassembled).

(iv) Where not prohibited, guardrails or railings may be of any height up to, but not more than, 45 inches.

(c) *Steps, handholds, grabrails and railings.*

(1) The employer shall maintain originally-equipped steps, handholds, ladders and guardrails/railings/grabrails in good condition.

(2) Equipment manufactured one year after the effective date of this standard shall be equipped so as to provide safe access and egress between the ground and the operator work station(s), including the forward and rear positions, by the provision of devices such as steps, handholds, ladders, and guardrails /railings/grabrails. These shall meet the following criteria:

(i) Steps, ladders and guardrails/railings/ grabrails shall meet the requirements of SAE J185 (May, 2003) or ISO 11660-2 (1994) [we will change these if necessary to versions in effect on date of publication of this standard], except where infeasible.

(ii) Walking/stepping surfaces, except for crawler treads, shall have slip-resistant features/properties (such as diamond plate metal, strategically placed grip tape, expanded metal, or slip-resistant paint).

(d) For non-assembly/disassembly work, the employer shall provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than 6 feet above a lower level as follows:

(1) When moving point-to-point:

(i) On non-lattice booms (whether horizontal or not horizontal).

(ii) On lattice booms that are not horizontal.

(2) While at a work station on any part of the equipment (including the boom, of any type), except when the employee is at or near draw-works (when the equipment is running), in the cab, or on the deck.

(e) For assembly/disassembly work, the employer shall provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than 15 feet above a lower level, except when the employee is at or near draw-works (when the equipment is running), in the cab, or on the deck.

(f) *Anchorage criteria.*

(1) *Anchorage for fall arrest and positioning device systems.*

(i) Personal fall arrest systems and positioning systems shall be anchored to any apparently substantial part of the equipment unless a competent person,

from a visual inspection, without an engineering analysis, would conclude that the applicable criteria in 1926.502 would not be met.

(ii) Attachable anchor devices (portable anchor devices that are attached to the equipment) shall meet the applicable anchorage criteria in 1926.502.

(2) *Anchorage for restraint systems.* Restraint systems shall be anchored to any part of the equipment that is capable of withstanding twice the maximum load that a worker may impose on it during reasonably anticipated conditions of use.

(g) *Tower cranes.*

(1) For non-erecting/dismantling work, the employer shall provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than 6 feet above a lower level, except when the employee is at or near draw-works (when the equipment is running), in the cab, or on the deck.

(2) For erecting/dismantling work, the employer shall provide and ensure the use of fall protection equipment for employees who are on a walking/working surface with an unprotected side or edge more than 15 feet above a lower level.

(h) *Anchoring to the load line.* A fall arrest system is permitted to be anchored to the crane/derrick's hook (or other part of the load line) where the following requirements are met:

(1) A qualified person has determined that the set-up and rated capacity of the crane/derrick (including the hook, load line and rigging) meets or exceeds the requirements in 1926.502 (d)(15).

(2) The equipment operator shall be at the work site and informed that the equipment is being used for this purpose.

1424 Work Area Control

(a) *Swing radius hazards.*

(1) The requirements in paragraph (a)(2) apply where there are accessible areas in which the equipment's rotating superstructure (whether permanently or temporarily mounted) poses a reasonably foreseeable risk of:

(i) Striking and injuring an employee; or

(ii) Pinching/crushing an employee against another part of the equipment or another object.

(2) To prevent employees from entering these hazard areas, the employer shall:

(i) Instruct employees assigned to work on or near the equipment (“authorized personnel”) in how to recognize struck-by and pinch/crush hazard areas posed by the rotating superstructure.

(ii) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas. *Exception:* where it is neither feasible to erect such barriers on the ground nor on the equipment, the hazard areas shall be clearly marked by a combination of warning signs (such as “Danger – Swing/Crush Zone” or “Danger – This Thing’s Gonna Swing and Crunch You – Zone”) and high visibility markings on the equipment that identify the hazard areas. In addition, the employer shall train the employees to understand what these markings signify.

(3) *Protecting workers in the hazard area.*

(i) Before an employee goes to a location in the hazard area that is out of view of the operator, the employee (or someone instructed by the employee) must ensure that the operator is informed that he/she is going to that location.

(ii) Where the operator knows that an employee went to a location covered by paragraph (1), the operator shall not rotate the superstructure until the operator:

(A) Gives a warning that is understood by the employee as a signal that the superstructure is about to be rotated and allows time for the employee to get to a safe position, or

(B) Is informed in accordance with a pre-arranged system of communication that the employee is in a safe position.

(b) *Multiple equipment coordination.* Where any part of a crane/derrick is within the working radius of another crane/derrick, the controlling entity shall institute a system to coordinate operations. If there is no controlling entity, the employers shall institute such a system.

1425 Keeping Clear of the Load

(a) Where available, hoisting routes that minimize the exposure of workers to hoisted loads shall be used, to the extent consistent with public safety.

(b) While the operator is not moving a suspended load, no employee shall be within the fall zone, except for employees:

- (1) Engaged in hooking, unhooking or guiding a load, or
 - (2) Engaged in the initial attachment of the load to a component or structure, or
 - (3) Operating a concrete hopper or concrete bucket.
- (c) When employees are engaged in hooking, unhooking, or guiding the load, or in the initial connection of a load to a component or structure and are within the fall zone, the following criteria shall be met:
- (1) The materials being hoisted shall be rigged to prevent unintentional displacement.
 - (2) Hooks with self-closing latches or their equivalent shall be used. *Exception:* “J” hooks are permitted to be used for setting wooden trusses.
 - (3) The materials shall be rigged by a qualified rigger.
- (d) *Receiving a load.* Only employees needed to receive a load shall be permitted to be within the fall zone when a load is being landed.
- (e) During a tilt-up or tilt-down operation:
- (1) No employee shall be directly under the load.
 - (2) Only employees essential to the operation shall be in the fall zone (but not directly under the load).

NOTE: Boom free fall is prohibited when an employee is in the fall zone of the boom or load, and load line free fall is prohibited when an employee is directly under the load; see Section 1426.

1426 Free fall and controlled load lowering

(a) *Boom free fall prohibitions.*

- (1) The use of equipment in which the boom is designed to free fall (live boom) is prohibited in each of the following circumstances:
 - (i) An employee is in the fall zone of the boom or load.
 - (ii) An employee is being hoisted.
 - (iii) The load or boom is directly over a power line, or over the area extending the Table A clearance distance to each side of the power line.

- (iv) The load is over a shaft.
- (v) The load is over a cofferdam, except where there are no workers in the fall zone.
- (vi) Lifting operations are taking place in a refinery or tank farm.

(2) The use of cranes in which the boom is designed to free fall (live boom) is permitted only where none of the circumstances listed in paragraph (1) are present and:

- (i) The equipment was manufactured prior to October 31, 1984, or
- (ii) The equipment is a floating crane/derrick or is on pontoons, a barge or a vessel.

(b) *Preventing boom free fall.* Where the use equipment with a boom that is designed to free fall (live boom) is prohibited (see paragraph (a)(1)), the boom hoist shall have a secondary mechanism or device designed to prevent the boom from falling in the event the primary system used to hold or regulate the boom hoist fails, as follows:

(1) Friction drums shall have:

- (i) A friction clutch and, in addition, a braking device, to allow for controlled boom lowering.
- (ii) A secondary braking or locking device, which is manually or automatically engaged, to back-up the primary brake while the boom is held (such as a secondary friction brake or a ratchet and pawl device).

(2) Hydraulic drums shall have an integrally mounted holding device or internal static brake to prevent boom hoist movement in the event of hydraulic failure.

(3) Neither clutches nor hydraulic motors shall be considered brake or locking devices for purposes of this Subpart.

(4) Hydraulic boom cylinders shall have an integrally mounted holding device.

(c) *Preventing uncontrolled retraction.* Hydraulic telescoping booms shall have an integrally mounted holding device to prevent boom movement in the event of hydraulic failure.

(d) *Load line free fall.* In each of the following circumstances, controlled load lowering is required and free fall of the load line hoist is prohibited:

- (1) An employee is directly under the load.
- (2) An employee is being hoisted.
- (3) The load is directly over a power line, or over the area extending the Table A clearance distance to each side of the power line.
- (4) The load is over a shaft or cofferdam.

1427 Operator qualification and certification.

(a) The employer must ensure that, prior to operating any equipment covered under Section 1400, the operator is either qualified or certified to operate the equipment in accordance with one of the Options in paragraphs (b) – (e), or is operating the equipment during a training period in accordance with paragraph (f).

(b) *Option (1): Certification by an accredited crane/derrick operator testing organization.*

(1) For a testing organization to be considered accredited to certify operators under this Subpart, it must:

(i) Be accredited by a nationally recognized accrediting agency based on that agency's determination that industry recognized criteria for written testing materials, practical examinations, test administration, grading, facilities/equipment and personnel have been met.

(ii) Administer written and practical tests that:

(A) Assess the operator applicant regarding, at a minimum, the knowledge and skills listed in (j)(1) and (2).

(B) Provide different levels of certification based on equipment capacity and type.

(iii) Have procedures for operators to re-apply and be re-tested in the event an operator applicant fails a test or is decertified.

(iv) Have testing procedures for re-certification designed to ensure that the operator continues to meet the technical knowledge and skills requirements in (j)(1) and (2).

(v) Have its accreditation reviewed by the nationally recognized accrediting agency at least every three years.

(2) A certification issued under this Option is portable.

(3) A certification issued under this paragraph is valid for 5 years.

(c) *Option (3): Qualification by an audited employer program.* The employer's qualification of its employee shall meet the following requirements:

(1) The written and practical tests shall be either:

(i) Developed by an accredited crane/derrick operator testing organization (see paragraph (b)), or

(ii) Approved by an auditor in accordance with the following requirements:

(A) The auditor is certified to evaluate such tests by an accredited crane/derrick operator testing organization (see paragraph (b)).

(B) The auditor is not an employee of the employer.

(C) The approval shall be based on the auditor's determination that the written and practical tests meet nationally recognized test development criteria and are valid and reliable in assessing the operator applicants regarding, at a minimum, the knowledge and skills listed in (j)(1) and (2).

(2) *Administration of tests.*

(i) The written and practical tests shall be administered under circumstances approved by the auditor as meeting nationally recognized test administration standards.

(ii) The auditor shall be certified to evaluate the administration of the written and practical tests by an accredited crane/derrick operator testing organization (see paragraph (b)).

(iii) The auditor shall not be an employee of the employer.

(iv) The audit shall be conducted in accordance with nationally recognized auditing standards.

(3) The employer program shall be audited within 3 months of the beginning of the program and every 3 years thereafter.

(4) The employer program shall have testing procedures for re-certification designed to ensure that the operator continues to meet the technical knowledge and skills

requirements in (j)(1) and (2). The re-certification procedures shall be audited in accordance with paragraph (c)(1) and (2).

(5) *Deficiencies.* If the auditor determines that there is a significant deficiency (“deficiency”) in the program, the employer shall ensure that:

- (i) No operator is qualified until the auditor confirms that the deficiency has been corrected.
- (ii) The program is audited again within 180 days of the confirmation that the deficiency was corrected.
- (iii) The auditor files a documented report of the deficiency to the appropriate Regional Office of the Occupational Safety and Health Administration within 15 days of the auditor’s determination that there is a deficiency.
- (iv) Records of the audits of the employer’s program are maintained by the auditor for three years and are made available by the auditor to the Secretary of Labor or her designated representative upon request.

(6) A qualification under this paragraph is:

- (i) Not portable.
- (ii) Valid for 5 years.

(d) *Option (4). Qualification by the U.S. military.*

(1) For purposes of this Section, an operator is considered qualified if he/she has a current operator qualification issued by the U.S. military for operation of the equipment.

(2) A qualification under this paragraph is:

- (i) Not portable.
- (ii) Valid for the period of time stipulated by the issuing entity.

(e) *Option (5). Licensing by a government entity.*

(1) For purposes of this Section, a government licensing department/office that issues operator licenses for operating equipment covered by this standard is considered a government accredited crane/derrick operator testing organization if the criteria in paragraph (e)(2) are met.

(2) *Licensing criteria.*

(i) The requirements for obtaining the license include an assessment, by written and practical tests, of the operator applicant regarding, at a minimum, the knowledge and skills listed in (j)(1) and (2).

(ii) The testing meets industry recognized criteria for written testing materials, practical examinations, test administration, grading, facilities/equipment and personnel.

(iii) The government authority that oversees the licensing department/office, has determined that the requirements in paragraphs (e)(2)(i) and (ii) have been met.

(iv) The licensing department/office has testing procedures for re-certification designed to ensure that the operator continues to meet the technical knowledge and skills requirements in (j)(1) and (2).

