

48092, final rule published May 24, 1996, 61 FR 26322),

- Docket S-700A Powered Platforms for Building Maintenance (proposed January 22, 1985, 50 FR 2890, final rule published July 28, 1989, 54 FR 31408),

- Docket S-206 Fall Protection in the Construction Industry (proposed November 25, 1986, 51 FR 42718, final rule published August 9, 1994, 59 FR 40672),

- Docket S-015 Electric Power Generation, Transmission and Distribution (proposed January 31, 1989, 54 FR 4974, final rule published January 31, 1994, 59 FR 4320), and

- Docket S-775 Safety Standards for Steel Erection (proposed January 26, 1988, 53 FR 2048, final rule published January 18, 2001 66 FR 5196).

The Agency is requesting comment about other OSHA rulemaking records that should be incorporated by reference into the record for these rulemakings.

D. Updating Economic Analysis and Small Business Impacts

In order to develop final standards for subparts D and I, OSHA will need to update and revise its economic analysis. The questions above and those following are designed to aid OSHA in updating its analysis of the provisions of the proposed rules and to assist OSHA in evaluating possible revisions or amendments. The economic analysis for the proposals on subparts D and I certified that the proposed rules would not result in a significant impact on a substantial number of small entities.

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), OSHA is required to assess the impact of proposed and final rules on small entities. OSHA requests that members of the small business community, or other parties familiar with regulation of small business, provide comment on whether the proposed revisions to subparts D and I would have a significant impact on a significant number of small entities.

60. How many and what kinds of small businesses or other small entities in your industry could be affected by revising the fall protection provisions in subparts D and I? Describe any such effects. Where possible, please provide detailed descriptions of the size and scope of operation for affected small entities and the likely technical, economic and safety impacts for those entities.

61. Are there special issues that make control of fall hazards more difficult in small firms?

62. Are there any reasons that the benefits of reducing exposure to fall hazards might be different in small

firms than in larger firms? With regard to potential impacts on small firms, please describe specific concerns that should be addressed. Please describe alternatives that might serve to minimize these impacts while meeting the requirements of the OSH Act.

Since the proposals were published, the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (5 U.S.C. 609(b)) went into effect. SBREFA requires that OSHA proposed rules that may have significant impacts on small entities be reviewed by Small Business Advocacy Panels prior to being published. OSHA requests comments about whether the proposed revisions for subparts D and I will have a significant effect on a substantial number of small entities.

V. Authority and Signature

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. It is issued under sections 4, 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 5-2002 (67 FR 65008) and 29 CFR part 1911.

Signed at Washington, DC, this 25th day of April, 2003.

John L. Henshaw,

Assistant Secretary of Labor.

Appendix—1990 Proposed Standard and Appendices

OSHA has included the regulatory text and appendices from the April 10, 1990 proposed rule (55 FR 13396) as an appendix to this limited reopening notice. This appendix may serve as an aid for stakeholders who respond to questions in this limited reopening regarding issues referencing the 1990 proposed rule.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The authority citation for subpart D of part 1910 is proposed to be revised as follows:

Authority: Secs. 4, 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), and 9-83 (48 FR 35736) or 1-90 (55 FR 9033), as applicable. Subpart D is also issued under 29 CFR part 1911.

2. In subpart D, §§ 1910.21 through .32 would be revised, and Appendices A, B, and C would be added to read as follows:

Subpart D—Walking-Working Surfaces

Sec.

1910.21 Scope, application and definitions.

1910.22 General requirements.

1910.23 Ladders.

1910.24 Step bolts and manhole steps.

1910.25 Stairs.

1910.26 Ramps and bridging devices.

1910.27 Work surfaces.

1910.28 Fall protection systems.

1910.29 Wall openings.

1910.30 Scaffolds.

1910.31 Mobile elevating work platforms, mobile ladder stands and powered industrial truck platforms.

1910.32 Special surfaces.

Appendix A—Compliance Guidelines.

Appendix B—National Consensus Standards.

Appendix C—References for Further Information.

Subpart D—Walking and Working Surfaces

§ 1910.21 Scope, application and definitions.

(a) *Scope and application.* This subpart covers all walking and working surfaces that are used by employees, except as follows:

(1) This subpart does not apply to surfaces that are an integral part of self-propelled, motorized mobile equipment, other than platforms hoisted or lifted by powered industrial lift trucks which are covered by paragraph (e) of § 1910.31.

(2) This subpart does not apply to powered exterior building maintenance platforms covered in subpart F of Part 1910.

(3) This subpart does not cover fall hazards from the exposed perimeters of entertainment stage, rail station platforms.

(b) *Definitions.*

“Allowable unit stress” means the maximum stress allowed to be applied as specified by recognized national codes and standards such as the American Society of Testing and Materials (ASTM), and the National Fire Protection Association (NFPA).

“Alternating tread stairs” means a series of steps usually attached to a center support rail in an alternating manner so that a user of the stairs normally does not have both feet on the same level.

“Authorized person” means an employee who, due to the requirements of work duties, is authorized by the employer to be present in a particular work area.

“Boatswain's chair” means a single-point adjustable suspension scaffold consisting of a seat or sling designed to accommodate one employee in a sitting position.

“Body belt” (safety belt) means a strap with means for securing it around the waist or body and for attaching it to a lanyard, lifeline, or deceleration device.

“Body harness” means a design of straps which is secured about the employee in a manner so as to distribute the arresting forces over at least the thighs, shoulders, and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration device.

“Bridging device” means a surface used to span the gap between a loading dock and a vehicle or between vehicles. It may be fixed or portable, adjustable, powered or unpowered. It may also be referred to as a car plate or dockboard.

“Combination ladder” means a portable ladder capable of being used as a stepladder or as a single or extension ladder. It may also