



Federal Register

**Thursday,
November 30, 2000**

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between October 2000 and October 2001 as well as those completed during the past 6 months.

FOR FURTHER INFORMATION CONTACT: Barbara Bingham, Acting Director for the Office of Regulatory Economics, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210, (202) 219-6197.

NOTE: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations. As permitted by law, the Department of Labor is combining the publication of its agendas under the Regulatory Flexibility Act and Executive Order 12866.

Executive Order 12866 became effective September 30, 1993, and, in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming 1-year period. The focus of all

departmental regulatory activity will be on the development of effective rules that advance the Department's goals and that are understandable and usable to the employers and employees in all affected workplaces.

The Regulatory Flexibility Act became effective on January 1, 1981, and applies only to regulations for which a notice of proposed rulemaking was issued on or after that date. It requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602).

The Regulatory Flexibility Act (under section 610) also requires agencies to periodically review rules "which have or will have a significant economic impact upon a substantial number of small entities" and to annually publish a list of the rules that will be reviewed during the succeeding 12 months. The purpose of the review is to determine whether the rule should be continued without change, amended, or rescinded. In the November 22, 1999, Unified Agenda, the Department listed six rules that were to be reviewed in the succeeding 12 months.

For this edition of the Department of Labor's regulatory agenda, the most important significant regulatory actions are included in the Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

The Pension and Welfare Benefits Administration (PWBA) has four new items on the review list: Bonding Rules under ERISA, Enforcement Pursuant to Section 502(6)(2), Civil Penalties under ERISA Section 502(c)(2), and Assessment of Civil Penalties Under ERISA Section 502(c)(2).

The Occupational Safety and Health Administration (OSHA) had four items on the last two years' review lists: Control of Hazardous Energy Sources (Lockout/Tagout), Occupational Exposure to Ethylene Oxide, Grain Handling Facilities, and Cotton Dust. OSHA completed its review of Lockout/Tagout and published its report on January 30, 2000, concluding that the

rule is necessary and should be continued without change. However, OSHA will revise the compliance directive for the Lockout/Tagout standard and develop and disseminate compliance assistance materials. OSHA has just completed its review of Cotton Dust and, on the recommendation of the Washed Cotton Task Force, has issued a direct final rule expanding the washed cotton partial exemption. OSHA expects to complete its review of the Ethylene Oxide standard in December 2000 and to complete its review of the Grain Handling standard in January 2001.

The Mine Safety and Health Administration (MSHA) conducted the review of its regulations in 30 CFR part 48 addressing Training and Retraining of Miners which has resulted in rulemaking.

The next 12-month review list for the Department of Labor is provided below and public comment is invited on the listing. A brief description of each rule, the legal basis for the rule, and the agency contact are provided with each agenda item.

Pension and Welfare Benefits Administration

Bonding Rules Under ERISA (RIN 1210-AA82)

Enforcement Pursuant to Section 502(6)(2) (RIN 1210-AA83)

Civil Penalties Under ERISA Section 502(c)(2) (RIN 1210-AA84)

Assessment of Civil Penalties Under ERISA Section 502(c)(2) (RIN 1210-AA85)

Occupational Safety and Health Administration

Occupational Exposure to Ethylene Oxide; 29 CFR 1910.1047 (RIN 1218-AB60)

Grain Handling Facilities; 29 CFR 1910.272 (RIN 1218-AB73)

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

Alexis M. Herman,
Secretary of Labor.

DOL

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2137	Production or Disclosure of Information or Materials	1290-AA17

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2138	Defining and Delimiting the Term “Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity” (ESA/W-H) (Reg Plan Seq. No. 73)	1215-AA14
2139	Regulations To Implement the Federal Acquisition Streamlining Act of 1994, 29 CFR Parts 4 and 5, 41 CFR Parts 50-201 and 50-206	1215-AA96
2140	Records To Be Kept by Employers Under the Fair Labor Standards Act	1215-AB03
2141	Implementation of the 1996 Amendments to the Fair Labor Standards Act	1215-AB13
2142	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (29 CFR Part 5) Definition of “Site of the Work” Under the Davis-Bacon Act	1215-AB21
2143	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities	1215-AB23
2144	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era	1215-AB24
2145	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Veterans of the Vietnam Era (Revised)	1215-AB27
2146	Government Contractors: Nondiscrimination and Affirmative Action Obligations, Executive Order 11246 (ESA/OFCCP) (Revised)	1215-AB28
2147	Longshore Act Medical Fee Schedule	1215-AB30
2148	Stock Options, Stock Appreciation Rights, and Bona Fide Employee Stock Purchase Programs Under the Fair Labor Standards Act	1215-AB31

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2149	Government Contractors: Nondiscrimination and Affirmative Action Obligations, Executive Order 11246 (ESA/OFCCP) (Reg Plan Seq. No. 74)	1215-AA01
2150	Child Labor Regulations, Orders, and Statements of Interpretation (ESA/W-H) (Reg Plan Seq. No. 75)	1215-AA09
2151	Procedures for Predetermination of Wage Rates (29 CFR Part 1) and Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (29 CFR Part 5) (Reg Plan Seq. No. 76)	1215-AA94
2152	Black Lung Benefits Under the Federal Coal Mine Safety and Health Act of 1969, as Amended	1215-AA99
2153	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models	1215-AB09
2154	Minimum Wage and Overtime Violations—Civil Money Penalties (29 CFR 578); Child Labor Violations—Civil Money Penalties (29 CFR 579); Adjustment of Civil Money Penalties for Inflation	1215-AB20
2155	Service Contract Act Exemption for Certain Commercial Service Contracts	1215-AB26

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Employment Standards Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2156	Application of the Fair Labor Standards Act to Domestic Service	1215-AA82
2157	Assessment and Collection of User Fees	1215-AB06

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Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2158	Standards for Waivers Under Section 503 of the Rehabilitation Act	1215-AA84

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2159	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
2160	Federal-State Unemployment Compensation Program; Unemployment Insurance Performance System	1205-AB10

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2161	Trade Adjustment Assistance for Workers—Implementation of 1988 Amendments	1205-AB05
2162	Trade Adjustment Assistance for Workers—Transitional Adjustment Assistance NAFTA-TAA	1205-AB07
2163	Welfare-to-Work (WTW) Grants (Reg Plan Seq. No. 77)	1205-AB15
2164	Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of Information in State UC Records	1205-AB18
2165	Labor Certification Process for the Permanent Employment of Aliens in the United States; Refiling of Applications	1205-AB25
2166	Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses	1205-AB27

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Employment and Training Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2167	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring, and Enforcement	1205-AA37
2168	Disaster Unemployment Assistance Program, Amendment to Regulations	1205-AB02
2169	Establishment of Fees for Immigration Programs Administered by the Employment and Training Administration	1205-AB14
2170	Indian and Native American Welfare-to-Work Program	1205-AB16
2171	Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Modification of Fee Structure	1205-AB24

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2172	Workforce Investment Act of 1998	1205-AB20
2173	Birth and Adoption Unemployment Compensation	1205-AB21
2174	Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Delegation of Authority to Adjudicate H-2A Petitions	1205-AB23

Pension and Welfare Benefits Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2175	Bonding Rules Under the Employee Retirement Income Security Act of 1974 (Section 610 Review)	1210-AA82
2176	Requests for Enforcement Pursuant to Section 502(b)(2) (Section 610 Review)	1210-AA83
2177	Civil Penalties Under ERISA Section 502(c)(2) (Section 610 Review)	1210-AA84

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Pension and Welfare Benefits Administration—Prerule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2178	Procedures for the Assessment of Civil Penalties under ERISA Section 502(c)(2) (Section 610 Review)	1210-AA85

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2179	Definition of Collective Bargaining Agreement (ERISA Section 3(40))	1210-AA48
2180	Rulemaking Relating to Notice Requirements for Continuation of Health Care Coverage	1210-AA60
2181	Prohibiting Discrimination Against Participants and Beneficiaries Based on Health Status	1210-AA77
2182	Regulation Exempting Certain Broker-Dealer and Investment Advisers from Bonding Requirements	1210-AA80

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2183	Regulations Implementing the Health Care Access, Portability and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996 (Reg Plan Seq. No. 78)	1210-AA54
2184	Amendment of Summary Plan Description and Related ERISA Regulations To Implement Statutory Changes in the Health Insurance Portability and Accountability Act of 1996 (Reg Plan Seq. No. 79)	1210-AA55
2185	Amendments to Employee Benefit Plan Claims Procedures Regulation (Reg Plan Seq. No. 80)	1210-AA61
2186	Health Care Standards for Mothers and Newborns	1210-AA63
2187	Reporting Requirements for MEWAs Providing Medical Care Benefits	1210-AA64
2188	Elimination of Filing Requirements for Summary Plan Descriptions	1210-AA66
2189	Requirement To Furnish Plan Documents Upon Request by the Secretary of Labor	1210-AA67
2190	Civil Penalty for Failure To Furnish Certain Plan Documents	1210-AA68
2191	Amendments to Summary Plan Description Regulations (Reg Plan Seq. No. 81)	1210-AA69
2192	Electronic Disclosure of Employee Benefit Plan Information	1210-AA71
2193	National Medical Support Notice	1210-AA72
2194	Soft Dollar (Interpretive Bulletin)	1210-AA74
2195	Rulemaking Relating to the Women's Health and Cancer Rights Act of 1998	1210-AA75
2196	Voluntary Fiduciary Correction Program	1210-AA76

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Pension and Welfare Benefits Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2197	Adequate Consideration	1210-AA15
2198	Civil Penalties Under ERISA Section 502(1)	1210-AA37
2199	Mental Health Benefits Parity	1210-AA62
2200	Individual Benefits Reporting Requirements for Defined Contribution Plans	1210-AA65

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2201	Revision of the Form 5500 Series and Implementing and Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA)	1210-AA52
2202	Small Pension Plan Security Amendments	1210-AA73
2203	Amendments Regarding Allocation of Fiduciary Responsibility; Federal Retirement Thrift Investment Board	1210-AA79

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Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2204	Occupational Exposure to Coal Mine Dust (Lowering Exposure Limit)	1219-AB08
2205	Mine Rescue Teams	1219-AB20