(3) A license issued by a government accredited crane/derrick operator testing organization that meets the requirements of this Option:

(i) Meets the operator qualification requirements of this Section for operation of equipment only within the jurisdiction of the government entity.

(ii) Is valid for the period of time stipulated by the licensing department/office, but no longer than 5 years.

(f) *Pre-qualification/certification training period.*

(1) An employee who is not qualified or certified under this Section is permitted to operate equipment where the requirements of paragraph (f)(2) are met.

(2) An employee who has passed neither the written nor practical tests required under this Section is permitted to operate equipment as part of his/her training where the following requirements are met:

(i) The employee ("trainee/apprentice") shall be provided with sufficient training prior to operating the equipment to enable the trainee to operate the equipment safely under limitations established by this Section (including continuous supervision) and any additional limitations established by the employer.

(ii) The tasks performed by the trainee/apprentice while operating the equipment shall be within the trainee's ability.

(iii) *Supervisor*. While operating the equipment, the trainee/apprentice shall be continuously supervised by an individual (“operator’s supervisor”) who meets the following requirements:

(A) The operator’s supervisor is an employee or agent of the trainee’s/apprentice’s employer.

(B) The operator’s supervisor is either a certified operator under this Section, or has passed the written portion of a certification test under one of the Options in paragraphs (b) - (e), and is familiar with the proper use of the equipment’s controls.

(C) While supervising the trainee/apprentice, the operator’s supervisor performs no tasks that detract from the supervisor’s ability to supervise the trainee/apprentice.

(D) For equipment other than tower cranes: the operator’s supervisor and the trainee/apprentice shall be in direct line of sight of each other. In addition, they shall communicate verbally or by hand signals. For tower cranes: the operator’s supervisor and the trainee/apprentice shall be in direct communication with each other.

(iv) *Continuous supervision*. The trainee/apprentice shall be supervised by the operator’s supervisor at all times, except for short breaks where the following are met:

(A) The break lasts no longer than 15 minutes and there is no more than one break per hour.

(B) Immediately prior to the break the operator’s supervisor informs the trainee/apprentice of the specific tasks that the trainee/apprentice is to perform and limitations that he/she is to adhere to during the operator supervisor’s break.

(C) The specific tasks that the trainee/apprentice will perform during the operator supervisor’s break are within the trainee’s/apprentice’s abilities.

(v) The trainee/apprentice shall not operate the equipment in any of the following circumstances:

(A) If any part of the crane, load line or load (including rigging and lifting accessories), if operated up to the crane’s maximum working radius in the work zone (see paragraph 1408(a)(1)), could get within

20 feet of a power line that is up to 350 kV, or within 50 feet of a power line that is over 350 kV.

(B) If the equipment is used to hoist personnel.

(C) In multiple-crane lifts.

(D) If the equipment is used over a shaft, cofferdam, or in a tank farm.

(E) For multiple-lift rigging, except where the operator's supervisor determines that the trainee's/apprentice's skills are sufficient for this high-skill work.

(g) Under this Section, a testing entity is permitted to provide training as well as testing services as long as the criteria of the applicable accrediting agency (in the Option selected) for an organization providing both services are met.

(h) Written tests under this Section are permitted to be administered verbally, with answers given verbally, where the operator candidate:

(1) Passes a written demonstration of literacy relevant to the work.

(2) Demonstrates the ability to use the type of written manufacturer procedures applicable to the class/type of equipment for which the candidate is seeking certification.

(i) [Reserved].

(j) *Certification criteria.* Qualifications and certifications must be based, at a minimum, on the following:

(1) A determination through a written test that:

(i) The individual knows the information necessary for safe operation of the specific type of equipment the individual will operate, including the following:

(A) The controls and operational/performance characteristics.

(B) Use of, and the ability to calculate (manually or with a calculator), load/capacity information on a variety of configurations of the equipment.

(C) Procedures for preventing and responding to power line contact.

(D) Technical knowledge similar to the subject matter criteria listed in Appendix Q applicable to the specific type of equipment the individual will operate. Use of the Appendix Q criteria meets the requirements of this provision.

(E) Technical knowledge applicable to:

(1) The suitability of the supporting ground and surface to handle expected loads.

(2) Site hazards.

(3) Site access.

(D) This Subpart, including applicable incorporated materials.

(ii) The individual is able to read and locate relevant information in the equipment manual and other materials containing information referred to in paragraph (j)(1)(i).

(2) A determination through a practical test that the individual has the skills necessary for safe operation of the equipment, including the following:

(i) Ability to recognize, from visual and audible observation, the items listed in section 1412(d) (shift inspection).

(ii) Operational and maneuvering skills.

(iii) Application of load chart information.

(iv) Application of safe shut-down and securing procedures.

(k) *Phase-in.*

(1) As of the effective date of this standard, until four years after the effective date of the standard, the following requirements apply:

(i) Operators of equipment covered by this standard are required to be competent to operate the equipment safely.

(ii) Where an employee assigned to operate machinery does not have the required knowledge or ability to operate the equipment safely, the employee shall be provided with the necessary training prior to operating the equipment. The employer shall ensure that the operator is evaluated to confirm that he/she understands the information provided in the training.

(2) The effective date of paragraphs (a) – (j) and (m) is [4 years after the effective date of the standard].

(l) [Reserved].

(m) *Definitions.*

(1) “*Portable.*” Any employer of an operator with a certification that is portable under this Section meets the requirements of paragraph (a) with respect to that operator.

(2) “*Not portable.*” Where an operator has a qualification that is not portable under this Section, the qualification meets the requirements of paragraph (a) only where the operator is employed by (and operating the equipment for) the employer that issued the qualification.

1428 Signal Person Qualifications

(a) The employer of the signal person shall ensure that each signal person meets the Qualification Requirements (paragraph 1428(c)) prior to giving any signals. This requirement shall be met by using either Option (1) or Option (2).

(1) *Option (1) – Third party qualified evaluator.* The signal person has documentation from a third party qualified evaluator showing that the signal person meets the Qualification Requirements (see paragraph 1428(c)).

(2) *Option (2) – Employer’s qualified evaluator.* The employer has its qualified evaluator assess the individual and determine that the individual meets the Qualification requirements (see paragraph 1428(c)). An assessment by an employer’s qualified evaluator under this Option is not portable – other employers are not permitted to use it to meet the requirements of this Section.

(3) The documentation for whichever Option is used shall be available while the signal person is employed by the employer.

(b) If subsequent actions by the signal person indicate that the individual may not meet the Qualification Requirements (see paragraph 1428(c)), the employer must not allow the individual to continue working as a signal person until re-training is provided and a re-assessment is made in accordance with paragraph 1428(a) that confirms that the individual meets the Qualification Requirements.

(c) *Qualification Requirements.* Each signal person must:

- (1) Know and understand the type of signals used. If hand signals are used, the signal person must know and understand the Standard Method for hand signals.
- (2) Be competent in the application of the type of signals used.
- (3) Have a basic understanding of crane operation and limitations, including the crane dynamics involved in swinging and stopping loads and boom deflection from hoisting loads.
- (4) Know and understand the relevant requirements of sections 1419 – 1422 and 1428.
- (5) Demonstrate that he/she meets the requirements in paragraph 1428(c)(1) – (4) through a verbal or written test, and through a practical test.

1429 Qualifications of Maintenance & Repair Workers

(a) Maintenance, inspection and repair personnel are permitted to operate the equipment only where the following requirements are met:

- (1) The operation is limited to those functions necessary to perform maintenance, inspect or verify the performance of the equipment.
- (2) The personnel either:
 - (i) Operate the equipment under the direct supervision of an operator who meets the requirements of section 1427 (Operator Qualification and Certification), or
 - (ii) Are familiar with the operation, safe limitations, characteristics and hazards associated with the type of equipment.

(b) Maintenance and repair personnel shall meet the definition of a qualified person with respect to the equipment and maintenance/repair tasks performed.

1430 Training

The employer shall provide training as follows:

- (a) *Overhead powerlines*. Employees specified in Section 1408(g)(Power line safety; training) shall be trained in accordance with the requirements of that paragraph.
- (b) *Signal persons*. Employees who will be assigned to work as signal persons who do not meet the requirements of Section 1428(c) shall be trained in the areas addressed in that paragraph.

(c) *Operators.*

(1) Operators who are not qualified or certified under Section 1427 shall be trained in the areas addressed in Section 1427(j). Retraining shall be provided if necessary for re-qualification or re-certification or if the operator does not pass a qualification or certification test.

(2) In addition to training in the areas addressed in Section 1427(j), operators shall be trained in the following practices:

(i) On friction equipment, whenever moving a boom off a support, first raise the boom a short distance (sufficient to take the load of the boom) to determine if the boom hoist brake needs to be adjusted. On other types of equipment, the same practice is applicable, except that typically there is no means of adjusting the brake; if the brake does not hold, a repair is necessary.

(ii) Where available, the manufacturer's emergency procedures for halting unintended equipment movement.

(d) *Competent persons and qualified persons.* Competent persons and qualified persons shall be trained regarding the requirements of this Subpart applicable to their respective roles.

(e) *Crush/pinch points.* Employees who work with the equipment shall be instructed to keep clear of holes, and crush/pinch points and the hazards addressed in Section 1424 (Work area control).

(f) *Tag-out.* Operators and other employees authorized to start/energize equipment or operate equipment controls (such as maintenance and repair workers), shall be trained in the tag-out procedures in Section 1417(f).

(g) *Training administration.*

(1) The employer shall ensure that employees required to be trained under this Subpart are evaluated to confirm that they understand the information provided in the training.

(2) Refresher training in relevant topics shall be provided when, based on the conduct of the employee or an evaluation of the employee's knowledge, there is an indication that retraining is necessary.

1431 Hoisting Personnel

The requirements of this section are supplemental to the other requirements in this Subpart and apply when one or more employees are hoisted.

(a) The use of equipment to hoist employees is prohibited except where the employer demonstrates that the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform, or scaffold, would be more hazardous, or is not possible because of the project's structural design or worksite conditions. This paragraph does not apply to work covered by Subpart R (Steel Erection).

(b) *Use of personnel platform.*

(1) When using equipment to hoist employees, the employees shall be in a personnel platform that meets the requirements of paragraph (e).

(2) *Exceptions:* A personnel platform is not required for hoisting employees:

(i) Into and out of drill shafts that are up to and including 8 feet in diameter (see paragraph (o) for requirements for hoisting these workers).

(ii) In pile driving operations (see paragraph (p) for requirements for hoisting these workers).

(iii) Solely for transfer to or from a marine worksite in a marine hoisted personnel transfer device (see paragraph (r) for requirements for hoisting these workers).

(c) *Equipment set-up.*

(1) The equipment shall be uniformly level, within one percent of level grade, and located on footing that a qualified person has determined to be sufficiently firm and stable.

(2) Equipment with outriggers shall have them all extended and locked. The amount of extension shall be the same for all outriggers and in accordance with manufacturer procedures and load charts.

(d) *Equipment criteria.*

(1) *Capacity: use of suspended personnel platforms.* The total load (with the platform loaded, including the hook, load line and rigging) shall not exceed 50 percent of the rated capacity for the radius and configuration of the equipment, except during proof testing.

(2) *Capacity: use of boom-attached personnel platforms.* The total weight of the loaded personnel platform shall not exceed 50 percent of the rated capacity for the radius and configuration of the equipment (except during proof testing).

(3) When the occupied personnel platform is in a stationary working position, the load and boom hoist brakes, swing brakes, and operator actuated secondary braking and locking features (such as pawls or dogs) or automatic secondary brakes shall be engaged.

(4) *Devices.*

(i) Equipment (except for derricks) with a variable angle boom shall be equipped with:

(A) A boom angle indicator, readily visible to the operator.

(B) A boom hoist limiting device.

(ii) Equipment with a luffing jib shall be equipped with:

(A) A jib angle indicator, readily visible to the operator.

(B) A jib hoist limiting device.

(iii) Equipment with telescoping booms shall be equipped with a device to indicate the boom's extended length clearly to the operator, or has measuring marks on the boom.

(iv) *Anti-two-block.* A device which automatically prevents damage and load failure from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component) shall be used. The device(s) must prevent such damage/failure at all points where two-blocking could occur. *Exception:* this device is not required when hoisting personnel in pile driving operations.

(v) *Controlled load lowering.* The load line hoist drum shall have a system, other than the load line hoist brake, which regulates the lowering rate of speed of the hoist mechanism. This system or device must be used when hoisting personnel.

(NOTE: free fall of the load line hoist is prohibited (see 1426(d)); the use of equipment in which the boom hoist mechanism can free fall is also prohibited (see 1426(a)(1)).

(v) *Proper operation required.* Personnel hoisting operations shall not begin unless the devices listed in this section are in proper working order. If a device stops working properly during such operations, the operator shall

safely stop operations. Personnel hoisting operations shall not resume until the device is again working properly. Alternative measures are not permitted.

