

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

---

No. 95-60634  
Summary Calendar

---

DELTA DRILLING CO., RIG # 103

Petitioner,

VERSUS

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION,

Respondent.

---

Petition for Review of a Final Order of the  
Occupational Safety and Health Review Commission  
(93-1452)

---

June 6, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:\*

Delta Drilling Company challenges an order of the Occupational Safety and Health Review Commission finding Delta in violation of 29 C.F.R. § 1910.24 (h).<sup>1</sup> Giving the agency the deference it is due in the interpretation of its own regulation, we conclude the

---

\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

<sup>1</sup> (h) **Railings and handrails.** Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways preferably on the right side descending. Stair railings and handrails shall be installed in accordance with the provisions of § 1910.23.

commission did not err in ruling that Delta violated this regulation. The commission was entitled to conclude that the regulation required that handrails guard the entire length of the stairway. Because the handrail ended at the top tread and did not protect the climber as he traversed the top tread, the Commission's finding was not "arbitrary, capricious, an abuse of discretion , or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A); Corbesco, Inc. v. Dole, 926 F.2d 422, 425 (5th Cir. 1991).

AFFIRMED.