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2206	Metal/Nonmetal Impoundments	1219-AA83
2207	Surface Haulage	1219-AA93
2208	Improving and Eliminating Regulations	1219-AA98
2209	Electrical Standards for Metal and Nonmetal Mines	1219-AB01
2210	Respirable Crystalline Silica Standard	1219-AB12
2211	Safety Standards for Self-Contained Self-Rescue Devices in Coal and Metal/Nonmetal Underground Mines	1219-AB19
2212	Surge and Storage Piles	1219-AB22
2213	Escapeways and Refuges	1219-AB23
2214	Accident Investigation Hearing Procedures	1219-AB26

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2215	Hazard Communication	1219-AA47
2216	Diesel Particulate Matter (Exposure of Underground Coal Miners) (Reg Plan Seq. No. 82)	1219-AA74
2217	Longwall Equipment (Including High-Voltage)	1219-AA75
2218	Independent Laboratory Testing	1219-AA87
2219	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA92
2220	Diesel Particulate Matter (Exposure of Underground Metal and Nonmetal Miners) (Reg Plan Seq. No. 83)	1219-AB11
2221	Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Reg Plan Seq. No. 84)	1219-AB14
2222	Determination of Concentration of Respirable Coal Mine Dust (Reg Plan Seq. No. 85)	1219-AB18

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Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2223	Air Quality, Chemical Substances, and Respiratory Protection Standards	1219-AA48
2224	Confined Spaces	1219-AA54
2225	Belt Entry Use as Intake Aircourse To Ventilate Working Sections	1219-AA76
2226	Safety Standard Revisions for Underground Anthracite Mines	1219-AA96
2227	Training and Retraining of Miners (Rulemaking Resulting From a Section 610 Review)	1219-AB02
2228	Verification of Surface Coal Mines Dust Control Plans	1219-AB21
2229	Asbestos Exposure Limit	1219-AB24

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2230	Effectuation of Title VI of the Civil Rights Act of 1964 and Implementation of Section 504 of the Rehabilitation Act of 1973	1291-AA31

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Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2231	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA21
2232	Implementation of the Nondiscrimination and Equal Opportunity Requirements of the Workforce Investment Act of 1998	1291-AA29

Office of the Assistant Secretary for Administration and Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2233	Department of Labor Acquisition Regulation	1291-AA20
2234	Audits of States, Local Governments, and Nonprofit Organizations	1291-AA26
2235	Audit Requirements for Grants, Contracts, and Other Agreements	1291-AA27
2236	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance	1291-AA28
2237	Grants and Agreements	1291-AA30

Office of the Assistant Secretary for Administration and Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
2238	Nondiscrimination on the Basis of Sex in Federally Assisted Programs and Activities—Implementation of Title IX of the Education Amendments of 1972	1291-AA32

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2239	Occupational Exposure to Ethylene Oxide (Section 610 Review)	1218-AB60
2240	Process Safety Management of Highly Hazardous Chemicals	1218-AB63
2241	Grain Handling Facilities (Section 610 Review)	1218-AB73
2242	Prevention of Needlestick and Other Sharps Injuries	1218-AB85
2243	Occupational Exposure to Perchloroethylene	1218-AB86
2244	Sanitation	1218-AB87
2245	Hearing Loss Prevention in Construction Workers	1218-AB89

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2246	Safety and Health Programs (for General Industry and the Maritime Industries) (Reg Plan Seq. No. 86)	1218-AB41
2247	Occupational Exposure to Hexavalent Chromium (Preventing Occupational Illness: Chromium)	1218-AB45
2248	Confined Spaces in Construction (Part 1926): Preventing Suffocation/Explosions in Confined Spaces	1218-AB47
2249	Permissible Exposure Limits (PELs) for Air Contaminants	1218-AB54
2250	Plain Language Revision of the Flammable and Combustible Liquids Standard	1218-AB61
2251	Plain Language Revision of the Mechanical Power-Transmission Apparatus Standard	1218-AB66
2252	Electric Power Transmission and Distribution; Electrical Protective Equipment in the Construction Industry	1218-AB67
2253	Occupational Exposure to Crystalline Silica (Reg Plan Seq. No. 87)	1218-AB70
2254	Standards Improvement (Miscellaneous Changes) for General Industry, Marine Terminals, and Construction Standards (Phase II)	1218-AB81
2255	Plain Language Revisions to Spray Applications	1218-AB84
2256	Signs, Signals, and Barricades	1218-AB88

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Occupational Safety and Health Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
2257	Changes to State Plans	1218-AB91

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2258	Steel Erection (Part 1926) (Safety Protection for Ironworkers) (Reg Plan Seq. No. 88)	1218-AA65
2259	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates: Protecting Reproductive Health	1218-AA84
2260	Recording and Reporting Occupational Injuries and Illnesses (Simplified Injury/Illness Recordkeeping Requirements) (Reg Plan Seq. No. 89)	1218-AB24
2261	Ergonomics Programs: Preventing Musculoskeletal Disorders (Reg Plan Seq. No. 90)	1218-AB36
2262	Occupational Exposure to Tuberculosis (Reg Plan Seq. No. 91)	1218-AB46
2263	Employer Payment for Personal Protective Equipment (Reg Plan Seq. No. 92)	1218-AB77
2264	Consultation	1218-AB79
2265	Walking Working Surfaces and Personal Fall Protection Systems (1910) (Slips, Trips and Fall Prevention)	1218-AB80
2266	Plain Language Revisions to the Exit Routes Standard	1218-AB82
2267	Cotton Dust: Washed Cotton Exemption (Rulemaking Resulting From a Section 610 Review)	1218-AB90

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Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2268	Respiratory Protection (Proper Use of Modern Respirators)	1218-AA05
2269	Longshoring and Marine Terminals (Parts 1917 and 1918) — Reopening of the Record (Vertical Tandem Lifts (VTLs))	1218-AA56
2270	Scaffolds in Shipyards (Part 1915 — Subpart N)	1218-AA68
2271	Access and Egress in Shipyards (Part 1915, Subpart E) (Shipyards: Emergency Exits and Aisles)	1218-AA70
2272	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2273	Indoor Air Quality in the Workplace	1218-AB37
2274	General Working Conditions for Shipyard Employment	1218-AB50
2275	Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Shipyards: Fire Safety)	1218-AB51
2276	Metalworking Fluids: Protecting Respiratory Health	1218-AB58
2277	Fall Protection in the Construction Industry	1218-AB62
2278	Safety Standards for Scaffolds Used in the Construction Industry—Part II	1218-AB68
2279	Safety and Health Programs for Construction	1218-AB69
2280	Control of Hazardous Energy (Lockout) in Construction (Part 1926) (Preventing Construction Injuries/Fatalities: Lockout)	1218-AB71
2281	Occupational Exposure to Beryllium	1218-AB76
2282	Consolidation of Records Maintenance Requirements in OSHA Standards	1218-AB78
2283	Oil and Gas Well Drilling and Servicing	1218-AB83
2284	Woodworking Machinery	1218-AB92
2285	Ergonomics Programs in Construction (Part 1926): Preventing Work-Related Musculoskeletal Disorders among Construction Workers	1218-AB94
2286	Subpart S—Electrical Standards	1218-AB95
2287	Occupational Health Risks in the Manufacture and Assembly of Semiconductors	1218-AB96
2288	Commercial Diving Operations: Technical Amendment	1218-AB97

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Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2289	Nationally Recognized Testing Laboratories Programs: Fees	1218-AB57
2290	Revocation of Certification Records for Tests, Inspections, and Training	1218-AB65
2291	Cotton Dust (Completion of a Section 610 Review)	1218-AB74

Office of the Assistant Secretary for Veterans' Employment & Training—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2292	Annual Report for Federal Contractors	1293-AA07

Department of Labor (DOL)
Office of the Secretary (OS)

Proposed Rule Stage

2137. PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 552 as amended; 5 USC Reorganization Plan No. 6 of 1950; EO 12600, 52 FR 23781 (June 25, 1987)

CFR Citation: 29 CFR 70

Legal Deadline: None

Abstract: The regulation will incorporate the provisions of the 1996

FOIA amendments. These include extending DOL processing time from 10 to 20 days for most FOIA requests and requiring that all reading room materials created since November 1, 1996, be made available by electronic means such as the Internet.

Timetable:

Action	Date	FR Cite
NPRM	01/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Miriam McD. Miller, Co-Counsel for Administrative Law, Division of Legislation and Legislative Counsel, Department of Labor, Office of the Secretary, Room N2428, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8188
Email: miller-miriam@dol.gov

RIN: 1290-AA17

Department of Labor (DOL)
Employment Standards Administration (ESA)

Proposed Rule Stage

2138. DEFINING AND DELIMITING THE TERM "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY" (ESA/W-H)

Regulatory Plan: This entry is Seq. No. 73 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA14

the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-355, 108 Stat. 3243

CFR Citation: 29 CFR 4; 29 CFR 5; 41 CFR 50 to 201; 41 CFR 50 to 206

Legal Deadline: NPRM, Statutory, May 11, 1995.
Final, Statutory, October 1, 1995.

Abstract: The Federal Acquisition Streamlining Act of 1994, signed on October 13, 1994, amends several Acts administered by the Department of Labor: (1) It amends the Contract Work Hours and Safety Standards Act (CWHSSA) to limit its applicability to contracts in an amount of \$100,000 or greater. (2) It amends the Davis-Bacon Act (DB) to provide waivers from the Act's prevailing wage requirements

under selected laws for volunteers performing services to a State or local government or agency and for volunteers performing services to a public or private nonprofit recipient of Federal assistance. (3) It also amends the Walsh-Healey Public Contracts Act (PCA) to eliminate the requirements that contractors on covered contracts be either manufacturers or regular dealers in the items to be supplied under the contract but retains the Secretary of Labor's authority to define the terms "regular dealer" and "manufacturer." A final rule implementing the CWHSSA and PCA changes was published on August 5, 1996 (61 FR 40714).