(5) Direct attachment of a personnel platform to a luffing jib is prohibited.

(e) *Personnel platform criteria.*

(1) The personnel platform and attachment/suspension system shall be designed for hoisting personnel by a qualified person familiar with structural design.

(2) The system used to connect the personnel platform to the equipment shall allow the platform to remain within 10 degrees of level, regardless of boom angle.

(3) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(4) The personnel platform itself (excluding the guardrail system and personal fall arrest system anchorages), shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load.

(5) All welding of the personnel platform and its components shall be performed by a certified welder familiar with the weld grades, types and material specified in the platform design.

(6) The personnel platform shall be equipped with a guardrail system which meets the requirements of 1926 Subpart M, and shall be enclosed at least from the toeboard to mid-rail with either solid construction material or expanded metal having openings no greater than $\frac{1}{4}$ inch (1.27cm). Points to which personal fall arrest systems are attached must meet the anchorage requirements in 1926 subpart M.

(7) A grab rail shall be installed inside the entire perimeter of the personnel platform except for access gates/doors.

(8) *Access gates/doors.* If installed, access gates/doors of all types (including swinging, sliding, folding, or other types) shall:

(i) Not swing outward.

(ii) Be equipped with a device that prevents accidental opening.

(9) Headroom shall be sufficient to allow employees to stand upright in the platform.

(10) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects. The platform overhead protection shall not obscure the view of the operator or

platform occupants (such as wire mesh that has up to _ inch openings), unless full protection is necessary.

(11) All edges exposed to employee contact shall be smooth enough to prevent injury.

(12) The weight of the platform and its rated load capacity shall be conspicuously posted on the platform with a plate or other permanent marking.

(f) *Personnel platform loading.*

(1) The personnel platform shall not be loaded in excess of its rated load capacity.

(2) *Use.*

(i) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work. Platforms shall not be used to hoist materials or tools when not hoisting personnel.

(ii) *Exception:* materials and tools to be used during the lift, if secured and distributed in accordance with (e)(3) and (e)(4), may be in the platform for trial lifts.

(3) Materials and tools shall be:

(i) Secured to prevent displacement.

(ii) Evenly distributed within the confines of the platform while it is suspended.

(4) The number of employees occupying the personnel platform shall not exceed the maximum number the platform was designed to hold or the number required to perform the work, whichever is less.

(g) *Attachment and rigging.*

(1) *Hooks and other detachable devices.*

(i) Hooks used in the connection between the hoist line and the personnel platform (including hooks on overhaul ball assemblies, lower load blocks, bridle legs, or other attachment assemblies or components) shall be:

(A) Of a type that can be closed and locked, eliminating the throat opening.

(B) Closed and locked when attached.

(ii) Shackles used in place of hooks must be of the alloy anchor type, with either:

(A) A bolt, nut and retaining pin, in place, or

(B) Of the screw type, with the screw pin secured from accidental removal.

(iii) Where other detachable devices are used, they must be of the type that can be closed and locked to the same extent as the devices addressed in paragraphs (i) and (ii). Such devices must be closed and locked when attached.

(2) *Rope bridle*. When a rope bridle is used to suspend the personnel platform, each bridle leg shall be connected to a master link or shackle (see paragraph (g)) in a manner that ensures that the load is evenly divided among the bridle legs.

(3) Rigging hardware (including wire rope, shackles, rings, master links, and other rigging hardware) and hooks must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component.

(4) Eyes in wire rope slings shall be fabricated with thimbles.

(5) Bridles and associated rigging for suspending the personnel platform shall be used only for the platform and the necessary employees, their tools and materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(h) *Trial lift and inspection*.

(1) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lightweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the platform is to be hoisted and positioned. Where there is more than one location to be reached from a single set-up position, either individual trial lifts for each location, or a single trial lift for all locations, shall be performed.

(2) The trial lift shall be performed immediately prior to each shift in which personnel will be hoisted. In addition, the trial lift shall be repeated prior to hoisting employees in each of the following circumstances:

(i) The equipment is moved and set up in a new location or returned to a previously used location.

(ii) The lift route is changed, unless the competent person determines that the new route presents no new factors affecting safety.

(3) The competent person shall determine that:

(i) Safety devices and operational aids required by this section are activated and functioning properly. Other safety devices and operational aids must meet the requirements of section 1415 and 1416.

(ii) Nothing interferes with the equipment or the personnel platform in the course of the trial lift.

(iii) The lift will not exceed 50 percent of the equipment's rated capacity at any time during the lift.

(iv) The load radius to be used during the lift has been accurately determined.

(4) Immediately after the trial lift, the competent person shall:

(i) Conduct a visual inspection of the equipment, base support or ground, and personnel platform, to determine whether the trial lift has exposed any defect or problem or produced any adverse effect.

(ii) Confirm that, upon the completion of the trial lift process, the test weight has been removed.

(5) Immediately prior to each lift:

(i) The platform shall be hoisted a few inches and inspected by a competent person to ensure that it is secure and properly balanced.

(ii) The following conditions must be determined by a competent person to exist before the lift of personnel proceeds:

(A) Hoist ropes shall be free of deficiencies in accordance with paragraph 1413(a).

(B) Multiple part lines shall not be twisted around each other.

(C) The primary attachment shall be centered over the platform.

(D) If the load rope is slack, the hoisting system shall be inspected to ensure that all ropes are properly seated on drums and in sheaves.

(6) Any condition found during the trial lift and subsequent inspection(s) that fails to meet a requirement of this standard or otherwise creates a safety hazard shall be corrected before hoisting personnel.

(i) [Reserved]

(j) *Proof testing.*

(1) At each jobsite, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to 125 percent of the platform's rated capacity. The proof test may be done concurrently with the trial lift.

(2) The platform shall be lowered by controlled load lowering, braked and held in a suspended position for a minimum of five minutes with the test load evenly distributed on the platform.

(3) After proof testing, a competent person shall inspect the platform and rigging to determine if the test has been passed. If any deficiencies are found that pose a safety hazard, the platform and rigging shall not be used to hoist personnel unless the deficiencies are corrected, the test is repeated, and a competent person determines that the test has been passed.

(4) Personnel hoisting shall not be conducted until the competent person determines that the platform and rigging have successfully passed the proof test.

(k) *Work practices.*

(1) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner, with no sudden movements of the equipment or the platform.

(2) Platform occupants shall:

(i) Keep all parts of the body inside the platform during raising, lowering, and horizontal movement. This provision does not apply to an occupant of the platform when necessary to position the platform or while performing the duties of a signal person.

(ii) Not stand, sit on, or work from the top or intermediate rail or toeboard, or use any other means/device to raise their working height.

(iii) Not pull the platform out of plumb in relation to the hoisting equipment.

(3) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure would create a greater hazard.

(4) If the platform is tied to the structure, the operator shall not move the platform until the operator receives confirmation that it is freely suspended.

(5) Tag lines shall be used when necessary to control the platform.

(6) *Platforms without controls.* Where the platform is not equipped with controls, the equipment operator shall remain at the equipment controls at all times while the platform is occupied.

(7) *Platforms with controls.* Where the platform is equipped with controls, the following must be met at all times while the platform is occupied:

(i) The occupant using the controls in the platform must be a qualified person with respect to their use, including the safe limitations of the equipment and hazards associated with its operation.

(ii) The equipment operator must be at the equipment controls, or in the personnel platform, or on site and in view of the equipment.

(iii) The platform operating manual must be in the platform or on the equipment.

(8) *Environmental conditions.*

(i) *Wind.* When wind speed (sustained or gusts) exceeds 20 mph at the personnel platform, a qualified person shall determine if, in light of the wind conditions, it is not safe to lift personnel. If it is not, the lifting operation shall not begin (or, if already in progress, shall be terminated).

(ii) *Other weather and environmental conditions.* A qualified person shall determine if, in light of indications of dangerous weather conditions, or other impending or existing danger, it is not safe to lift personnel. If it is not, the lifting operation shall not begin (or, if already in progress, shall be terminated).

(9) Employees being hoisted shall remain in direct communication with the signal person (where used), or the operator.

(10) *Fall protection.*

(i) Except over water, employees occupying the personnel platform shall be provided and use a personal fall arrest system. The system shall be attached to a structural member within the personnel platform.

(ii) The fall arrest system, including the attachment point (anchorage) used to comply with paragraph (i), shall meet the requirements in 1926.502.

NOTE: When working over water, the requirements of 1926.106 apply.

(11) *Other load lines.*

(i) No lifts shall be made on any other of the equipment's load lines while personnel are suspended on a platform, except in pile driving operations.

(ii) *Factory-produced boom-mounted personnel baskets that incorporate a winch as original equipment:* loads are permitted to be hoisted by such a winch while employees occupy the personnel platform only where the load on the winch line does not exceed 500 pounds and does not exceed the rated capacity of the winch and platform.

(12) *Traveling – equipment other than derricks.*

(i) Hoisting of employees while the equipment is traveling is prohibited, except for:

(A) Equipment that travels on fixed rails, or

(B) Where the employer demonstrates that there is no less hazardous way to perform the work. This exception does not apply to rubber-tired equipment.

(ii) Where employees are hoisted while the equipment is traveling, the following criteria shall be met:

(A) Crane travel shall be restricted to a fixed track or runway.

(B) Where a runway is used, it shall be a firm, level surface designed, prepared and designated as a path of travel for the weight and configuration of the equipment being used to lift and travel with the personnel platform. An existing surface may be used as long as it meets these criteria.

(C) Travel shall be limited to boom length.

(D) The boom shall be parallel to the direction of travel, except where it is safer to do otherwise.

(E) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run

can be performed at the same time as the trial lift required by paragraph (g) which tests the lift route.

(13) *Traveling -- derricks.* Derricks are prohibited from traveling while personnel are hoisted.

(l) [Reserved]

(m) *Pre-lift meeting.* A pre-lift meeting shall be:

(1) Held to review the applicable requirements of this section and the procedures that will be followed.

(2) Attended by the equipment operator, signal person (if used for the lift), employees to be hoisted, and the person responsible for the task to be performed.

(3) Held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

(n) *Hoisting personnel near power lines.* Hoisting personnel within 20 feet of a power line that is up to 350 kV, and hoisting personnel within 50 feet of a power line that is over 350 kV, is prohibited, except for work covered by 1926 Subpart V (Power Transmission and Distribution).

(o) *Hoisting personnel in drill shafts.* When hoisting employees into and out of drill shafts that are up to and including 8 feet in diameter, the following requirements shall be met:

(1) The employee shall be in either a personnel platform or on a boatswain's chair.

(2) If using a personnel platform, paragraphs (a) through (n) apply.

(3) If using a boatswain's chair:

(i) The following paragraphs of §1431 apply: (a), (c), (d)(1), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (f)(1), (f)(2)(i), (f)(3)(i), (g), (h), (k)(1), (k)(6), (k)(8), (k)(9), (k)(11)(i), (m), (n). Where the terms "personal platform" or "platform" are used in these paragraphs, substitute them with "boatswain's chair."

(ii) A signal person shall be stationed at the shaft opening.

(iii) The employee shall be hoisted in a slow, controlled decent and ascent.

(iv) The employee shall use personal fall protection equipment, including a full body harness, attached independent of the crane/derrick.

(v) The fall protection equipment shall meet the applicable requirements in 1926.502.

(vi) The boatswain's chair itself (excluding the personal fall arrest system anchorages), shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load.

(vii) No more than one person shall be hoisted at a time.

(p) *Hoisting personnel for pile driving operations.* When hoisting an employee in pile driving operations, the following requirements shall be met:

(1) The employee shall be in a personnel platform or boatswain's chair.

(2) Clearly mark the cable (so that it can easily be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, or use a spotter.

(3) If using a personnel platform, paragraphs (b) through (n) apply.

(4) If using a boatswain's chair:

(i) The following paragraphs of §1431 apply: (a), (c), (d)(1), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (f)(1), (f)(2)(i), (f)(3)(i), (g), (h), (j), (k)(1), (k)(6), (k)(8), (k)(9), (k)(11)(i), (m), and (n). Where the terms "personal platform" or "platform" are used in these paragraphs, substitute them with "boatswain's chair."

(ii) The employee shall be hoisted in a slow, controlled decent and ascent.

(iii) The employee shall use personal fall protection equipment, including a full body harness, independently attached to the lower load block or overhall ball.

(iv) The fall protection equipment shall meet the applicable requirements in 1926.502.

(q) [Reserved].

(r) *Hoisting personnel for marine transfer.* When hoisting employees solely for transfer to or from a marine worksite, the following requirements shall be met:

(1) The employee shall be in either a personnel platform or a marine hoisted personnel transfer device.

(2) If using a personnel platform, paragraphs (a) through (n) apply.

(3) If using a marine hoisted personnel transfer device:

(i) The following paragraphs of §1431 apply: (a), (c)(2), (d)(1), (d)(3), (d)(4), (e)(1) - (5), (e)(12), (f)(1), (g), (h), (j), (k)(1), (k)(8), (k)(9), (k)(10)(ii), (k)(11)(i), (k)(12), (m), and (n). Where the terms “personal platform” or “platform” are used in these paragraphs, substitute them with “marine hoisted personnel transfer device.”

(ii) The transfer device shall be used only for transferring workers.

(iii) The number of workers occupying the transfer device shall not exceed the maximum number it was designed to hold.

(iv) Each employee shall wear a U.S. Coast Guard personal flotation device approved for industrial use.

(s) *Hoisting personnel for storage tank (steel and concrete), shaft and chimney operations.* When hoisting an employee in storage tank (steel and concrete), shaft and chimney operations, the following requirements shall be met:

(1) The employee shall be in a personnel platform except where use of a personnel platform is infeasible; in such a case, a boatswain’s chair shall be used.

(2) If using a personnel platform, paragraphs (a) through (n) apply.

(3) If using a boatswain’s chair:

(i) The following paragraphs of §1431 apply: (a), (c), (d)(1), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (f)(1), (f)(2)(i), (f)(3)(i), (g), (h), (k)(1), (k)(6), (k)(8), (k)(9), (k)(11)(i), (m), (n). Where the terms “personal platform” or “platform” are used in these paragraphs, substitute them with “boatswain’s chair.”

(ii) The employee shall be hoisted in a slow, controlled decent and ascent.

(iii) The employee shall use personal fall protection equipment, including a full body harness, attached independent of the crane/derrick.

(iv) The fall protection equipment shall meet the applicable requirements in 1926.502.

(v) The boatswain’s chair itself (excluding the personal fall arrest system anchorages), shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load.

- (vi) No more than one person shall be hoisted at a time.

1432 Multiple-crane/derrick lifts -- supplemental requirements

(a) *Plan development.* Before beginning a crane/derrick operation in which more than one crane/derrick will be supporting the load, the operation must be planned. The planning must meet the following requirements:

- (1) The plan must be developed by a qualified person.
- (2) The plan must be designed to ensure that the requirements of this Subpart are met.
- (3) Where the qualified person determines that engineering expertise is needed for the planning, the employer must ensure that it is provided.

(b) *Plan implementation.*

- (1) The multiple-crane/derrick lift must be supervised by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons.
- (2) The supervisor must review the plan with all workers who will be involved with the operation.

1433 Design, construction and testing.

The following requirements apply to equipment that has a manufacturer-rated hoisting/lifting capacity of 2000 pounds or more.

(a) Crawler, truck and locomotive cranes manufactured prior to [effective date of 1926.1400] shall meet the applicable requirements for design, construction, and testing as prescribed in ANSI B30.5 – 1968, Safety Code for Crawler, Locomotive, and Truck Cranes, PCSA #2, the requirements in paragraph (b), or the applicable DIN standards that were in effect at the time of manufacture.

(b) Mobile (including crawler and truck) and locomotive cranes manufactured on or after [effective date of the standard] shall meet the following portions of ASME B30.5 – 2000 with addenda ASME B30.5a – 2002 Safety Code for Mobile and Locomotive Cranes, as applicable:

- (1) In section 5-1.1.1 (“Load Ratings – Where Stability Governs Lifting Performance”), paragraphs (a) – (d) (including subparagraphs).

- (2) In section 5-1.1.2 (“Load Ratings – Where Structural Competence Governs Lifting Performance”), paragraph (b).
 - (3) Section 5-1.2 (“Stability (Backward and Forward)”).
 - (4) In section 5-1.3.1 (“Boom Hoist Mechanism”), paragraphs (a), (b)(1) and (b)(2), except that when using rotation resistant rope, Section 1414(c)(4)(ii)(A) applies.
 - (5) In section 5-1.3.2 (“Load Hoist Mechanism”), paragraphs (a), (a)(2) – (a)(4) (including subparagraphs), (b) – (d) (including subparagraphs).
 - (6) Section 5-1.3.3 (“Telescoping Boom”).
 - (7) Section 5-1.4 (“Swing Mechanism”).
 - (8) In section 5-1.5 (“Crane Travel”), all provisions except 5-1.5.3(d).
 - (9) In section 5-1.6 (“Controls”), all provisions except 5-1.6.1 (c).
 - (10) Section 5-1.7.4 (“Sheaves”).
 - (11) Section 5-1.7.5 (“Sheave sizes”).
 - (12) In section 5-1.9.1 (“Booms”), paragraph (f).
 - (13) Section 5-1.9.3 (“Outriggers”).
 - (14) Section 5-1.9.4 (“Locomotive Crane Equipment”).
 - (15) Section 5-1.9.7 (“Clutch and Brake Protection”).
 - (16) In section 5-1.9.12 (“Miscellaneous equipment”), paragraphs (a), (c), (e), and (f).
- (c) Prototype testing: crawler, truck and locomotive cranes manufactured prior to [effective date of 1926.1400] shall meet the applicable requirements for prototype testing as prescribed in ANSI B30.5 – 1968, Safety Code for Crawler, Locomotive, and Truck Cranes.
- (d) Prototype testing: mobile (including crawler and truck) and locomotive cranes manufactured on or after [effective date of the standard] shall meet the prototype testing requirements in Test Option A or Test Option B.

(1) *Test Option A.*

(i) The following applies to equipment with cantilevered booms (such as hydraulic boom cranes): All the tests listed in SAE J 1063, Table 1, shall be performed to load all critical structural elements to their respective limits. All the strength margins listed in SAE J 1063 table 2 shall be met.

(ii) The following applies to equipment with pendant supported lattice booms: All the tests listed in SAE J-987, Table 1, shall be performed to load all critical structural elements to their respective limits. All the strength margins listed in SAE J 987 table 2 shall be met.

(2) *Test Option B.* The testing and verification requirements of CEN's EN 13000 (2004) shall be met. In applying the CEN standard, the following additional requirements shall be met:

(i) The following applies to equipment with cantilevered booms (such as hydraulic boom cranes): The analysis methodology (computer modeling) must demonstrate that all load cases listed in SAE J1063 meet the strength margins listed in SAE J1063 Table 2.

(ii) The following applies to equipment with pendant supported lattice booms: The analysis methodology (computer modeling) must demonstrate that all load cases listed in SAE J987 meet the strength margins listed in SAE J987 Table 2.

(iii) *Analysis verification.* The physical testing requirements under SAE J1063 and SAE J987 must be met unless the reliability of the analysis methodology (computer modeling) has been demonstrated by a documented history of verification through strain gauge measuring or strain gauge measuring in combination with other physical testing.

(e) All equipment covered by this Subpart shall meet the following requirements:

(1) *Load capacity/ratings and related information.* The information available in the cab (see Section 1417 (c)) regarding load capacity/ratings and related information shall include, at a minimum, the following information:

(i) A complete range of the manufacturer's equipment load ratings, as follows:

(A) At all manufacturer approved operating radii, boom angles, work areas, boom lengths and configurations, jib lengths and angles (or offset).

(B) Alternate ratings for use and nonuse of option equipment which affects load ratings, such as outriggers and extra counterweights.

- (ii) A work area chart for which capacities are listed in the load rating chart. (Note: an example of this type of chart is in ASME B30.5-2000, Section 5-1.1.3, Figure 11).
- (iii) The work area figure and load rating chart shall clearly indicate the areas where no load is to be handled.
- (iv) Recommended reeving for the hoist lines shall be shown.
- (v) Recommended parts of hoist reeving, size, and type of wire rope for various equipment loads.
- (vi) Recommended boom hoist reeving diagram, where applicable; size, type and length of wire rope.
- (vii) Tire pressure (where applicable).
- (viii) Caution or warnings relative to limitations on equipment and operating procedures, including an indication of the least stable direction.
- (ix) Position of the gantry and requirements for intermediate boom suspension (where applicable).
- (x) Instructions for boom erection and conditions under which the boom, or boom and jib combinations, may be raised or lowered.
- (xi) Whether the hoist holding mechanism is automatically or manually controlled, whether free fall is available, or any combination of these.
- (xii) The maximum telescopic travel length of each boom telescopic section.
- (xiii) Whether sections are telescoped manually or with power.
- (xiv) The sequence and procedure for extending and retracting the telescopic boom section.
- (xv) Maximum loads permitted during the boom extending operation, and any limiting conditions or cautions.
- (xvi) Hydraulic relief valve settings specified by the manufacturer.

(2) Load hooks (including latched and unlatched types), ball assemblies and load blocks shall be of sufficient weight to overhaul the line from the highest hook position for boom or boom and jib lengths and the number of parts of the line in use.

(3) Hook and ball assemblies and load blocks shall be marked with their rated capacity and weight.

(4) *Latching hooks.*

(i) Hooks shall be equipped with latches, except where the requirements of paragraph (ii) are met.

(ii) Hooks without latches, or with latches removed or disabled, shall not be used unless:

(A) A qualified person has determined that it is safer to hoist and place the load without latches (or with the latches removed/tied-back).

(B) Routes for the loads are pre-planned to ensure that no employee is required to work in the fall zone except for employees necessary for the hooking or unhooking of the load.

(iii) The latch shall close the throat opening and be designed to retain slings or other lifting devices/accessories in the hook when the rigging apparatus is slack.

(5) *Posted warnings.* Posted warnings required by this Subpart as well as those originally supplied with the equipment by the manufacturer shall be maintained in legible condition.

(6) An accessible fire extinguisher shall be on the equipment.

(7) *Cabs.* Equipment with cabs shall meet the following requirements:

(i) Cabs shall be designed with a form of adjustable ventilation and method for clearing the windshield for maintaining visibility and air circulation. Examples of means for adjustable ventilation include air conditioner or window that can be opened (for ventilation and air circulation); examples of means for maintaining visibility include heater (for preventing windshield icing), defroster, fan, windshield wiper.

(ii) Cab doors (swinging, sliding) shall be designed to prevent inadvertent opening or closing while traveling or operating the machine. Swinging doors adjacent to the operator shall open outward. Sliding operator doors shall open rearward.

(iii) *Windows.*

(A) The cab shall have windows in front and on both sides of the operator. Forward vertical visibility shall be sufficient to give the operator a view of the boom point at all times.

(B) Windows may have sections designed to be opened or readily removed. Windows with sections designed to be opened shall be designed so that they can be secured to prevent inadvertent closure.

(C) Windows shall be of safety glass or material with similar optical and safety properties, that introduce no visible distortion or otherwise obscure visibility that interferes with the safe operation of the equipment.

(iv) A clear passageway shall be provided from the operator's station to an exit door on the operator's side.

(v) Areas of the cab roof that serve as a workstation for rigging, maintenance or other equipment-related tasks shall be capable of supporting 250 pounds without permanent distortion.

(8) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, and other parts or components that reciprocate, rotate or otherwise move shall be guarded where contact by employees (except for maintenance and repair workers) is possible in the performance of normal duties.

(9) All exhaust pipes, turbochargers, and charge air coolers shall be insulated or guarded where contact by employees (except for maintenance and repair workers) is possible in the performance of normal duties.

(10) Hydraulic and pneumatic lines shall be protected from damage to the extent feasible.

(11) The equipment shall be designed so that exhaust fumes are not discharged in the cab and are discharged in a direction away from the operator.

(12) *Friction mechanisms.* Where friction mechanisms (such as brakes and clutches) are used to control the boom hoist or load line hoist, they shall be:

(i) Of a size and thermal capacity sufficient to control all rated loads with the minimum recommended reeving.

(ii) Adjustable to permit compensation for lining wear to maintain proper operation.

(13) *Hydraulic load hoists.* Hydraulic drums shall have an integrally mounted holding device or internal static brake to prevent load hoist movement in the event of hydraulic failure.

(f) The employer's obligations under paragraphs (a) – (d) and (e)(7) – (13) are met where the equipment has not changed (except in accordance with Section 1434 (Equipment modifications)) and it can refer to documentation from the manufacturer showing that the equipment has been designed, constructed and tested in accordance with those paragraphs.

1434 Equipment Modifications

(a) Modifications or additions which affect the capacity or safe operation of the equipment are prohibited except where the requirements of paragraph (1), (2), or (3) are met.

(1) *Manufacturer review and approval.* The manufacturer approves the modifications/additions in writing.

(2) *Manufacturer refusal to review request.* The manufacturer is provided a detailed description of the proposed modification, is asked to approve the modification/addition, but it declines to review the technical merits of the proposal or fails, within 30 days, to acknowledge the request or initiate the review, and all of the following are met:

(i) A registered professional engineer who is a qualified person with respect to the equipment involved:

(A) Approves the modification/addition and specifies the equipment configurations to which that approval applies, and

(B) Modifies load charts, procedures, instruction manuals and instruction plates/tags/decals as necessary to accord with the modification/addition.