Timetable:

Action	Date	FR Cite
NPRM	09/07/95	60 FR 46553

2139. REGULATIONS TO IMPLEMENT THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994, 29 CFR PARTS 4 AND 5, 41 CFR PARTS 50-201 AND 50-206

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in

DOL—ESA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/10/95	
Final Rule - Walsh- Healey/CWHSSA Rule	08/05/96	61 FR 40714
Second NPRM	04/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State, Local

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AA96**2140. RECORDS TO BE KEPT BY EMPLOYERS UNDER THE FAIR LABOR STANDARDS ACT****Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 211; 29 USC 201 et seq; 29 USC 207(g); 52 Stat 1066, sec 11; 52 Stat 1060, sec 11; 103 Stat 944, sec 7

CFR Citation: 29 CFR 516 et seq**Legal Deadline:** None

Abstract: This regulation gives guidance to employers on the information they must keep in records deemed essential for determining compliance with the monetary requirements of the Fair Labor Standards Act (FLSA) regarding payment of minimum wages and overtime compensation to covered and nonexempt employees, or for determining that certain statutory exemptions to FLSA's requirements for payment of the minimum wage or overtime (or both) may apply. This regulation was included in the Department's regulatory reinvention initiative as a candidate for possible simplification of regulatory language and streamlining of regulatory requirements to ensure that applicable standards are easily understandable and reasonable.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal, State, Local

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB03**2141. IMPLEMENTATION OF THE 1996 AMENDMENTS TO THE FAIR LABOR STANDARDS ACT****Priority:** Other Significant

Legal Authority: PL 104-188, sec 2101 to 2105; 29 USC 201 et seq

CFR Citation: 29 CFR 4; 29 CFR 531; 29 CFR 541; 29 CFR 778; 29 CFR 785; 29 CFR 790; 29 CFR 870; 41 CFR 50-202

Legal Deadline: None

Abstract: The "Small Business Job Protection Act of 1996" (H.R. 3448) was enacted on August 20, 1996, as Public Law 104-188. Title II of this enactment amended the Portal-to-Portal Act (PA) and the Fair Labor Standards Act (FLSA). The PA amendment excludes (under certain circumstances) from compensable "hours worked" the time spent by an employee in home-to-work travel in an employer-provided vehicle. The FLSA amendments: (1) increase the \$4.25 Federal minimum hourly wage by \$.90 in two steps over two years (i.e., to \$4.75 on October 1, 1996, and to \$5.15 on September 1, 1997); (2) provide a \$4.25 subminimum wage for youth under age 20 in their first 90 calendar days of employment with an employer; (3) set the employer's direct wage payment obligation for tipped employees at \$2.13 per hour (provided such employees receive the balance of the full minimum wage in tips); and (4) set the hourly compensation requirements at not less than \$27.63 per hour for certain exempt professional employees in computer-related occupations. Changes will be required in the regulations to reflect these amendments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal, State, Local

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB13**2142. LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (29 CFR PART 5) DEFINITION OF "SITE OF THE WORK" UNDER THE DAVIS-BACON ACT****Priority:** Substantive, Nonsignificant

Legal Authority: 40 USC 276a to 276a-7; 40 USC 276c

CFR Citation: 29 CFR 5**Legal Deadline:** None

Abstract: Two appellate court decisions have ruled that the Department of Labor's definition of "site of the work" in section 5.2(l) of the Davis-Bacon Act regulations does not conform to the statutory language of the Davis-Bacon Act, which requires payment of prevailing wages as determined under the Act to all laborers and mechanics "employed directly upon the site of the work." (See e.g., Ball, Ball and Brosamer v. Reich, 24 F.3d 1447, (D.C. Cir. 1994); L.P. Cavett Company v. U.S. Department of Labor, 101 F.3d 1111 (6th Cir. 1996).) The Department is proposing technical clarifications of Davis-Bacon coverage based on the site of the work definition as a result of these court decisions and to address some situations not contemplated when the existing regulations were issued.

Timetable:

Action	Date	FR Cite
NPRM	09/21/00	65 FR 57270
NPRM Comment Period End	10/23/00	
Final Action	04/00/01	

Regulatory Flexibility Analysis Required: No

DOL—ESA

Proposed Rule Stage

Government Levels Affected: Federal, State, Local

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB21

2143. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING INDIVIDUALS WITH DISABILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 706; 29 USC 793; EO 11758

CFR Citation: 41 CFR 60-741 (Revision)

Legal Deadline: None

Abstract: OFCCP proposes to revise the regulations implementing section 503 of the Rehabilitation Act of 1973, as amended, to conform to the recently revised section 60-1.20(a) of the regulations implementing E.O. 11246, as amended. The section authorizes OFCCP to use a range of methods to evaluate a contractor's compliance with the regulations.

In incorporating the recent revisions of 60-1.20, however, this NPRM would remove the obligation to visit an establishment during a compliance check, which is currently required by section 60-1.20(a)(3), in order to enhance efficiency in resource allocation. (OFCCP also proposes to make the same revision in section 60-1.20(a)(3) and in section 60-250.60(a)(3) of the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)).

Timetable:

Action	Date	FR Cite
NPRM	11/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP, Department of Labor, Employment Standards Administration, Room N3424, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

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RIN: 1215-AB23

2144. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 4211; 38 USC 4212; PL 102-16; PL 102-127; PL 102-484; PL 95-520; PL 93-508, amended; PL 94-502; PL 96-466; PL 101-237; EO 11758; PL 97-306; PL 98-223; PL 105-339

CFR Citation: 41 CFR 60-250

Legal Deadline: None

Abstract: OFCCP proposes to amend the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) 38 USC 4212, to conform with the Veterans Employment Opportunities Act of 1998. The Act increases the current threshold for coverage from \$10,000 to \$25,000. The Act expands the existing definition of Veterans, i.e., special disabled veterans and veterans of the Vietnam Era, to include any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. The Act also requires the contractor to add additional information to its annual VETS-100 report to provide the maximum and minimum number of employees of such contractor's workforce during the period covered by the report.

Timetable:

Action	Date	FR Cite
NPRM	03/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP, Department of Labor, Employment Standards Administration, Room N3424, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB24

2145. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA (REVISED)

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 4211; PL 94-502; PL 97-306; PL 102-484; 38 USC 4212; PL 93-508, amended; PL 96-466; PL 101-237; EO 11758; PL 98-223; PL 102-16; PL 102-127; PL 95-520; PL 105-339

CFR Citation: 41 CFR 60-250 (Revision)

Legal Deadline: None

Abstract: OFCCP proposes to amend the regulations at 60-250.60(a)(3) to remove the obligation to visit an establishment during a compliance check in order to enhance efficiency in resource allocation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP, Department of Labor, Employment Standards Administration, Room N3424, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB27

2146. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS, EXECUTIVE ORDER 11246 (ESA/OFCCP) (REVISED)

Priority: Substantive, Nonsignificant

Legal Authority: EO 11246, as amended

CFR Citation: 41 CFR 60-1 (Revision)

Legal Deadline: None

Abstract: OFCCP proposes to amend the regulations at 60-1.20(a)(3) to

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Proposed Rule Stage

remove the obligation to visit an establishment during a compliance check in order to enhance efficiency in resource allocation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP, Department of Labor, Employment Standards Administration, Room N3424, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB28

2147. LONGSHORE ACT MEDICAL FEE SCHEDULE

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 907(g); 33 USC 939

CFR Citation: 20 CFR 702.301; 20 CFR 702.406; 20 CFR 702.407; 20 CFR 702.411; 20 CFR 702.413; 20 CFR 702.414; 20 CFR 702.417; 20 CFR 702.435; ...

Legal Deadline: None

Abstract: The Longshore and Harbor Workers' Compensation Act (LHWCA) directs the Secretary of Labor to actively supervise the medical care and treatment given to injured workers and to determine the necessity, character

and sufficiency of the care furnished and to regulate the amounts charged by medical providers for providing such medical services and supplies. The proposed rule clarifies this authority, which is delegated to OWCP's district directors, and the procedure for challenging its exercise. The proposed rule also provides that the recent expansion of the OWCP Medical Fee Schedule to cover pharmacy and inpatient hospital care may be used to determine the prevailing community rate for such services under the LHWCA. Finally, the proposed rule clarifies the circumstances under which a doctor may not be selected to perform an impartial medical examination.

Timetable:

Action	Date	FR Cite
NPRM	02/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Michael Niss, Director, Longshore and Harborworkers' Compensation, OWCP, Department of Labor, Employment Standards Administration, Room C4315, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-0038
Fax: 202 693-1380

RIN: 1215-AB30

2148. • STOCK OPTIONS, STOCK APPRECIATION RIGHTS, AND BONA FIDE EMPLOYEE STOCK PURCHASE PROGRAMS UNDER THE FAIR LABOR STANDARDS ACT

Priority: Other Significant

Legal Authority: 29 USC 207(e)(8); PL 106-202, sec 2(e)

CFR Citation: 29 CFR 546; 29 CFR 778

Legal Deadline: None

Abstract: The Worker Economic Opportunity Act, Public Law 106-202 (May 18, 2000), amended section 7(e) of the Fair Labor Standards Act to clarify how certain employer-provided stock option programs are to be treated for purposes of overtime pay. Certain programs meeting prescribed criteria would not have to be factored into the "regular rate" otherwise required when calculating "time-and-one-half" overtime premium pay for overtime hours of work. The legislation calls for regulations to be promulgated as necessary, which will include amendments to some of the existing regulations on overtime pay.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB31

Department of Labor (DOL)
Employment Standards Administration (ESA)

Final Rule Stage

2149. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS, EXECUTIVE ORDER 11246 (ESA/OFCCP)

Regulatory Plan: This entry is Seq. No. 74 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA01

2150. CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION (ESAW-H)

Regulatory Plan: This entry is Seq. No. 75 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA09

2151. PROCEDURES FOR PREDETERMINATION OF WAGE RATES (29 CFR PART 1) AND LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (29 CFR PART 5)

Regulatory Plan: This entry is Seq. No. 76 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA94

2152. BLACK LUNG BENEFITS UNDER THE FEDERAL COAL MINE SAFETY AND HEALTH ACT OF 1969, AS AMENDED

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 718; 20 CFR 722; 20 CFR 725; 20 CFR 726; 20 CFR 727

Legal Deadline: None

Abstract: The Division of Coal Mine Workers' Compensation reviewed its existing regulations, pursuant to Executive Order 12866, with a goal of eliminating outdated and unnecessary rules and streamlining the processes. The result is a proposal to revise existing rules to facilitate the resolution of claims through the informal conference; streamline the litigation process by encouraging the early development and submission of

evidence; reduce costs; raise the dollar limit for prior approval for medical equipment; and rewrite existing rules to make them more customer-oriented.

There will be no additional administrative costs associated with these changes, but savings can be expected through streamlining.