(ii) The original safety factor of the equipment is not reduced.

(3) *Unavailable manufacturer.* The manufacturer is unavailable and the requirements of paragraph 1434(a)(2)(i) and (2)(ii) are met.

(b) Modifications or additions which affect the capacity or safe operation of the equipment are prohibited where the manufacturer, after a review of the technical safety merits of the proposed modification/addition, rejects the proposal and explains the reasons for the rejection in a written response.

(c) The provisions in paragraphs 1434(a) and 1434(b) do not apply to modifications made or approved by the U.S. military.

1435 Tower Cranes

(a) This Section contains supplemental requirements for tower cranes; all Sections of this Subpart apply to tower cranes unless specified otherwise.

(b) *Erecting, climbing and dismantling.*

(1) Sections 1403 (Assembly/disassembly – selection of manufacturer or employer procedures), 1404 (Assembly/disassembly – general requirements), and 1405 (Disassembly – additional requirements for disassembly of booms and jibs), apply to tower cranes (except as otherwise specified), except that the term “assembly/disassembly” is replaced by “erecting, climbing and dismantling,” and the term “disassembly” is replaced by “dismantling.”

(2) *Dangerous areas (self-erecting tower cranes).* In addition to the requirements in 1404(e), for self-erecting tower cranes, the following applies: Employees shall not be in or under the tower, jib, or rotating portion of the crane during erecting, climbing and dismantling operations until the crane is secured in a locked position and the competent person in charge indicates it is safe to enter this area, unless the manufacturer’s instructions direct otherwise and only the necessary personnel are permitted in this area.

(3) *Addressing specific hazards.* The requirements in 1404(h)(1)-(9) apply. In addition, the A/D supervisor shall address the following:

(i) *Foundations and structural supports.* Tower crane foundations and structural supports shall be designed by the manufacturer or a registered professional engineer.

(ii) *Loss of backward stability.* Backward stability must be considered before swinging self erecting cranes or cranes on traveling or static undercarriages.

(iii) *Wind speed.* Wind must not exceed the speed recommended by the manufacturer or, where manufacturer does not specify this information, the speed determined by a qualified person.

(4) *Signs.* The size and location of signs installed on tower cranes must be in accordance with manufacturer procedures. Where these are unavailable, a registered professional engineer familiar with the type of equipment involved must approve in writing the size and location of any signs.

(5) *Plumb tolerance.* Towers shall be erected plumb to the manufacturer's tolerance and verified by a qualified person. Where the manufacturer does not specify plumb tolerance, the crane tower shall be plumb to a tolerance of at least 1:500 (approximately 1 inch in 40 feet).

(6) *Multiple tower crane jobsites.* On jobsites where more than one fixed jib (hammerhead) tower crane is installed, the cranes shall be located so such that no crane may come in contact with the structure of another crane. Cranes are permitted to pass over one another.

(7) *Climbing procedures.* Prior to, and during, all climbing procedures (including inside climbing and top climbing), the employer shall:

- (i) Comply with all manufacturer prohibitions.
- (ii) Have a registered professional engineer verify that the host structure is strong enough to sustain the forces imposed through the braces, brace anchorages and supporting floors.
- (iii) Ensure that no part of the climbing procedure takes place when wind exceeds the speed recommended by the manufacturer or, where the manufacturer does not specify this information, the speed determined by a qualified person.

(8) *Counterweight/ballast.*

- (i) Equipment shall not be erected, dismantled or operated without the amount and position of counterweight or ballast in place as specified by the manufacturer or a professional engineer familiar with the equipment.
- (ii) The maximum counterweight or ballast approved by the manufacturer or professional engineer familiar with the equipment shall not be exceeded.

(c) *Safety devices.*

- (1) Section 1415 does not apply to tower cranes.
- (2) The following safety devices are required on all tower cranes unless otherwise specified:
 - (i) Boom stops on luffing boom type tower cranes.
 - (ii) Jib stops on luffing boom type tower cranes if equipped with a jib attachment.

- (iii) Travel rail end stops at both ends of travel rail.
- (iv) Travel rail clamps on all travel bogies.
- (v) Integrally mounted check valves on all load supporting hydraulic cylinders.
- (vi) Hydraulic system pressure limiting device.
- (vii) The following brakes, which shall automatically set in the event of pressure loss or power failure, are required:
 - (A) A hoist brake on all hoists.
 - (B) Swing brake.
 - (C) Trolley brake.
 - (D) Rail travel brake.
- (viii) Deadman control or forced neutral return control (hand) levers.
- (ix) Emergency stop switch at the operator's station.

(3) *Proper operation required.* Operations shall not begin unless the devices listed in this section are in proper working order. If a device stops working properly during operations, the operator shall safely stop operations. Operations shall not resume until the device is again working properly. Alternative measures are not permitted to be used.

(d) *Operational aids.*

- (1) Section 1416 does not apply to tower cranes.
- (2) The devices listed in this section (“operational aids”) are required on all tower cranes covered by this Subpart, unless otherwise specified.
- (3) Operations shall not begin unless the operational aids are in proper working order, except where the employer meets the specified temporary alternative measures. More protective alternative measures specified by the tower crane manufacturer, if any, shall be followed.
- (4) If an operational aid stops working properly during operations, the operator shall safely stop operations until the temporary alternative measures are implemented or the device is again working properly. If a replacement part is no longer available, the

use of a substitute device that performs the same type of function is permitted and is not considered a modification under Section 1434.

(5) *Category I operational aids and alternative measures.* Operational aids listed in this paragraph that are not working properly shall be repaired no later than 7 days after the deficiency occurs. *Exception:* If the employer documents that it has ordered the necessary parts within 7 days of the occurrence of the deficiency, the repair shall be completed within 7 days of receipt of the parts.

(i) *Trolley travel limiting device.* The travel of the trolley shall be restricted at both ends of the jib by a trolley travel limiting device to prevent the trolley from running into the trolley end stops. *Temporary alternative measures:*

(A) *Option A.* The trolley rope shall be marked (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the trolley prior to the end stops.

(B) *Option B.* A spotter shall be used when operations are conducted within 10 feet of the outer or inner trolley end stops.

(ii) *Boom hoist limiting device.* The range of the boom shall be limited at the minimum and maximum radius. *Temporary alternative measures:* Clearly mark the cable (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the boom hoist within the minimum and maximum boom radius, or use a spotter.

(iii) *Anti two-blocking device.* The tower crane shall be equipped with a device which automatically prevents damage from contact between the load block, overhaul ball, or similar component, and the boom tip (or fixed upper block or similar component). The device(s) must prevent such damage at all points where two-blocking could occur. *Temporary alternative measures:* Clearly mark the cable (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the hoist to prevent two-blocking, or use a spotter.

(iv) *Hoist drum lowering device.* Tower cranes manufactured after January 1, 2008, shall be equipped with a device that prevents the last 2 wraps of hoist cable from being spooled off the drum. *Temporary alternative measures:* Mark the cable (so it can be seen by the operator) at a point that will give the operator sufficient time to stop the hoist prior to last 2 wraps of hoist cable being spooled off the drum, or use a spotter.

(v) *Load moment limit device.* The tower crane shall have a device that prevents moment overloading. *Temporary alternative measures:* A radius indicating device shall be used (if the tower crane is not equipped with a

radius indicating device, the radius shall be measured to ensure the load is within the rated capacity of the crane). In addition, the weight of the load shall be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information shall be provided to the operator prior to the lift.

(vi) *Hoist line pull limiting device.* The capacity of the hoist shall be limited to prevent overloading, including each individual gear ratio if equipped with a multiple speed hoist transmission. *Temporary alternative measures:* The operator shall ensure that the weight of the load does not exceed the capacity of the hoist (including for each individual gear ratio if equipped with a multiple speed hoist transmission).

(vii) *Rail travel limiting device.* The travel distance in each direction shall be limited to prevent the travel bogies from running into the end stops or buffers. *Temporary alternative measures:* A spotter shall be used when operations are conducted within 10 feet of the either end of the travel rail end stops.

(viii) *Boom hoist drum positive locking device.* The boom hoist drum shall be equipped with a device to positively lock the boom hoist drum. *Temporary alternative measures:* The device shall be manually set when required if an electric, hydraulic or automatic type is not functioning.

(6) *Category II operational aids and alternative measures.* Operational aids listed in this paragraph that are not working properly shall be repaired no later than 30 days after the deficiency occurs. *Exception:* If the employer documents that it has ordered the necessary parts within 7 days of the occurrence of the deficiency, and the part is not received in time to complete the repair in 30 days, the repair shall be completed within 7 days of receipt of the parts.

(i) *Boom angle or hook radius indicator.*

(A) Luffing boom tower cranes shall have a boom angle indicator readable from the operator's station.

(B) Hammerhead tower cranes manufactured after January 1, 2008, shall have a hook radius indicator readable from the operator's station.

(C) *Temporary alternative measures:* Hook radii or boom angle shall be determined by measuring the hook radii or boom angle with a measuring device.

(ii) *Trolley travel deceleration device.* The trolley speed shall be automatically reduced prior to the trolley reaching the end limit in both directions. *Temporary alternative measure:* The operator shall reduce the trolley speed when approaching the trolley end limits.

(iii) *Boom hoist deceleration device.* The boom speed shall be automatically reduced prior to the boom reaching the minimum or maximum radius limit. *Temporary alternative measure:* The operator shall reduce the boom speed when approaching the boom maximum or minimum end limits.

(iv) *Load hoist deceleration device.* The load speed shall be automatically reduced prior to the hoist reaching the upper limit. *Temporary alternative measure:* The operator shall reduce the hoist speed when approaching the upper limit.

(v) *Wind speed indicator.* A device shall be provided to display the wind speed and shall be mounted above the upper rotating structure on tower cranes. On self erecting cranes, it shall be mounted at or above the jib level. *Temporary alternative measures:* Use of wind speed information from a properly functioning indicating device on another tower crane on the same site, or a qualified person estimates the wind speed.

(vi) *Load indicating device.* Cranes manufactured after January 1, 2008, shall have a device that displays the magnitude of the load on the hook. Displays that are part of load moment limiting devices that display the load on the hook meet this requirement. *Temporary alternative measures:* The weight of the load shall be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information shall be provided to the operator prior to the lift.

(e) *Inspections.*

(1) Section 1412 (Inspections) applies to tower cranes, except that the term "assembly" is replaced by "erection."

(2) *Post-erection inspection.* In addition to the requirements in paragraph 1412(c), the following requirements shall be met:

(i) A load test using certified weights, or scaled weights using a certified scale with a current certificate of calibration, shall be conducted after each erection.

(ii) The load test shall be conducted in accordance with the manufacturer's instructions. Where these instructions are unavailable, a registered

professional engineer familiar with the type of equipment involved shall develop written load test procedures.

(3) *Monthly*. The following additional items shall be included:

- (i) Tower (mast) bolts and other structural bolts (for loose or dislodged condition) from the base of the tower crane up or, if the crane is tied to or braced by the structure, those above the upper-most brace support.
- (ii) The upper-most tie-in, braces, floor supports and floor wedges where the tower crane is supported by the structure, for loose or dislodged components.

1436 Derricks

(a) This Section contains supplemental requirements for derricks, whether temporarily or permanently mounted; all Sections of this Subpart apply to derricks unless specified otherwise. A derrick is powered equipment consisting of a mast or equivalent member that is held at or near the end by guys or braces, with or without a boom, and its hoisting mechanism. The mast/equivalent member and/or the load is moved by the hoisting mechanism (typically base-mounted) and operating ropes. Derricks include: A-frame, basket, breast, Chicago boom, gin pole (except gin poles used for erection of communication towers), guy, shearleg, stiffleg, and variations of such equipment.

(b) *Operation – procedures*.

- (1) Section 1417 (Operation) applies except for paragraph (c) (accessibility of procedures).
- (2) *Load chart contents*. Load charts shall contain at least the following information:
 - (i) Load ratings at corresponding ranges of boom angle or operating radii.
 - (ii) Specific lengths of components to which the load ratings apply.
 - (iii) Required parts for hoist reeving.
 - (iv) Size and construction of rope shall be included on the load chart or in the operating manual.
- (3) *Load chart location*.
 - (i) *Permanent installations*. For permanently installed derricks with fixed lengths of boom, guy, and mast, a load chart shall be posted where it is visible to personnel responsible for the operation of the equipment.

(ii) *Non-permanent installations.* For derricks that are not permanently installed, the load chart shall be readily available at the job site to personnel responsible for the operation of the equipment.

(c) Construction.