Timetable:

Action	Date	FR Cite
NPRM	01/22/97	62 FR 3338
NPRM Comment Period End	03/24/97	
NPRM Comment Period End Extended to 8/22/97	05/24/97	62 FR 8201
Second NPRM	10/08/99	64 FR 54966
Second NPRM Comment Period Extended	11/18/99	64 FR 62997
Second NPRM Comment Period End	01/06/00	
Final Action	12/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: James L. DeMarce, Director, Coal Mine Workers' Compensation, OWCP, Department of Labor, Employment Standards Administration, Room C3520, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 693-0046

Fax: 202 693-1395

RIN: 1215-AA99

2153. LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING NONIMMIGRANTS ON H-1B VISAS IN SPECIALTY OCCUPATIONS AND AS FASHION MODELS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC

1101(a)(15)(H)(i)(b); 8 USC 1182(n); 8 USC 1184; 29 USC 49 et seq; PL 102-232

CFR Citation: 20 CFR 655, subparts H & I

Legal Deadline: None

Abstract: This proposed rule is a republication for notice and public comment of various provisions of the Department's final rule implementing provisions of the Immigration and Nationality Act as it relates to the

temporary employment in the United States of nonimmigrants admitted under H-1B visas. As part of the DOL regulatory reinvention efforts, Regulations, 29 CFR part 507 which duplicate 20 CFR part 655, subparts H and I, have been removed from title 29. (See 61 FR 51013.) In addition, amendments are proposed to implement the American Competitiveness and Workforce Improvement Act of 1998 (Title IV, Public Law 105-277, October 21, 1998; 112 Stat. 2681).

Timetable:

Action	Date	FR Cite
NPRM	10/31/95	60 FR 55339
NPRM Comment Period End	11/30/95	
NPRM	01/05/99	64 FR 628
NPRM Comment Period End	02/04/99	
Interim Final Rule	11/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB09

2154. MINIMUM WAGE AND OVERTIME VIOLATIONS—CIVIL MONEY PENALTIES (29 CFR 578); CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES (29 CFR 579); ADJUSTMENT OF CIVIL MONEY PENALTIES FOR INFLATION

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 216(e); PL 101-410; PL 104-134

CFR Citation: 29 CFR 578; 29 CFR 579

Legal Deadline: Final, Statutory, October 23, 1996.

Abstract: The Debt Collection Improvement Act of 1996 (PL 104-134) amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (PL 101-410) to require Federal agencies to adjust certain civil money penalties for inflation. The Department is proposing adjustments in the civil money penalties that may be assessed under section 16(e) of the Fair Labor Standards Act for (1) repeated or

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willful violations of the minimum wage or overtime provisions; and (2) child labor violations. Any increase in the penalty amounts shall apply only to violations which occur after the effective date of the increase.

Timetable:

Action	Date	FR Cite
NPRM	12/28/98	63 FR 71405
NPRM Comment Period End	01/27/99	
Final Action	11/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, State, Local, Tribal

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-0051
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RIN: 1215-AB20

2155. SERVICE CONTRACT ACT EXEMPTION FOR CERTAIN COMMERCIAL SERVICE CONTRACTS

Priority: Other Significant

Legal Authority: 41 USC 351; 41 USC 38; 41 USC 39; 5 USC 301

CFR Citation: 29 CFR 4.123(e)

Legal Deadline: None

Abstract: This rule proposes to exempt from prevailing wage, fringe benefit and related labor standards requirements of the McNamara-O'Hara Service Contract Act (SCA) certain types of commercial service contracts meeting prescribed criteria pursuant to Section 4(b) of the SCA. The exemption has been requested by the Office of Federal Procurement Policy (OFPP) following its review of a now withdrawn final rule issued in the Federal Acquisition Regulation (FAR) that previously exempted all subcontracts for commercial services from the SCA based on the Federal Acquisition Streamlining Act.

Timetable:

Action	Date	FR Cite
NPRM	07/26/00	65 FR 45943
Interim Final Rule	07/26/00	
Interim Final Rule Effective	08/25/00	
Final Action	01/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB26

Department of Labor (DOL)

Employment Standards Administration (ESA)

Long-Term Actions

2156. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: Sec 13(a)(15), Fair Labor Standards Act (FLSA), as amended; Sec 13(b)(21), FLSA, as amended; 29 USC 213(a)(15); 29 USC 213(b)(21) 88 Stat 62; Sec 29(b), FLSA of 1974; PL 93-259 88 Stat 76

CFR Citation: 29 CFR 552

Legal Deadline: None

Abstract: Section 13(a)(15) of the Fair Labor Standards Act (FLSA) provides an exemption from minimum wage and overtime compensation for domestic service employees engaged in providing companionship services. Section 13(b)(21) of the FLSA provides an exemption from overtime compensation for live-in domestic service employees. DOL proposed certain technical amendments to update the regulations, 29 CFR part 552, Application of the Fair Labor Standards Act to Domestic Service, and to clarify that these exemptions are applicable to third-party employers or temporary help agencies only where the domestic service worker is jointly employed by

the third-party employer or temporary help agency and the family or household using their services (58 FR 69310). After reviewing the public comments, the Department adopted technical changes to update the regulations, including a revision necessitated by amendments to title II of the Social Security Act under Public Law 103-387 (Social Security Domestic Employment Reform Act) 10/22/94, (see 60 FR 46766) and reopened the public comment period on proposed revisions affecting third-party employers (section 552.109).

Timetable:

Action	Date	FR Cite
NPRM	12/30/93	58 FR 69310
NPRM Comment Period End	02/28/94	
NPRM Second Final Rule	09/08/95	60 FR 46797
Next Action Undetermined	09/08/95	60 FR 46766

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, State, Local

Federalism: Undetermined

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AA82

2157. ASSESSMENT AND COLLECTION OF USER FEES

Priority: Substantive, Nonsignificant

Legal Authority: PL 97-470; 29 USC 211; 29 USC 214; 52 Stat 1066, sec 11; 63 Stat 910, sec 9; 29 USC 211(d); 80 Stat 843 to 844, sec 501 and 602; 96 Stat 2583; 29 USC 1801 to 1872; Secretary's Order No. 1-93 (58 FR 21190); PL 99-603, sec 210A(f); 100 Stat 3359; 8 USC 1161(f); 52 Stat 1068, sec 11 and 14; 75 Stat 74, sec 11

CFR Citation: 29 CFR 500.45; 29 CFR 500.52; 29 CFR 519.3; 29 CFR 519.13; 29 CFR 530.4; 29 CFR 530.102

Legal Deadline: None

Abstract: Title V of the Independent Offices Appropriations Act of 1952, often referred to as the "user fee

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Long-Term Actions

statute," and the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act of 1995 (PL 103-333), authorize the Department to establish and collect user fees to recover the costs of providing certain services that are required by law and without which, the recipients of the services would not legally be allowed to engage in particular employment practices. The services for which user fees are being considered include processing applications and issuing farm labor contractor certificates of registration under the Migrant and

Seasonal Agricultural Worker Protection Act; processing applications and issuing certificates authorizing employers to employ certain students at special minimum wages under section 14(b) of the Fair Labor Standards Act; and processing applications and issuing certificates authorizing employers to employ homeworkers under section 11(d) of the Fair Labor Standards Act.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: John R. Fraser, Deputy Administrator (WHD), Department of Labor, Employment Standards Administration, Room S3502, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AB06

Department of Labor (DOL)

Completed Actions

Employment Standards Administration (ESA)

2158. STANDARDS FOR WAIVERS UNDER SECTION 503 OF THE REHABILITATION ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 706; 29 USC 793, as amended by PL 99-506; PL 100-630; PL 100-259; PL 101-336; PL 102-569; EO 11758**CFR Citation:** 41 CFR 60-741**Legal Deadline:** None

Abstract: OFCCP has issued regulations that set forth standards for waivers (from provisions of section 503 of the Rehabilitation Act) sought by Federal

contractors for facilities that they deem totally separate from and not involved in Government contract work. OFCCP is required to issue these regulations by the 1992 Rehabilitation Act amendments.

Timetable:

Action	Date	FR Cite
NPRM	02/14/96	61 FR 5902
NPRM Comment Period End	04/15/96	
Final Action	07/20/00	65 FR 45174
Final Action Effective	08/21/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP, Department of Labor, Employment Standards Administration, Room N3424, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1215-AA84

Department of Labor (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

2159. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES**Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: INA 212(a)(5)(A)**CFR Citation:** 20 CFR 656**Legal Deadline:** None

Abstract: The Department of Labor (DOL) is currently re-engineering the labor certification process that is set forth in DOL regulations at 20 CFR 656. DOL's goals are to make fundamental

changes and refinements that will (a) better serve customers, (b) streamline the process, (c) improve effectiveness, and (d) save resources. The re-engineering effort involves consultation throughout the process with sponsors, stakeholders, State partners, and outside interest groups to solicit ideas and suggestions for change.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification,

Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4231, FP Building, Washington, DC 20210

Phone: 202 219-5263
Fax: 202 208-5844
Email: dziegler@doleta.gov

RIN: 1205-AA66**2160. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; UNEMPLOYMENT INSURANCE PERFORMANCE SYSTEM****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

DOL—ETA

Proposed Rule Stage

duplication, or streamline requirements.

Legal Authority: 42 USC 503(a)(1); 42 USC 503(a)(6); 42 USC 503(b); 42 USC 1302

CFR Citation: 20 CFR 602; 20 CFR 640; 20 CFR 650; 20 CFR 609.6(f); 20 CFR 614.6(f); 20 CFR 614.7(c)

Legal Deadline: None

Abstract: This regulation will formally establish a comprehensive system for helping ensure continuous improvement in UI operational performance. It will enunciate as the system's building blocks principles for Federal and State cooperation, key

nationwide performance measures, criteria distinguishing satisfactory from unsatisfactory performance, an annual planning process, and actions which the Department may take when a State fails to perform satisfactorily. This regulation will be as brief and general as possible; detail and measures, standards, criteria and plans will be contained in implementing handbooks.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/97	62 FR 2543
ANPRM Comment Period End	03/17/97	
NPRM	01/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State

Agency Contact: Sandra T. King, Chief, Division of Performance Review, Department of Labor, Employment and Training Administration, Room S4321, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-5223
Email: sking@doleta.gov

RIN: 1205-AB10

Department of Labor (DOL)

Final Rule Stage

Employment and Training Administration (ETA)

2161. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—IMPLEMENTATION OF 1988 AMENDMENTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: The final rule implementing the 1988 Amendments to the TAA program was published in the Federal Register on January 6, 1994. Although published as final, comments were requested on several material changes being made in the final rule which differ from the November 1988 proposed rule and on a number of other changes which were not included in the proposed rule. Comments have been received and another final rule will be published relating to these substantive changes.

Timetable:

Action	Date	FR Cite
Final Action	03/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Edward A. Tomchick, Director, Division of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, Room C5311, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 693-3555

RIN: 1205-AB05

2162. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—TRANSITIONAL ADJUSTMENT ASSISTANCE NAFTA-TAA

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 103-182, title V

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: Title V of the North American Free Trade Agreement Implementation Act (NAFTA) (PL 103-182) amends chapter 2 of title II of the Trade Act of 1974 by adding a new NAFTA Transitional Adjustment Assistance Program (NAFTA-TAA) for workers who lose their jobs because of increased imports from or a shift of production to Mexico and Canada. Most of the provisions of title V are in the form of amendments to chapter 2, title II, of the Trade Act. While some of the provisions are not in the form of amendments to the Trade Act they nonetheless must be given effect in implementing the NAFTA-TAA program. A proposed rule to amend the regulations on the trade adjustment assistance program for workers was published in the Federal Register on January 17, 1995.

Timetable:

Action	Date	FR Cite
NPRM	01/17/95	60 FR 3472

Action	Date	FR Cite
NPRM Comment Period End	03/20/95	60 FR 3472
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Edward A. Tomchick, Director, Division of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, Room C5311, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-3555

RIN: 1205-AB07

2163. WELFARE-TO-WORK (WTW) GRANTS

Regulatory Plan: This entry is Seq. No. 77 in Part II of this issue of the Federal Register.

RIN: 1205-AB15

2164. FEDERAL-STATE UNEMPLOYMENT COMPENSATION (UC) PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF INFORMATION IN STATE UC RECORDS

Priority: Other Significant

Legal Authority: 42 USC 1302 (a); 42 USC 503; 42 USC 1320b-7; 26 USC ch 23; Secretary's Orders 4-75 and 14-75

CFR Citation: 20 CFR 603

Legal Deadline: None

DOL—ETA

Final Rule Stage

Abstract: The Employment and Training Administration of the Department of Labor is preparing to issue an interim final rule on confidentiality and disclosure of information in State records collected, created, or maintained for purposes of the Federal-State Unemployment Compensation program. The interim final rule modifies and expands the regulations implementing the Income and Eligibility Verification System (IEVS) to include the statutory requirements in title III of the Social Security Act, the Federal Unemployment Tax Act, and the Wagner-Peyser Act concerning confidentiality and disclosure of information in State UC records.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

Additional Information: Formerly RIN 1205-AA74; was taken off regulatory agenda in 1994 due to inactivity. An NPRM was published 3/23/92 at 57 FR 10063 with comment period ending 5/22/92.

Agency Contact: Gerard Hildebrand, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, C4518, FP Building, Washington, DC 20210
Phone: 202 219-5201
Email: ghildebrand@doleta.gov

RIN: 1205-AB18

2165. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES; REILING OF APPLICATIONS

Priority: Other Significant

Legal Authority: 8 USC 1182(a)(5)(A)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: This rulemaking would amend the regulations relating to the

permanent employment of aliens in the United States. The proposed amendments would permit employers to request that any labor certification application for permanent employment filed prior to a certain date and which has not been sent to the regional certifying officer to be processed as a reduction in recruitment request, provided recruitment has not been conducted pursuant to the permanent labor certification regulations. ETA anticipates that proposed amendment would reduce the backlog of labor certification application for permanent employment in State Employment Security Agencies.

This Measure to reduce backlogs would result in a variety of desirable benefits, including a reduction in government resources necessary to process applications for alien employment certification a reduction in processing time for both new application and those applications currently in the queue, and would facilitate the development and implementation of a new, more efficient system for processing labor certification applications for permanent employment in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/00	65 FR 46082
NPRM Comment Period End	08/25/00	
Final Action	12/00/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4231, FP Building, Washington, DC 20210
Phone: 202 219-5263
Fax: 202 208-5844
Email: dziegler@doleta.gov

RIN: 1205-AB25

2166. ATTESTATIONS BY FACILITIES TEMPORARILY EMPLOYING H-1C NONIMMIGRANT ALIENS AS REGISTERED NURSES

Priority: Other Significant

Legal Authority: 8 USC

1101(a)(15)(H)(i)(c); 8 USC 1182(m); 8 USC 1184; 29 USC 49 et seq; PL 106-95, 113 Stat. 1312

CFR Citation: 20 CFR 655, subparts L and M

Legal Deadline: Final, Statutory, February 11, 2000.

Final or Interim Final regulations required within 90 days of enactment.

Abstract: The Nursing Relief for Disadvantaged Areas Act of 1999 (P.L. 106-95; November 12, 1999) amended the Immigration and Nationality Act to create a new temporary visa program for nonimmigrant aliens to work as registered nurses for up to three years in facilities serving health professional shortage areas, subject to certain conditions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/00	65 FR 51137
Interim Final Rule Comment Period End	09/21/00	
Interim Final Rule Effective	09/21/00	
Final Action	03/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Agency Contact: Michael Ginley, Director, Office of Enforcement Policy, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room N3510, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-0071

RIN: 1205-AB27

Department of Labor (DOL)
Employment and Training Administration (ETA)
Long-Term Actions
2167. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING, AND ENFORCEMENT
Priority: Other Significant**Legal Authority:** 29 USC 49k**CFR Citation:** 20 CFR 653; 20 CFR 658; 20 CFR 651**Legal Deadline:** None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under title VI of the Job Training Partnership Act.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, State, Local**Federalism:** Undetermined

Agency Contact: Eric Johnson, Director, Office of Career Transition Assistance, Department of Labor, Employment and Training Administration, Room S4231, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 219-0316
 Email: ejohnson@doleta.gov

RIN: 1205-AA37
2168. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM, AMENDMENT TO REGULATIONS
Priority: Other Significant**Legal Authority:** 42 USC 1302; 42 USC 5177; EO 12673**CFR Citation:** 20 CFR 625**Legal Deadline:** None

Abstract: During the past few years, several disasters have highlighted the complexity of interpreting the present regulations. In addition, other provisions of the current regulations are perceived to be unduly restrictive and/or result in perceived inequities in some situations. To correct a serious problem with the monetary computation provisions the Department published an interim final rule on May 11, 1995. In addition, an ANPRM was published on December 8, 1994, soliciting comments for other changes. In the meantime the administration's Federal Government reinvention effort was initiated to, among other matters, make communication more

understandable with the public. Therefore, this NPRM will completely revise part 625 to utilize a plain language format to correct and simplify complex provisions and add amendments due to law changes affecting the disaster unemployment assistance program.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/94	59 FR 63670
ANPRM Comment Period End	02/06/95	
Interim Final Rule NPRM	05/11/95 To Be	60 FR 25560 Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State

Agency Contact: Robert Gillham, Team Leader, Federal Programs Team, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Washington, DC 20210
 Phone: 202 219-5616

RIN: 1205-AB02
2169. ESTABLISHMENT OF FEES FOR IMMIGRATION PROGRAMS ADMINISTERED BY THE EMPLOYMENT AND TRAINING ADMINISTRATION
Priority: Other Significant**Legal Authority:** Not yet determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: Assuming Congress provides the required authorization, the regulation would establish a new fee charged to employers for processing of alien labor certification applications. The user fee would be a government receipt and would be applied to Federal and State expenditures for Federal and State program administration in the State Unemployment Insurance and Employment Service account and the Program Operations Account in DOL's Employment and Training Administration (ETA).

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local

Additional Information: Funding of ETA immigration programs has been

reduced by 39 percent since FY 1995. The fee proceeds would be used to offset the costs of administering the alien labor certification program. However, in each of Fiscal Years 1999 and 2000 regular appropriations of \$41 million would be required in addition to user fees to work off a large backlog of applications already in the pipeline and future growing backlogs created primarily by appropriations reduction in FY 1996 and 1997.

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4231, FP Building, Washington, DC 20210

Phone: 202 219-5263

Fax: 202 208-5844

Email: dziegler@doleta.gov

RIN: 1205-AB14
2170. INDIAN AND NATIVE AMERICAN WELFARE-TO-WORK PROGRAM
Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 612(a)(3)(c)(iii), The Social Security Act, as amended; PL 106-113, Division B, section 1000(a)(4)

CFR Citation: 20 CFR 646

Legal Deadline: Final, Statutory, November 4, 1997, 90 days from enactment Citation mandates Secretary to prescribe regulations within 90 days of enactment to publish Interim Final rule by 10/31/98.

Other, Statutory, January 1, 2000, For 1999 amendments.

Abstract: These are program regulations needed to implement the Indian and Native American set-aside under the Welfare-to-Work program authorized by section 412(a)(3) of the Social Security Act. New interim final regulations are being issued to implement changes made by the Welfare-to-Work and Child Support Amendments of 1999 and other legislation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/98	63 FR 15985
Interim Final Rule Effective	04/01/98	63 FR 15985
Interim Final Rule Comment Period End	06/01/98	
Final Action	To Be	Determined

DOL—ETA

Long-Term Actions

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Tribal**Additional Information:** Congress has changed eligibility criteria. A final rule will be published in conjunction with the State programs.**Agency Contact:** Gregory Gross, Department of Labor, Employment and Training Administration, Room N4641, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8502
Email: ggross@doleta.gov**RIN:** 1205-AB16**2171. LABOR CERTIFICATION AND PETITION PROCESS FOR THE TEMPORARY EMPLOYMENT OF NONIMMIGRANT ALIENS IN AGRICULTURE IN THE UNITED STATES; MODIFICATION OF FEE STRUCTURE****Priority:** Other Significant**Legal Authority:** 8 USC 1101(a)(15)(H)(ii)(a); 8 USC 1184; 8 USC 1188; 29 USC 49 et seq; 8 CFR 103.1(f)(iii)(j); 8 CFR 103.1(f)(iii)(w); 8 CFR 214.2(h)(5); 8 CFR 214.2(h)(11); 8 CFR 214.2(h)(12)**CFR Citation:** 8 CFR 655**Legal Deadline:** None**Abstract:** The Employment and Training Administration (ETA) of the Department of Labor (Department or DOL) proposes to amend its regulations relating to the temporary employment of nonimmigrant agricultural workers (H-2A workers) in the United States. The proposed amendments would require employers to submit fees for labor certification and the associated H-2A petitions with consolidated application form at the time of filing. The proposal also would modify the fee structure for labor certification. If the application is denied, both fees will be refunded to the employer. It is conceivable in rare instances that the statutory and regulatory standards for issuance of the certification will be met, but those applicable to the petition will not be met. In such occurrence, neither fee will be refunded because the certification fee is an issuance, while the petition fee is a processing fee.