(1) *General requirements.*

(i) Derricks shall be constructed to meet all stresses imposed on members and components when installed and operated in accordance with the manufacturer's/ builder's procedures and within its rated capacity.

(ii) Welding of load sustaining members shall conform to recommended practices in ANSI/AWS D14.3 or D1.1.

(2) *Guy derricks.*

(i) The minimum number of guys shall be 6, with equal spacing, except where a qualified person or derrick manufacturer approves variations from these requirements and revises the rated capacity to compensate for such variations.

(ii) Guy derricks shall not be used unless the employer has the following guy information:

(A) The number of guys.

(B) The spacing around the mast.

(C) The size, grade, and construction of rope to be used for each guy.

(iii) For guy derricks manufactured after December 18, 1970, in addition to the information required in paragraph (ii), the employer shall have the following guy information:

(A) The amount of initial sag or tension.

(B) The amount of tension in guy line rope at anchor.

(iv) The mast base shall permit the mast to rotate freely with allowance for slight tilting of the mast caused by guy slack.

(v) The mast cap shall:

(A) Permit the mast to rotate freely.

- (B) Withstand tilting and cramping caused by the guy loads.
- (C) Be secured to the mast to prevent disengagement during erection.
- (D) Be provided with means for attaching guy ropes.

(3) *Stiffleg derricks.*

- (i) The mast shall be supported in the vertical position by at least two stifflegs; one end of each shall be connected to the top of the mast and the other end securely anchored.
- (ii) The stifflegs shall be capable of withstanding the loads imposed at any point of operation within the rated load chart range.
- (iii) The mast base shall:
 - (A) Permit the mast to rotate freely (when necessary).
 - (B) Permit deflection of the mast without binding.
- (iv) The mast shall be prevented from lifting out of its socket when the mast is in tension.
- (v) The stiffleg connecting member at the top of the mast shall:
 - (A) Permit the mast to rotate freely (when necessary).
 - (B) Withstand the loads imposed by the action of the stifflegs.
 - (C) Be secured so as to oppose separating forces.

(4) *Gin pole derricks.*

- (i) Guy lines shall be sized and spaced so as to make the gin pole stable in both boomed and vertical positions. *Exception:* Where the size and/or spacing of guy lines do not result in the gin pole being stable in both boomed and vertical positions, the employer shall ensure that the derrick is not used in an unstable position.
- (ii) The base of the gin pole shall permit movement of the pole (when necessary).

(iii) The gin pole shall be anchored at the base against horizontal forces (when such forces are present).

(5) *Chicago boom derricks.* The fittings for stepping the boom and for attaching the topping lift shall be arranged to:

(i) Permit the derrick to swing at all permitted operating radii and mounting heights between fittings.

(ii) Accommodate attachment to the upright member of the host structure.

(iii) Withstand the forces applied when configured and operated in accordance with the manufacturer's/ builder's procedures and within its rated capacity.

(iv) Prevent the boom or topping lift from lifting out under tensile forces.

(d) *Anchoring and guying.*

(i) Load anchoring data developed by the manufacturer or a qualified person shall be used.

(ii) *Guy derricks.*

(A) The mast base shall be anchored.

(B) The guys shall be secured to the ground or other firm anchorage.

(C) The anchorage and guying shall be designed to withstand maximum horizontal and vertical forces encountered when operating within rated capacity with the particular guy slope and spacing specified for the application.

(iii) *Stiffleg derricks.*

(A) The mast base and stifflegs shall be anchored.

(B) The mast base and stifflegs shall be designed to withstand maximum horizontal and vertical forces encountered when operating within rated capacity with the particular stiffleg spacing and slope specified for the application.

(e) *Swingers and hoists.*

(1) The boom, swinger mechanisms and hoists shall be suitable for the derrick work intended and shall be anchored to prevent displacement from the imposed loads.

(2) Base-mounted drum hoists.

(i) Base mounted drum hoists shall meet the requirements in the following sections of ASME B30.7 (2001):

(i) Sections 7-1.1 (Load ratings and markings).

(ii) Section 7-1.2 (Construction), except: 7-1.2.13 (Operator's cab); 7-1.2.15 (Fire extinguishers).

(iii) Section 7-1.3 (Installation).

(iv) Applicable terms in Section 7-0.2 (Definitions).

(ii) *Load tests for new hoists.* The employer shall ensure that new hoists are load tested to a minimum of 110% of rated capacity, but not more than 125% of rated capacity, unless otherwise recommended by the manufacturer. This requirement is met where the manufacturer has conducted this testing.

(iii) *Repaired or modified hoists.* Hoists that have had repairs, modifications or additions affecting the its capacity or safe operation shall be evaluated by a qualified person to determine if a load test is necessary. If it is, load testing shall be conducted in accordance with paragraphs (e)(ii) and (iv).

(iv) *Load test procedure.* Load tests required by paragraphs (e)(ii) or (e)(iii) shall be conducted as follows:

(A) The test load shall be hoisted a vertical distance to assure that the load is supported by the hoist and held by the hoist brake(s).

(B) The test load shall be lowered, stopped and held with the brake(s).

(C) The hoist shall not be used unless a competent person determines that the test has been passed.

(f) *Operational aids.*

(1) Section 1416 (Operational aids) applies, except for paragraph 1416 (d)(1) (Boom hoist limiting device) and (e)(1) (Boom angle or radius indicator) and (e)(4).

(2) *Boom angle aid.* The employer shall ensure that either:

(i) The boom hoist cable shall be marked with caution and stop marks. The stop marks shall correspond to maximum and minimum allowable boom

angles. The caution and stop marks shall be in view of the operator, or a spotter who is in direct communication with the operator, or

(ii) An electronic or other device that signals the operator in time to prevent the boom from moving past its maximum and minimum angles, or automatically prevents such movement, is used.

(3) *Load weight/capacity devices.* Derricks manufactured [1 year after the effective date of this Subpart] with a maximum rated capacity over 6000 pounds shall have at least one of the following: load weighing device, load moment indicator, rated capacity indicator, or rated capacity limiter. *Temporary alternative measures:* The weight of the load shall be determined from a reliable source (such as the load's manufacturer), by a reliable calculation method (such as calculating a steel beam from measured dimensions and a known per foot weight), or by other equally reliable means. This information shall be provided to the operator prior to the lift.

(g) *Post-assembly approval and testing – new or reinstalled derricks.*

(1) *Anchorage.*

(i) Anchorages, including the structure to which the derrick is attached (if applicable), shall be approved by a qualified person.

(ii) If using a rock or hairpin anchorage, the qualified person shall determine if any special testing of the anchorage is needed. If so, it shall be tested accordingly.

(2) *Functional test.* Prior to initial use, new or reinstalled derricks shall be tested by a competent person with no hook load to verify proper operation. This test shall include:

(i) Lifting and lower the hook(s) through the full range of hook travel.

(ii) Raising and lowering the boom through the full range of boom travel.

(iii) Swinging in each direction through the full range of swing.

(iv) Actuating the anti two-block and boom hoist limit devices (if provided).

(v) Actuating locking, limiting and indicating devices (if provided).

(3) *Load test.* Prior to initial use, new or reinstalled derricks shall be load tested by a competent person. The test load shall meet the following requirements:

(i) Test loads shall be at least 100% and no more than 110% of the rated load, unless otherwise recommended by the manufacturer or qualified person, but in no event shall the test load be less than the maximum anticipated load.

(ii) The test shall consist of:

(A) Hoisting the test load a few inches and holding to verify that the load is supported by the derrick and held by the hoist brake(s).

(B) Swinging the derrick, if applicable, the full range of its swing, at the maximum allowable working radius for the test load.

(C) Booming the derrick up and down within the allowable working radius for the test load.

(D) Lowering, stopping and holding the load with the brake(s).

(iii) The derrick shall not be used unless the competent person determines that the test has been passed.

(4) *Documentation.* Tests conducted under this paragraph shall be documented. The document shall contain the date, test results and the name of the tester. The document shall be retained until the derrick is re-tested or dismantled, whichever occurs first.

(h) *Load testing repaired or modified derricks.* Derricks that have had repairs, modifications or additions affecting the derrick's capacity or safe operation shall be evaluated by a qualified person to determine if a load test is necessary. If it is, load testing shall be conducted and documented in accordance with paragraph (g).

(i) [Reserved]

(j) *Power failure procedures.* If power fails during operations, the derrick operator shall safely stop operations. This shall include:

(1) Setting all brakes or locking devices.

(2) Moving all clutch and other power controls to the off position.

(k) *Use of winch heads.*

(1) Ropes shall not be handled on a winch head without the knowledge of the operator.

(2) While a winch head is being used, the operator shall be within reach of the power unit control lever.

(l) [Reserved]

(m) *Securing the boom.*

(1) When the boom is being held in a fixed position, dogs, pawls, or other positive holding mechanisms on the boom hoist shall be engaged.

(2) When taken out of service for 30 days or more, the boom shall be secured by one of the following methods:

(i) Laid down.

(ii) Secured to a stationary member, as nearly under the head as possible, by attachment of a sling to the load block.

(iii) For guy derricks, lifted to a vertical position and secured to the mast.

(iv) For stiffleg derricks, secured against the stiffleg.

(n) The process of jumping the derrick shall be supervised by the A/D supervisor.

(o) Derrick operations shall be supervised by a competent person.

(p) *Inspections.* In addition to the requirements in Section 1412, the following additional items shall be included in the inspections:

(1) *Daily:* Guys for proper tension.

(2) *Annual.*

(i) Gudgeon pin for cracks, wear, and distortion.

(ii) Foundation supports for continued ability to sustain the imposed loads.

(q) Section 1427 (Operator qualification and certification) does not apply.

1437 Floating cranes/derricks and land cranes/derricks on barges

(a) This section contains supplemental requirements for floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation; all Sections of this Subpart apply to floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation, unless specified otherwise. The requirements of this Section do not apply to jacked barges when the jacks are deployed to the river/lake/sea bed and the barge is fully supported by the jacks.

(b) *General requirements.* The requirements in paragraphs (d) – (j) apply to both floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation.

(c) *Work area control.*

(1) The requirements of Section 1424 (Work area control) applies, except for paragraph 1424(a)(2)(ii).

(2) The employer shall either:

(i) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas, or

(ii) The hazard areas shall be clearly marked by a combination of warning signs (such as “Danger – Swing/Crush Zone” or “Danger – This Thing’s Gonna Swing and Crunch You – Zone”) and high visibility markings on the equipment that identify the hazard areas. In addition, the employer shall train the employees to understand what these markings signify.

(d) *Keeping clear of the load.* Section 1425 does not apply.

(e) *Additional Safety devices.* In addition to the safety devices listed in Section 1415, the following safety devices are required:

(1) Pontoon or barge/vessel list and trim device. This shall be located in the cab or, where there is no cab, at the operator’s station.

(2) Horn.

(3) Positive crane house lock.

(4) *Wind speed and direction indicator.* A competent person shall determine if wind is a factor that needs to be considered; if it needs to be considered, a wind speed and direction indicator shall be used.

(f) *Operational aids.*

(1) An anti two-block device is required only when hoisting personnel or hoisting over an occupied coffer dam or shaft.

(2) Paragraph 1416 (e)(4) (load weighing and similar devices) does not apply to dragline, clamshell (grapple), magnet, drop ball, container handling, concrete bucket, and pile driving work.

(g) *Accessibility of procedures applicable to equipment operation.* If the crane/derrick has a cab, the requirements of paragraph 1417 (c) apply. If the crane/derrick does not have a cab:

(1) Rated capacities (load charts) shall be posted at the operator's station. If the operator's station is moveable (such as with pendant-controlled equipment), the load charts shall be posted on the equipment.

(2) Procedures applicable to the operation of the equipment (other than load charts), recommended operating speeds, special hazard warnings, instructions and operators manual, shall be readily available on board.

(h) *Inspections.* In addition to meeting the requirements of Section 1412 for inspecting the crane/derrick, the employer shall ensure that the barge, pontoons, vessel or other means of flotation used to support a land crane/derrick is inspected as follows:

(1) *Shift.* The means used to secure/attach the equipment to the vessel/flotation device shall be inspected for proper condition, including wear, corrosion, loose or missing fasteners, defective welds, and (where applicable) insufficient tension.

(2) *Monthly.* The vessel/means of flotation used shall be inspected for the following:

(i) The means used to secure/attach the equipment to the vessel/flotation device shall be inspected for proper condition, including wear, corrosion and (where applicable) insufficient tension.

(ii) Taking on water.

(iii) Deckload for proper securing.

(iv) Chain lockers, storage, fuel compartments and battening of hatches for serviceability as a water-tight appliance.

(v) Firefighting and lifesaving equipment in place and functional.

(3) The daily and monthly inspections shall be conducted by a competent person. If any deficiency is identified, an immediate determination shall be made by a qualified person as to whether the deficiency constitutes a hazard. If the deficiency is determined to constitute a hazard, the vessel/flotation device shall be removed from service until it has been corrected.

(4) *Annual: external vessel/flotation device inspection.*

(i) The external portion of the barge, pontoons, vessel or other means of flotation used shall be inspected annually by a qualified person who has

expertise with respect to vessels/flotation devices. The inspection shall include the following items:

(A) The items identified in paragraphs (h)(1)(*Shift*) and (h)(2)(*Monthly*).

(B) Cleats, bitts, chocks, fenders, capstans, ladders, and stanchions, for significant: corrosion, wear, deterioration, and deformation.

(C) External evidence of leaks and structural damage.

(D) Four-corner draft readings.

(E) Firefighting equipment for serviceability.

(ii) Rescue skiffs, lifelines, work vests, life preservers and ring buoys shall be inspected for proper condition.

(iii) If any deficiency is identified, an immediate determination shall be made by the qualified person as to whether the deficiency constitutes a hazard or, though not yet a hazard, needs to be monitored in the monthly inspections. If the deficiency is determined to constitute a hazard, the vessel/flotation device shall be removed from service until it has been corrected.

(iv) If the qualified person determines that, though not presently a hazard, the deficiency needs to be monitored, the employer shall ensure that the deficiency is checked in the monthly inspections.

(5) *Quadrennial: internal vessel/flotation device inspection.*

(i) The internal portion of the barge, pontoons, vessel or other means of flotation used shall be surveyed once every 4 years by a marine engineer, marine architect, licensed surveyor, or other qualified person who has expertise with respect to vessels/flotation devices.

(ii) If any deficiency is identified, an immediate determination shall be made by the surveyor as to whether the deficiency constitutes a hazard or, though not yet a hazard, needs to be monitored in the monthly or annual inspections, as appropriate.

(iii) If the deficiency is determined to constitute a hazard, the vessel/flotation device shall be removed from service until it has been corrected.

(iv) If the surveyor determines that, though not presently a hazard, the

deficiency needs to be monitored, the employer shall ensure that the deficiency is checked in the monthly or annual inspections, as appropriate.

(6) *Documentation.* The monthly and annual inspections required in paragraphs (h)(2) and (h)(4) shall be documented in accordance with paragraph 1412 (e)(3) and (f)(7), respectively. The quadrennial inspection required in paragraph (h)(5) shall be documented in accordance with paragraph 1412(f)(7), except that the documentation for that inspection shall be retained for a minimum of 4 years.

(i) [Reserved]

(j) *Working with a diver.* The following additional requirements apply when working with a diver in the water:

(1) If a crane/derrick is used to get a diver into and out of the water, it shall not be used for any other purpose until the diver is back on board. When used for more than one diver, it shall not be used for any other purpose until all divers are back on board.

(2) The operator shall remain at the controls of the crane/derrick at all times.

(3) In addition to the requirements in Sections 1419-1422 (Signals), either:

(i) A clear line of sight shall be maintained between the operator and tender, or

(ii) The signals between the operator and tender shall be transmitted electronically.

(4) The means used to secure the crane/derrick to the barge/pontoons/vessel (see paragraph (n)(5)) shall not allow any amount of shifting in any direction.

(k) The barge, pontoons, vessel or other means of flotation shall be capable of withstanding imposed environmental, operational and in-transit loads under conditions specified by its manufacturer.

(l) [Reserved].

(m) *Floating cranes/derricks.* For equipment designed by the manufacturer (or employer) for marine use by permanent attachment to barges, pontoons, vessels or other means of flotation:

(1) *Load charts.*

(i) The manufacturer load charts applicable to operations on water shall not be exceeded. When using these charts, the employer shall comply with all

parameters and limitations (such as dynamic/environmental parameters) applicable to the use of the charts.

(ii) The load charts shall take into consideration a minimum wind speed of 40 miles per hour.

(2) The requirements for maximum allowable list and maximum allowable trim as specified in Table M1 shall be met.

TABLE M1		
<i>Equipment designed for marine use by permanent attachment (other than derricks):</i>		
Rated Capacity	Maximum Allowable List	Maximum Allowable Trim
25 tons or less	5 degrees	5 degrees
Over 25 tons	7 degrees	7 degrees
<i>Derricks designed for marine use by permanent attachment:</i>		
Any rated capacity	10 degrees	10 degrees

(3) The equipment shall be stable under the conditions specified in Tables M2 and M3.

TABLE M2		
Operated at	Wind speed	Minimum freeboard
Rated capacity	60 mph	2 ft
Rated capacity plus 25%	60 mph	1 ft
High boom, no load	60 mph	2 ft

TABLE M3	
<i>For backward stability of the boom:</i>	
Operated at	Wind speed
High boom, no load, full back list (least stable condition)	90 mph

(4) If the equipment is employer-made, it shall not be used unless the employer has documents demonstrating that the load charts and applicable parameters for use meet the requirements of paragraphs (m)(1), (2) and (3). Such documents shall be signed

by a registered professional engineer who is a qualified person with respect to the design of this type of equipment (including the means of flotation).

(5) The barge, pontoons, vessel or other means of flotation used shall:

(i) Be structurally sufficient to withstand the static and dynamic loads of the crane/derrick when operating at the crane/derrick's maximum rated capacity with all anticipated deck loads and ballasted compartments.

(ii) Have a subdivided hull with one or more longitudinal watertight bulkheads for reducing the free surface effect.

(iii) Have access to void compartments to allow for inspection and pumping.

(n) *Land cranes/derricks.* For land cranes/derricks used on barges, pontoons, vessels or other means of flotation:

(1) The rated capacity of the equipment (load charts) applicable for use on land shall be reduced to:

(i) Account for increased loading from list, trim, wave action, and wind.

(ii) Be applicable to a specified location(s) on the specific barge, pontoons, vessel or other means of flotation that will be used, under the expected environmental conditions.

(iii) Ensure that the conditions required in paragraphs (n)(3) and (n)(4) are met.

(2) The rated capacity modification required in paragraph (n)(1)(i) shall be done by the equipment manufacturer, or a qualified person who has expertise with respect to both land crane/derrick capacity and the stability of vessels/flotation devices.

(3) *List and trim.*

(i) The maximum allowable list and the maximum allowable trim for the barge/pontoons/vessel/other means of flotation shall not exceed the amount necessary to ensure that the conditions in paragraph (n)(4) are met. In addition, the maximum allowable list and the maximum allowable trim shall not exceed the least of the following: 5 degrees, the amount specified by the crane/derrick manufacturer, or where an amount is not so specified, the amount specified by the qualified person.

(ii) The maximum allowable list and the maximum allowable trim for the land crane/derrick shall not exceed the amount specified by the crane/derrick

manufacturer, or where an amount is not so specified, the amount specified by the qualified person.

(4) The following conditions shall be met:

(i) All deck surfaces of the barge, pontoons, vessel or other means of flotation used shall be above water.

(ii) The entire bottom area of the barge, pontoons, vessel or other means of flotation used shall be submerged.

(5) *Physical attachment, corraling, rails system and centerline cable system.* The employer shall meet the requirements in Option (1), Option (2), Option (3), or Option (4). Whichever option is used, the requirements of paragraph (v) must also be met.

(i) *Option (1) – Physical attachment.* The crane/derrick shall be physically attached to the barge, pontoons, vessel or other means of flotation. Methods of physical attachment include crossed-cable systems attached to the crane/derrick and vessel/means of flotation (this type of system allows the crane/derrick to lift up slightly from the surface of the vessel/means of flotation), bolting or welding the crane/derrick to the vessel/means of flotation, strapping the crane/derrick to the vessel/means of flotation with chains, or other methods of physical attachment.

(ii) *Option (2) – Corraling.* The crane/derrick shall be prevented from shifting by installing barricade restraints (a corraling system). Corraling systems shall not allow any amount of shifting in any direction by the crane.

(iii) *Option (3) – Rails.* The crane/derrick shall be prevented from shifting by being mounted on a rail system. Rail clamps and rail stops are required unless the system is designed to prevent movement during operation by other means.

(iv) *Option (4) – Centerline cable system.* The crane/derrick shall be prevented from shifting by being mounted to a wire rope system. The wire rope system shall meet the following requirements:

(A) The wire rope and attachments shall be of sufficient size/strength to support the side load of crane/derrick.

(B) The wire rope shall be physically attached to the barge/pontoons/vessel.

(C) The wire rope shall be attached to the crane/derrick by appropriate attachment methods (such as shackles or sheaves) on the undercarriage which will allow the crew to secure the crane/derrick from movement

during operation and to move the crane/derrick longitudinally along the vessel for repositioning.

(D) Means shall be installed to prevent the crane/derrick from passing the forward or aft end of the wire rope attachments.

(E) The crane/derrick shall be secured from movement during operation.

(v) The systems/means used to comply with Option (1), Option (2), Option (3), or Option (4) shall be designed by a marine engineer, registered professional engineer familiar with floating crane/derrick design, or qualified person familiar with floating crane/derrick design.

(vi) *Exception.* For mobile auxiliary cranes used on the deck of a floating crane/derrick, the requirement to use Option (1), Option (2), Option (3), or Option (4) does not apply where the employer demonstrates that the following requirements have been met:

(A) A marine engineer or registered professional engineer familiar with floating crane/derrick design develops and signs a written plan for the use of the mobile auxiliary crane.

(B) The plan shall be designed so that the applicable requirements of this Section will be met despite the position, travel, operation, and lack of physical attachment (or corraling, use of rails or cable system) of the mobile auxiliary crane.

(C) The plan shall specify the areas of the deck where the mobile auxiliary crane is permitted to be positioned, travel, and operate and the parameters/ limitations of such movements and operation.

(D) The deck shall be marked to identify the permitted areas for positioning, travel, and operation.

(E) The plan shall specify the dynamic/environmental conditions that must be present for use of the plan.

(F) If the dynamic/environmental conditions in paragraph (E) are exceeded, the mobile auxiliary crane shall be physically attached or corralled in accordance with Option (1), Option (2) or Option (4).

(6) The barge, pontoons, vessel or other means of flotation used shall:

- (i) Be structurally sufficient to withstand the static and dynamic loads of the crane/derrick when operating at the crane/derrick's maximum rated capacity with all anticipated deck loads and ballasted compartments.
- (ii) Have a subdivided hull with one or more longitudinal watertight bulkheads for reducing the free surface effect.
- (iii) Have access to void compartments to allow for inspection and pumping.

1438 Overhead & Gantry Cranes

(a) Permanently installed overhead and gantry cranes.

(1) This paragraph applies to the following equipment when used in construction and permanently installed in a facility: overhead and gantry cranes, including semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics.

(2) The requirements of 29 CFR 1910.179, except for 1910.179 (b)(1), apply to the equipment identified in paragraph (a)(1).

(b) Overhead and gantry cranes that are not permanently installed in a facility.

(1) This paragraph applies to the following equipment when used in construction and not permanently installed in a facility: overhead and gantry cranes, overhead/bridge cranes, semigantry, cantilever gantry, wall cranes, storage bridge cranes, launching gantry cranes, and similar equipment, irrespective of whether it travels on tracks, wheels, or other means.

(2) The following requirements apply to equipment identified in paragraph (b)(1):

(i) Sections 1400-1414; 1417-1425; 1426(d), 1427-1434; 1437,1439, 1441 of this standard.

(ii) The following portions of 29 CFR 1910.179:

(A) Paragraphs (b)(5),(6),(7); (e)(1),(3),(5),(6); (f)(1),(4); (g); (h)(1),(3); (k); and (n).

(B) Definitions in 1910.179(a) that do not differ from those in Section 1401 of this Subpart.

(C) 1910.179 (b)(2) applies only to equipment identified in paragraph (1) manufactured before September 19, 2001.

(iii) For equipment manufactured on or after September 19, 2001, the following sections of ASME B.30.2 (2001) apply: 2-1.3.1; 2-1.3.2; 2-1.4.1; 2-1.6; 2-1.7.2; 2-1.8.2; 2-1.9.1; 2-1.9.2; 2-1.11; 2-1.12.2; 2-1.13.7; 2-1.14.2; 2-1.14.3; 2-1.14.5; 2-1.15.; 2-2.2.2; 2-3.2.1.1. In addition, 2-3.5 applies, except in 2-3.5.1(b), “29 CFR 1910.147” is substituted for “ANSI Z244.1”.

1439 Dedicated pile drivers.

- (a) The provisions of this standard apply to dedicated pile drivers, except as specified in this Section.
- (b) Paragraph 1416 (d)(3) (anti two-block device) does not apply. (NOTE: under paragraph 1431(d)(4)(iv), an anti two-block device is required when hoisting personnel).
- (c) Paragraph 1416 (e)(4) (Load weight/capacity devices) applies only to dedicated pile drivers manufactured after January 1, 2008.
- (d) In Section 1433, only paragraphs (e) and (f) apply to dedicated pile drivers.
- (e) Section 1427 (Operator qualification and certification) applies, except that the qualification or certification shall be for operation of either dedicated pile drivers or equipment that is the most similar to dedicated pile drivers.