Concurrently with the publication of this proposed rule, the Department is publishing an interim final rule with a request for comments setting forth the procedures and requirements for submission and processing of a consolidated Application for Temporary Agricultural Labor Certification and H-2A Petition (Form ETA 9079).

Timetable:

Action	Date	FR Cite
NPRM	07/13/00	65 FR 43545
NPRM Comment Period End	09/18/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James Norris, Director, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, Room N4456, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-5263
Fax: 202 208-5844
Email: jnorris@doleta.govDale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4231, FP Building, Washington, DC 20210
Phone: 202 219-5263
Fax: 202 208-5844
Email: dziegler@doleta.gov**RIN:** 1205-AB24

Department of Labor (DOL)

Employment and Training Administration (ETA)

Completed Actions

2172. WORKFORCE INVESTMENT ACT OF 1998**Priority:** Other Significant**Legal Authority:** Workforce Investment Act of 1998, sec 189(a); 506(c); 29 USC 2939(a); 20 USC 9276(c)**CFR Citation:** 20 CFR 660 to 671; 20 CFR 652**Legal Deadline:** Other, Statutory, February 7, 1999, Interim Final Rule. Final, Statutory, December 31, 1999.**Abstract:** The Workforce Investment Act of 1998 was signed into law by President Clinton on August 7, 1998. Titles I and III, and V of the Act fall under the purview of the Employment and Training Administration. Title V falls under the purview of ETA as well as the Department of Education. The Act makes significant changes in the way this country's employment and

training programs do business. The Act will ensure that Americans have the information and training they need to qualify for good jobs and successfully manage their careers. The interim final regulations, final regulations, and other guidance will focus on providing maximum local flexibility. Guidance and regulations will reflect minimal amplification of the law and will provide further information or clarification as needed to make the program operational. Reporting requirements will assure program integrity and provide timely information for tracking performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/99	64 FR 18662
Interim Final Rule Effective	05/17/99	64 FR 18662

Action	Date	FR Cite
Interim Final Rule Comment Period End	07/14/99	64 FR 18662
Final Action	08/11/00	65 FR 49293
Final Action Effective	09/11/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** This action may have federalism implications as defined in EO 13132.**Agency Contact:** Eric Johnson, Director, Office of Career Transition Assistance, Department of Labor, Employment and Training Administration, Room S4231, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-0316

DOL—ETA

Completed Actions

Email: ejohnson@doleta.gov

RIN: 1205-AB20

2173. BIRTH AND ADOPTION UNEMPLOYMENT COMPENSATION

Priority: Other Significant

Legal Authority: 42 USC 1302(a); 42 USC 503(a)(2) and (5); Secretary's Order No. 4-75 (40 FR 18515); Secretary's Order No. 14-75 (November 12, 1975); 26 USC 3306(h); 26 USC 3304(a)(1) and (4)

CFR Citation: 20 CFR 604

Legal Deadline: None

Abstract: The Department of Labor plans to issue a final rule to create, by regulation, the opportunity for the State agencies that administer the Unemployment Compensation (UC) program to pay, under a voluntary experimental program, UC to parents who take time off from employment after the birth or placement for adoption of a child. This regulation will permit interested States to experiment with methods for allowing the use of the UC program for this purpose.

Timetable:

Action	Date	FR Cite
NPRM	12/03/99	64 FR 67971
NPRM Comment Period End	02/12/00	
Final Action	06/13/00	65 FR 37209
Final Action Effective	08/14/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Gerard Hildebrand, Chief Division of Legislation, Department of Labor, Employment and Training Administration, C-4512, FP Bldg, 200 Constitution Avenue NW, Washington, DC 20210
Phone: 202 219-5201
Fax: 202 219-8506

RIN: 1205-AB21

2174. LABOR CERTIFICATION AND PETITION PROCESS FOR THE TEMPORARY EMPLOYMENT OF NONIMMIGRANT ALIENS IN AGRICULTURE IN THE UNITED STATES; DELEGATION OF AUTHORITY TO ADJUDICATE H-2A PETITIONS

Priority: Other Significant

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a); 8 USC 1184; 8 USC 1188; 29 USC 49 et seq; 8 CFR 103.1(f)(iii)(j); 8 CFR 103.1(f)(iii)(w); 8 CFR 214.2(h)(5); 8 CFR 214.2(h)(11); 8 CFR 214.2(h)(12)

CFR Citation: 8 CFR 655

Legal Deadline: None

Abstract: This rule amends the Employment and Training Administration (ETA) regulations to implement the delegation of authority to adjudicate petitions for temporary nonimmigrant agricultural workers (H-2A's) from the Department of Justice, Immigration and Naturalization Service (INS), to the United States Department of Labor (DOL). Among the implementation measures is a new form, Application for Temporary

Agricultural Labor Certification and H-2A Petition. The rulemaking further implements the delegation of authority, from INS to DOL, to hear appeals on determinations and to revoke petition approvals. The rule does not affect INS authority to make determinations at port-of-entry of an alien's admissibility to the United States, to make determinations of an alien's eligibility for change of nonimmigrant status, or to make determinations of an alien's eligibility for extension of stay. This rule streamlines existing H-2A processes to make it more efficient for petitioners to seek the admission of temporary agricultural workers without diminishing the workplace rights of U.S. workers or foreign workers admitted under the program.

Timetable:

Action	Date	FR Cite
Final Rule	07/13/00	65 FR 43538
Final Rule Effective	11/13/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4231, FP Building, Washington, DC 20210
Phone: 202 219-5263
Fax: 202 208-5844
Email: dziegler@doleta.gov

RIN: 1205-AB23

Department of Labor (DOL)

Pension and Welfare Benefits Administration (PWBA)

Prerule Stage

2175. • BONDING RULES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (SECTION 610 REVIEW)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: PWBA is undertaking a review of the temporary bonding rules under section 412 of ERISA (29 CFR Part 2580) in accordance with the

requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rules; the nature of complaints or comments received from the public concerning the rules; the complexity of the rules; the extent to which the rules overlap, duplicate or conflict with other federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in industries affected by the rules. To facilitate review, PWBA invites interested persons to submit written comments on these matters.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/00	
Comment Period End	03/00/01	
End Review	12/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200

DOL—PWBA

Prerule Stage

Constitution Avenue NW, FP Building,
Washington, DC 20210
Phone: 202 219-7461

RIN: 1210-AA82

2176. • REQUESTS FOR ENFORCEMENT PURSUANT TO SECTION 502(B)(2) (SECTION 610 REVIEW)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; 29 USC 1132(b)(2)

CFR Citation: 29 CFR 2560.502-1

Legal Deadline: None

Abstract: PWBA is undertaking a review of its regulation relating to requests for enforcement pursuant to section 502(b)(2) of ERISA (29 CFR 2560.502-1) in accordance with the requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rules; the nature of complaints or comments received from the public concerning the rules; the complexity of the rule; the extent to which the rules overlap, duplicate or conflict with other federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in industries affected by the rules. To facilitate review, PWBA invites interested persons to submit written comments on these matters.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/00	
Comment Period End	03/00/01	
End Review	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 219-7461

RIN: 1210-AA83

2177. • CIVIL PENALTIES UNDER ERISA SECTION 502(C)(2) (SECTION 610 REVIEW)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; 29 USC 1132(c)(2)

CFR Citation: 29 CFR 2570.60 to 2570.71

Legal Deadline: None

Abstract: PWBA is undertaking a review of its regulations on civil penalties under section 502(c)(2) of ERISA (29 CFR 2560.502(c)(2) in accordance with the requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rules; the nature of complaints or comments received from the public concerning the rules; the complexity of the rules; the extent to which the rules overlap, duplicate or conflict with other Federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in industries affected by the rules. To facilitate review, PWBA invites interested persons to submit written comments on these matters.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/00	
Comment Period End	03/00/01	
End Review	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7461

RIN: 1210-AA84

2178. • PROCEDURES FOR THE ASSESSMENT OF CIVIL PENALTIES UNDER ERISA SECTION 502(C)(2) (SECTION 610 REVIEW)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 29 USC 1135; 29 USC 1132(c)(2)

CFR Citation: 29 CFR 2570.1 et seq.

Legal Deadline: None

Abstract: PWBA is undertaking a review of its regulations relating to the procedures for the assessment of civil penalties under section 502(c)(2) of ERISA (29 CFR 2570.60 et seq.) in accordance with the requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rules; the nature of complaints or comments received from the public concerning the rules; the complexity of the rules; the extent to which the rules overlap, duplicate or conflict with other Federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in industries affected by the rules. To facilitate review, PWBA invites interested persons to submit written comments on these matters.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/00	
Comment Period End	03/00/01	
End Review	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7461

RIN: 1210-AA85

Department of Labor (DOL)
Pension and Welfare Benefits Administration (PWBA)

Proposed Rule Stage

2179. DEFINITION OF COLLECTIVE BARGAINING AGREEMENT (ERISA SECTION 3(40))

Priority: Other Significant

Legal Authority: 29 USC 1002(40)

CFR Citation: 29 CFR 2510.3-40

Legal Deadline: None

Abstract: The regulation will establish standards for determining whether an employee benefit plan is established or maintained under or pursuant to one or more collective bargaining agreements for purposes of its exclusion from the Multiple Employer Welfare Arrangement (MEWA) definition in section 3(40) of ERISA, and thus exempted from State regulation. The regulation will clarify the scope of the exception from the MEWA definition for plans established or maintained under or pursuant to one or more collective bargaining agreements by providing criteria which will serve to distinguish welfare benefit arrangements which are maintained by legitimate unions pursuant to bona fide collective bargaining agreements from insurance arrangements promoted and marketed under the guise of ERISA-covered plans exempt from State insurance regulation. The regulation will also serve to limit the extent to which plans maintained pursuant to bona fide collective bargaining agreements may extend plan coverage to individuals not covered by such agreements. The Department is developing a revised proposal utilizing the negotiated rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	08/01/95	60 FR 39208
NPRM Comment Period Extended to 11/16/95	09/29/95	60 FR 50508
NPRM Comment Period End	10/02/95	
Notice Establishing Negotiated Rulemaking Advisory Committee	09/22/98	63 FR 50542
Second NPRM	11/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Undetermined

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Elizabeth A. Goodman, Pension Law Specialist, Office of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 219-8671

RIN: 1210-AA48

2180. RULEMAKING RELATING TO NOTICE REQUIREMENTS FOR CONTINUATION OF HEALTH CARE COVERAGE

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; 29 USC 1136

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: This rulemaking will provide guidance concerning the notification requirements pertaining to continuation coverage under the Employee Retirement Income Security Act of 1974 (ERISA). Section 606 of ERISA requires that group health plans provide employees notification of the continuation coverage provisions of the plan and imposes notification obligations upon plan administrators, employers, employees, and qualified beneficiaries relating to certain qualifying events.

Timetable:

Action	Date	FR Cite
ANPRM	09/23/97	62 FR 49894
ANPRM Comment Period End	11/24/97	
NPRM	06/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Susan G. Lahne, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 219-7461

RIN: 1210-AA60

2181. PROHIBITING DISCRIMINATION AGAINST PARTICIPANTS AND BENEFICIARIES BASED ON HEALTH STATUS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 29 USC 1027; 52 FR 13139, April 21, 1987; 29 USC 1059; 29 USC 1135; 29 USC 1171; 29 USC 1167; 29 USC 1194; PL 104-191 sec 101; 29 USC 1181, 101 Stat 1936; Secretary of Labor's Order No. 1-37

CFR Citation: 29 CFR 2590.702

Legal Deadline: None

Abstract: Section 702 of the Employee Retirement Income Security Act of 1974, amended by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), establishes that a group health plan or a health insurance issuer may not establish rules for eligibility (including continued eligibility) of any individual to enroll under the terms of the plan based on any health status-related factor. These provisions are also contained in the Internal Revenue Code under the jurisdiction of the Department of the Treasury, and the Public Health Service Act under the jurisdiction of the Department of Health and Human Services.

On April 8, 1997, the Department, in conjunction with the Departments of the Treasury and Health and Human Services (collectively, the Departments) published interim final regulations implementing the nondiscrimination provisions of HIPAA. These regulations can be found at 26 CFR 54.9802-1 (Treasury), 29 CFR 2590.702 (Labor), and 45 146.121 (HHS). That notice of rulemaking also solicited comments on the nondiscrimination provisions and indicated that the Departments intend to issue further regulations on the nondiscrimination rules. This rulemaking will contain additional regulatory interim guidance under HIPAA's nondiscrimination provisions. In addition, the rulemaking will contain proposed guidance on bona fide wellness programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/97	62 FR 16894
Interim Final Rule Comment Period End	07/07/97	
NPRM	12/00/00	
Second Interim Final Rule	12/00/00	

DOL—PWBA

Proposed Rule Stage

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined

Additional Information: This item is being split off from RIN 210-AA54 in order to provide focused guidance on section 702 of ERISA, which prohibits discrimination against participants and beneficiaries by group health plans and health insurance issuers based on health status.

Agency Contact: Amy Turner, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 219-7006
RIN: 1210-AA77

2182. REGULATION EXEMPTING CERTAIN BROKER-DEALER AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: This proposed regulation would provide an exemption from the bonding requirements of Section 412(a)

of ERISA for certain broker dealers and investment advisers who handle plan assets.

Timetable:

Action	Date	FR Cite
NPRM	02/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: George M. Holmes, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 523-8521

RIN: 1210-AA80

Department of Labor (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2183. REGULATIONS IMPLEMENTING THE HEALTH CARE ACCESS, PORTABILITY AND RENEWABILITY PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Regulatory Plan: This entry is Seq. No. 78 in Part II of this issue of the **Federal Register**.

RIN: 1210-AA54

2184. AMENDMENT OF SUMMARY PLAN DESCRIPTION AND RELATED ERISA REGULATIONS TO IMPLEMENT STATUTORY CHANGES IN THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Regulatory Plan: This entry is Seq. No. 79 in Part II of this issue of the **Federal Register**.

RIN: 1210-AA55

2185. AMENDMENTS TO EMPLOYEE BENEFIT PLAN CLAIMS PROCEDURES REGULATION

Regulatory Plan: This entry is Seq. No. 80 in Part II of this issue of the **Federal Register**.

RIN: 1210-AA61

2186. HEALTH CARE STANDARDS FOR MOTHERS AND NEWBORNS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1181 (PL 104-204, 110 Stat 2935); 29 USC 1135; 29 USC 1194

CFR Citation: 29 CFR 2590.711

Legal Deadline: None

Abstract: The Newborns' and Mothers' Health Protection Act of 1996 (NMHPA) was enacted on September 26, 1996 (PL 104-204). NMHPA amended the Public Health Service Act (PHSA) and the Employee Retirement Income Security Act of 1974, as amended, (ERISA) to provide protection for mothers and their newborn children with regard to the length of hospital stays following the birth of a child. NMHPA provisions are set forth in title XXVII of the PHSA and part 7 of subtitle B of title I of ERISA. This rulemaking will provide further guidance with regard to the provisions of the NMHPA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/27/98	63 FR 57546
Final Action	09/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: Secs. 107, 209, 505, 701-703, 711, 712 731-734 of ERISA (29 U.S.C. 1027, 1059, 1135, 1171-1173, 1181 1182, 1191-1194), as amended by HIPAA (Pub. L. 104-191, 101 Stat. 1936) and NMHPA (Pub. L. 104-204) and Secretary of Labor's Order No. 1-87, 52 FR 13139, April 21, 1987.

Agency Contact: Amy Turner, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 219-7006

RIN: 1210-AA63

2187. REPORTING REQUIREMENTS FOR MEWAS PROVIDING MEDICAL CARE BENEFITS

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 1135; 29 USC 1021(g)(h) (PL 104-191; 110 Stat 1952); 29 USC 1194

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: These interim final rules govern certain reporting requirements under title I of the Employee Retirement Income Security Act of 1974, as amended (ERISA) for multiple employer welfare arrangements (MEWAs) that provide benefits consisting of medical care. In part, the rules implement recent changes made

DOL—PWBA

Final Rule Stage

to ERISA by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The rules also set forth elements that MEWAs would be required to file with the Department of Labor for the purpose of determining compliance with the portability nondiscrimination, renewability and other requirements of part 7 of subtitle B of title I of ERISA including the requirements of the Mental Health Parity Act of 1996 and the Newborns' and Mothers' Protection Act of 1996. The rules provide guidance with respect to section 502(c)(5) of ERISA which authorizes the Secretary of Labor to assess a civil penalty of up to \$1,000 a day for failure to comply with the new reporting requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/00	65 FR 7152
Final Action	06/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Amy Turner, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7006

RIN: 1210-AA64

2188. ELIMINATION OF FILING REQUIREMENTS FOR SUMMARY PLAN DESCRIPTIONS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 29 USC 1024; 29 USC 1135; PL 105-34, sec 1503

CFR Citation: 29 CFR 2520.104a-2; 29 CFR 2520.104a-3; 29 CFR 2520.104a-4; 29 CFR 2520.104a-7

Legal Deadline: None

Abstract: This rulemaking will remove from the CFR certain regulations that have been superseded by amendments to title I of ERISA effected by the Taxpayer Relief Act of 1997 (PL 105-34) that eliminate the requirement for plan administrators to file summary plan descriptions (SPDs), summaries of material modifications (SMMs), and updated SPDs with the Department of

Labor. Under the amendments plan administrators must continue to furnish participants and beneficiaries with copies of these documents. Separate rulemakings (RIN: 1210-AA67 and 1210-AA68) will implement the Taxpayer Relief Act amendments that require plan administrators to furnish copies of SPDs and any other documents relating to the plan to the Department on request, and authorize the Secretary of Labor to assess a civil penalty for failure to do so.

Timetable:

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42792
NPRM Comment	10/04/99	
Period End		
Final Action	12/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Lisa M. Fields, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 219-8671

RIN: 1210-AA66

2189. REQUIREMENT TO FURNISH PLAN DOCUMENTS UPON REQUEST BY THE SECRETARY OF LABOR

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 1024; 29 USC 1135; PL 105-34, sec 1503

CFR Citation: 29 CFR 2520.104a-8

Legal Deadline: None

Abstract: This rulemaking will implement an amendment to title I of ERISA made by section 1503 of the Taxpayer Relief Act of 1997 (PL 105-34) which requires plan administrators to furnish copies of any documents relating to the plan to the Department on request.

Timetable:

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42797
NPRM Comment	10/04/99	
Period End		
Final Action	12/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Lisa M. Fields, Pension Law Specialist, Department of

Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 219-8671

RIN: 1210-AA67

2190. CIVIL PENALTY FOR FAILURE TO FURNISH CERTAIN PLAN DOCUMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-34, sec 1503; 29 USC 1135; 29 USC 1132

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None

Abstract: This rulemaking will implement the enforcement aspects of amendments to title I of ERISA made by section 1503 of the Taxpayer Relief Act of 1997 (Public Law 105-34) which, while eliminating the requirement that plan administrators file summary plan descriptions (SPDs), summaries of material modifications (SMMs) and updated SPDs with the Department of Labor, also provided that administrators must furnish copies of any documents relating to the plan, including but not limited to SPDs, to the Department on request. In particular, this rulemaking will implement the amendments that authorize the Secretary of Labor to assess a civil penalty of up to \$100 a day, up to a maximum of \$1,000 per request, against a plan administrator who fails to furnish the requested documents on a timely basis.

Timetable:

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42797
NPRM Comment	10/04/99	
Period End		
Final Action	12/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Lisa M. Fields, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 219-8671

RIN: 1210-AA68

DOL—PWBA

Final Rule Stage

2191. AMENDMENTS TO SUMMARY PLAN DESCRIPTION REGULATIONS

Regulatory Plan: This entry is Seq. No. 81 in Part II of this issue of the **Federal Register**.