1440 Sideboom Cranes

- (a) The provisions of this standard apply, except Sections 1402 (Ground Conditions), 1415 (Safety Devices), 1416 (Operational Aids), and 1427 (Operator Qualification and Certification).
- (b) Section 1426 (Free Fall and Controlled Load Lowering) applies, except paragraph 1426(a)(2)(i). Sideboom cranes in which the boom is designed to free fall (live boom) are permitted only if manufactured prior to [effective date of this standard].
- (c) Sideboom cranes mounted on wheel or crawler tractors shall meet the following requirements of ASME B30.14-1996 with addenda ASME B30.14a-1997, 14b-1999, and 14c-2001 (Side Boom Tractors):
 - (i) Section 14-1.1 (“Load Ratings”).

- (ii) Section 14-1.3 (“Side Boom Tractor Travel”).
- (iii) Section 14-1.5 (“Ropes and Reeving Accessories”).
- (iv) Section 14-1.7.1 (“Booms”).
- (v) Section 14-1.7.2 (“General Requirements – Exhaust Gases”).
- (vi) Section 14-1.7.3 (“General Requirements – Stabilizers (Wheel-Type Side Boom Tractors)”).
- (vii) Section 14-1.7.4 (“General Requirements – Welded Construction”).
- (viii) Section 14-1.7.6 (“General Requirements – Clutch and Brake Protection”).
- (ix) Section 14-2.2.2 (“Testing – Rated Load Test”), except that it applies only to equipment that has been modified or repaired.
- (x) In section 14-3.1.2 (“Operator Qualifications”), paragraph (a), except the phrase “When required by law.”
- (xi) In section 14-3.1.3 (“Operating Practices”), paragraphs (e), (f)(1) – (4), (6), (7); (h), and (i).
- (xii) In section 14-3.2.3 (“Moving the Load”), paragraphs (j), (l), and (m).

1441 Requirements for equipment with a manufacturer-rated hoisting/lifting capacity of 2000 pounds or less.

For equipment with a maximum manufacturer-rated hoisting/lifting capacity of 2000 pounds or less:

(a) The following sections of this Subpart apply: 1400 (Scope); 1401 (Definitions); 1402 (Ground conditions); 1407 – 1411 (Power line safety); 1413 – 1414 (Wire Rope); 1418 (Authority to Stop Operation); 1419 – 1422 (Signals); 1423 (Fall Protection); 1426 (Free Fall/Controlled Load Lowering); 1432 (Multiple Crane Lifts); 1434 (Equipment Modifications); 1435 (Tower Cranes); 1436 (Derricks); 1437 (Floating Cranes & Land Cranes on Barges); 1438 (Overhead & Gantry Cranes).

(b) *Assembly/disassembly.*

(1) Sections 1403 (Assembly/ Disassembly – Selection of Manufacturer or Employer Procedures) and 1406 (Assembly/ Disassembly – Employer Procedures) apply.

(2) *Components and Configuration.*

(i) The selection of components and configuration of the equipment that affect the capacity or safe operation of the equipment must be in accordance with:

(A) Manufacturer instructions, recommendations, limitations, and specifications. Where these are unavailable, a registered professional engineer familiar with the type of equipment involved must approve, in writing, the selection and configuration of components; or

(B) Approved modifications that meet the requirements of section 1434 (Equipment Modifications).

(ii) *Post-assembly inspection.* Upon completion of assembly, the equipment must be inspected to ensure compliance with paragraph (b)(2)(i) (see paragraph 1412(c) for post-assembly inspection requirements).

(3) *Manufacturer prohibitions.* The employer must comply with applicable manufacturer prohibitions.

(c) *Operation – Procedures*

(1) The employer shall comply with all manufacturer procedures applicable to the operational functions of the equipment, including its use with attachments.

(2) *Unavailable operation procedures.*

(i) Where the manufacturer procedures are unavailable, the employer shall develop and ensure compliance with all procedures necessary for the safe operation of the equipment and attachments.

(ii) Procedures for the operational controls must be developed by a qualified person.

(iii) Procedures related to the capacity of the equipment must be developed and signed by a registered professional engineer familiar with the equipment.

(3) *Accessibility.*

(i) The load capacity chart shall be available to the operator at the control station.

(ii) Procedures applicable to the operation of the equipment, recommended operating speeds, special hazard warnings, instructions and operators manual, shall be readily available for use by the operator.

(iii) Where load capacities are available at the control station only in electronic form: in the event of a failure which makes the load capacities inaccessible, the operator must immediately cease operations or follow safe shut-down procedures until the load capacities (in electronic or other form) are available.

(d) *Safety devices and operational aids.*

(1) Originally-equipped safety devices and operational aids shall be maintained in accordance with manufacturer procedures.

(2) *Anti-two blocking.* Equipment covered by this Section manufactured after January 1, 2008, shall have either an anti-two block device that meets the requirements of paragraph 1416 (d)(3), or shall be designed so that, in the event of a two-block situation, no damage will occur and there will be no load failure (such as where the power unit will stall in the event of a two-block).

(e) *Operator qualifications.* The employer shall ensure that, prior to operating the equipment, the operator is trained on the safe operation of the type of equipment the operator will be using.

(f) *Signal person qualifications.* The employer shall ensure that signal persons are trained in the proper use of signals applicable to the use of the equipment.

(g) *Keeping clear of the load.* Section 1425 applies, except for paragraph 1425(c)(3) [qualified rigger].

(h) *Inspections.* The equipment shall be inspected in accordance with manufacturer procedures.

(i) [Reserved]

(j) *Hoisting personnel.* Hoisting personnel using equipment covered by this section is prohibited.

(k) *Design.* The equipment shall be designed by a qualified engineer.

APPENDIX A – USE OF NON-STANDARD SIGNALS

The follow is an example of a situation where the use of the Standard Method for hand signals is infeasible: Due to background lighting conditions behind the signal person, there is insufficient contrast between the person's hand and the sky color. This prevents the operator from being able to clearly see the signal person's hand when extended out to either side.

APPENDIX B – CHECKLIST FOR DETERMINING IF HOISTING PERSONNEL IS PERMISSIBLE

APPENDIX C – ASSEMBLY/DISASSEMBLY – SAMPLE PROCEDURES FOR MINIMIZING THE RISK OF UNINTENDED DANGEROUS BOOM MOVEMENT.

APPENDIX Q – OPERATOR CERTIFICATION – WRITTEN EXAMINATION – TECHNICAL KNOWLEDGE CRITERIA

This appendix contains information for employers, accredited testing organizations, auditors and government entities developing criteria for a written examination to test an individual's technical knowledge relating to the operation of cranes.

(a) General technical information.

(1) The functions and limitations of the crane and attachments.

(2) Wire rope:

- (i) Background information necessary to understand the inspection and removal from service criteria in Sections 1413 and 1414.
- (ii) Capacity and when multi-part rope is needed.
- (iii) Relationship between line pull and safe working load.
- (iv) How to determine the manufacturer's recommended rope for the crane.

(3) Rigging devices and their use, such as:

- (i) Slings.
- (ii) Spreaders.
- (iii) Lifting beams.
- (iv) Wire rope fittings, such as clips, shackles and wedge sockets.
- (v) Saddles (softeners).

- (vi) Clamps (beams).
- (4) The technical limitations of protective measures against electrical hazards:
- (i) Grounding.
 - (ii) Proximity warning devices.
 - (iii) Insulated links.
 - (iv) Boom cages.
 - (v) Proximity to electric power lines, radii, and microwave structures.
- (5) The effects of load share and load transfer in multi-crane lifts.
- (6) Basic crane terms.
- (7) The basics of machine power flow systems.
- (i) Mechanical.
 - (ii) Electrical.
 - (iii) Pneumatic.
 - (iv) Hydraulic.
 - (v) Combination.
- (8) The significance of the instruments and gauge readings.
- (9) The effects of thermal expansion and contraction in hydraulic cylinders.
- (10) Background information necessary to understand the requirements of pre-operation and inspection.
- (11) How to use the safety devices and operational aids required under Sections 1415 and 1416.
- (12) The difference between duty-cycle and lifting operations.
- (13) How to calculate net capacity for every possible configuration of the equipment using the manufacturer's load chart.
- (14) How to use manufacturer-approved attachments and their effect on the equipment.
- (15) How to obtain dimensions, weight, and center of gravity of the load.
- (16) The effects of dynamic loading from:
- (i) Wind.

- (ii) Stopping and starting.
- (iii) Impact loading.
- (iv) Moving with the load.

(17) The effect of side loading.

(18) The principles of backward stability.

(b) Site information.

(1) How to identify the suitability of the supporting ground/surface to support the expected loads of the operation. Elements include:

- (i) Weaknesses below the surface (such as voids, tanks, loose fill).
- (ii) Weaknesses on the surface (such as retaining walls, slopes, excavations, depressions).

(2) Proper use of mats, blocking/cribbing and outriggers or crawlers.

(3) Identification of site hazards such as power lines, piping, and traffic.

(4) How to review operation plans with supervisors and other workers (such as the signal person), including how to determine working height, boom length, load radius, and travel clearance.

(5) How to determine if there is adequate room for extension of crawlers or outriggers/stabilizers and counterweights.

(c) Operations.

(1) How to pick, carry, swing and place the load smoothly and safely on rubber tires and on outriggers/stabilizers or crawlers (where applicable).

(2) How to communicate at the site with supervisors, the crew and the signal person.

(3) Proper procedures and methods of reeving wire ropes and methods of reeving multiple-part lines and selecting the proper load block and/or ball.

(4) How to react to changes in conditions that affect the safe operation of the equipment.

(5) How to shut down and secure the equipment properly when leaving it unattended.

- (6) Know how to apply the manufacturer's specifications for operating in various weather conditions, and understand how environmental conditions affect the safe operation of the equipment.
- (7) How to properly level the equipment.
- (8) How to verify the weight of the load and rigging prior to initiating the lift.
- (9) How to determine where the load is to be picked up and placed and how to verify the radii.
- (10) Know basic rigging procedures.
- (11) How to carry out the shift inspection required in this Subpart.
- (12) Know that the following operations require specific procedures and skill levels:
 - (i) Multi-crane lifts.
 - (ii) Hoisting personnel.
 - (iii) Clamshell/dragline operations.
 - (iv) Pile driving and extracting.
 - (v) Concrete operations, including poured-in-place and tilt-up.
 - (vi) Demolition operations.
 - (vii) Operations on water.
 - (viii) Magnet operations.
 - (ix) Multi-drum operations.
- (13) Know the proper procedures for operating safely under the following conditions:
 - (i) Traveling with suspended loads.
 - (ii) Approaching a two-block condition.
 - (iii) Operating near power lines.
 - (iv) Hoisting personnel.
 - (v) Using other than full outrigger/crawler extensions.

- (vi) Lifting loads from beneath the surface of the water.
 - (vii) Using various approved counterweight configurations.
 - (viii) Handling loads out of the operator's vision ("operating in the blind").
 - (ix) Using electronic communication systems for signal communication.
- (14) Know the proper procedures for load control and the use of hand-held tag lines.
- (15) Know the emergency response procedure for:
- (i) Fires.
 - (ii) Power line contact.
 - (iii) Loss of stability.
 - (iv) Control malfunction.
 - (v) Two-blocking.
 - (vi) Overload.
 - (vii) Carrier or travel malfunction.
- (16) Know how to properly use outriggers in accordance with manufacturer specifications.
- (d) Use of load charts.
- (1) Know the terminology necessary to use load charts.
 - (2) Know how to ensure that the load chart is the appropriate chart for the equipment in its particular configuration and application.
 - (3) Know how to use load charts. This includes knowing:
 - (i) The operational limitations of load charts and footnotes.
 - (ii) How to relate the chart to the configuration of the crane, crawlers, or outriggers extended or retracted, jib erected or offset, and various counterweight configurations.

- (iii) The difference between structural capacity and capacity limited by stability.
 - (iv) What is included in load chart capacity.
 - (v) The range diagram and its relationship to the load chart.
 - (vi) The work area chart and its relationship to the load chart.
 - (vii) Where to find and how to use the “parts-of-line” information.
- (4) Know how to use the load chart together with the load indicators and/or load moment devices.

Appendix N
Process Map

NEGOTIATED RULEMAKING TO DEVELOP WORKER SAFETY STANDARDS FOR THE USE OF CRANES & DERRICKS IN CONSTRUCTION (29 CFR 1926.550 SUBPART N) OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR

NEGOTIATIONS: ELEVEN MEETINGS