RIN: 1210-AA69

2192. ELECTRONIC DISCLOSURE OF EMPLOYEE BENEFIT PLAN INFORMATION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 29 USC 1024; 29 USC 1135; PL 105-34, Taxpayer Relief Act; Secretary of Labor's Order No. 1-87, April 21, 1987

CFR Citation: 29 CFR 2520.104b

Legal Deadline: NPRM, Statutory, December 31, 1998.

Abstract: This rulemaking will improve the ability of sponsors and administrators of all employee benefit plans covered by title I of ERISA to make certain disclosures of plan information to participants and beneficiaries through electronic means. The rule will provide guidance with respect to the conditions under which electronic disclosures will be deemed to satisfy the disclosure requirements under title I of ERISA. The rule also will establish recordkeeping standards for maintaining or storing data in electronic form.

Timetable:

Action	Date	FR Cite
NPRM	01/28/99	64 FR 4506
NPRM Comment Period End	03/29/99	
Final Action	03/00/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Eric A. Raps, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8521

RIN: 1210-AA71

2193. NATIONAL MEDICAL SUPPORT NOTICE

Priority: Other Significant

Legal Authority: PL 105-200, sec 401(b); 29 USC 1135; 29 USC 1169

CFR Citation: 29 CFR 2565

Legal Deadline: Other, Statutory, May 16, 1999, Interim Final Rule. Final, Statutory, November 15, 2000.

Abstract: The purpose of this rulemaking is to develop regulations which establish a model qualified medical child support order for use by State child support agencies to facilitate the extension of health care coverage to children under their jurisdiction. This initiative is mandated by the Child Support Performance and Incentive Act of 1998 (CSPIA), P.L. 105-200.

Timetable:

Action	Date	FR Cite
NPRM	11/15/99	64 FR 62054
Comment Period End	02/14/00	
Final Action	10/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: David J. Lurie, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8671

RIN: 1210-AA72

2194. SOFT DOLLAR (INTERPRETIVE BULLETIN)

Priority: Other Significant

Legal Authority: 29 USC 1103; 29 USC 1104; 29 USC 1106; 29 USC 1108; 29 USC 1135

CFR Citation: 29 CFR 2509.98-2

Legal Deadline: None

Abstract: This Interpretive Bulletin will codify the guidance provided by the Department concerning "soft dollar" and directed commission arrangements, for ease of reference by employee benefit plan fiduciaries, plan service providers, and others.

Timetable:

Action	Date	FR Cite
Interpretive Bulletin	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: David J. Lurie, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8671

RIN: 1210-AA74

2195. RULEMAKING RELATING TO THE WOMEN'S HEALTH AND CANCER RIGHTS ACT OF 1998

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 29 USC 1185; PL 105-277; 112 Stat 2681; 29 USC 1135; 29 USC 1194

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Women's Health and Cancer Rights Act of 1998 (WHCRA) was enacted on October 21, 1998 (P.L. 105-277). WHCRA amended the Employee Retirement Income Security Act of 1974 (ERISA) and the Public Health Service Act (PHS Act) to provide protection for patients who elect breast reconstruction in connection with a mastectomy. The WHCRA provisions are set forth in Part 7 of Subtitle B of Title I of ERISA and in Title XXVII of the PHS Act. These interim rules will provide guidance with respect to the WHCRA provisions.

Timetable:

Action	Date	FR Cite
Request for Information (RFI)	05/28/99	64 FR 29186
RFI Comment Period End	06/28/99	
Interim Final Rule	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Mila Kofman, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

DOL—PWBA

Final Rule Stage

Phone: 202 219-7006

RIN: 1210-AA75

2196. VOLUNTARY FIDUCIARY CORRECTION PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 1132; 29 USC 1134**CFR Citation:** 29 CFR 2560**Legal Deadline:** None

Abstract: Section 409 of ERISA provides that an employee benefit plan fiduciary who breaches any of the responsibilities, obligations, or duties imposed upon him or her by part 4 of title I of ERISA shall be personally liable to make good to such plan any losses to the plan resulting from each such breach, and to restore to such plan any profits that such fiduciary may have made through use of assets of the

plan. The Department has the authority under section 504 of ERISA to conduct investigations to deter and correct violations of title I of ERISA and under section 502(a)(2) and 502(a)(5) to bring civil actions to enforce the provisions thereof. Section 502(l) of ERISA requires the assessment of a civil penalty in an amount equal to 20 percent of the applicable recovery amount with respect to any breach of fiduciary responsibility under (or other violation of) part 4 by a fiduciary.

To encourage and facilitate voluntary correction of certain breaches of fiduciary responsibility, PWBA is adopting a Voluntary Fiduciary Correction Program (VFC Program). Under this VFC Program, plan officials will be relieved of the possibility of investigation and civil action by the Department and imposition of civil penalties, to the extent that plan

officials satisfy the conditions for correcting breaches described in the program.

Timetable:

Action	Date	FR Cite
Enforcement Policy	03/15/00	65 FR 14164
Comment Period End	05/15/00	
Final Action	03/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Elizabeth A. Goodman, Pension Law Specialist, Office of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8671

RIN: 1210-AA76

Department of Labor (DOL)

Long-Term Actions

Pension and Welfare Benefits Administration (PWBA)

2197. ADEQUATE CONSIDERATION**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 1002(18); 29 USC 1135**CFR Citation:** 29 CFR 2510**Legal Deadline:** None

Abstract: This regulation would provide guidance as to what constitutes "adequate consideration" under section 3(18) of ERISA for assets other than securities for which there is a generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/17/88	

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Paul Mannina, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, Room N4611, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 219-4592

RIN: 1210-AA15

2198. CIVIL PENALTIES UNDER ERISA SECTION 502(1)**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 1132**CFR Citation:** 29 CFR 2570.80 (Procedural); 29 CFR 2560.502(l)-1 (Substantive)**Legal Deadline:** None

Abstract: Section 502(l) of ERISA requires the Secretary of Labor to assess a civil penalty against a fiduciary who breaches a fiduciary duty under, or commits a violation of, part 4 of title I of ERISA, or any other person who knowingly participates in such breach or violation. The Department has published an interim rule setting forth the procedures for the assessment of penalties under ERISA section 502(l) and for petitioning the Secretary to exercise his or her discretion to waive or reduce the mandated assessment, as well as a proposed rule that defines the following pivotal terms contained in section 502(l): "applicable recovery amount," "breach of fiduciary responsibility or violation," "settlement

agreement," and "court order." The Department intends to finalize these two regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/20/90	55 FR 25284
Interim Final Rule	06/20/90	55 FR 25284
NPRM Comment Period End	08/20/90	55 FR 25284

Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None

Agency Contact: Vicki Shteir-Dunn, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, Room N4638, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8610

RIN: 1210-AA37

2199. MENTAL HEALTH BENEFITS PARITY**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 1135; 29 USC 1182 (PL 104-204; 110 Stat 2944); 29 USC 1194

DOL—PWBA

Long-Term Actions

CFR Citation: 29 CFR 2590**Legal Deadline:** None

Abstract: The Mental Health Parity Act of 1996 (MHPA) was enacted on September 26, 1996 (P.L. 104-204). MHPA amended the Public Health Service Act (PHSA) and the Employee Retirement Income Security Act of 1974 (ERISA), as amended, to provide for parity in the application of limits on certain mental health benefits with limits on medical and surgical benefits. MHPA provisions are set forth in chapter 100 of subtitle K of the Code, title XXVII of the PHSA, and part 7 of subtitle B of title I of ERISA. This rulemaking provides guidance with regard to the provisions of the MHPA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/22/97	62 FR 66932
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** LEGAL

AUTHORITIES CONT: Secs. 107, 209,

505, 701-703, 711, 712 731-734 of ERISA (29 U.S.C. 1027, 1059, 1135, 1171-1173, 1181 1182, 1191-1194), as amended by HIPAA (Pub. L. 104-191, 101 Stat. 1936) and NMHPA (Pub. L. 104-204) and Secretary of Labor's Order No. 1-87, 52 FR 13139, April 21, 1987.

Agency Contact: Mark Connor, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7006

RIN: 1210-AA62**2200. INDIVIDUAL BENEFITS REPORTING REQUIREMENTS FOR DEFINED CONTRIBUTION PLANS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 1025; 29 USC 1059; 29 USC 1135**CFR Citation:** 29 CFR 2520.105-1**Legal Deadline:** None

Abstract: ERISA sections 105 and 209 require the furnishing of statements of accrued and vested pension benefits upon request of a participant or beneficiary, upon a participant's termination of service with an employer, and upon a participant's incurring a one-year break in service. This regulation will provide guidance with respect to the furnishing of individual benefit reports to participants and beneficiaries in defined contribution pension plans.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined

Agency Contact: John J. Canary, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8521

RIN: 1210-AA65

Department of Labor (DOL)

Pension and Welfare Benefits Administration (PWBA)

Completed Actions

2201. REVISION OF THE FORM 5500 SERIES AND IMPLEMENTING AND RELATED REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)**Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 1021; 29 USC 1059; 29 USC 1135; 29 USC 1166; 29 USC 1168; 29 USC 1022; 29 USC 1023; 29 USC 1024; 29 USC 1025; 29 USC 1026; 29 USC 1027; 29 USC 1029; 29 USC 1030

CFR Citation: 29 CFR 2520**Legal Deadline:** None

Abstract: Under title I of ERISA, title IV of ERISA, and the Internal Revenue Code, as amended, pension and other employee benefit plans are generally required to file returns/reports annually concerning, among other things, the financial condition and operations of

the plan. These annual reporting requirements are satisfied generally by filing the Form 5500 Series in accordance with its instructions and related regulations. The Department of Labor, IRS, and PBGC conducted a comprehensive review of the annual return/report forms to streamline the information required to be reported and the methods by which such information is filed and processed.

Timetable:

Action	Date	FR Cite
Proposed Forms Revisions	09/03/97	62 FR 46556
Proposed Forms Comment Period End	11/03/97	
NPRM Implementing Related Regulations	12/10/98	63 FR 68370
NPRM Comment Period End	02/08/99	
Final Action Forms	02/02/00	65 FR 5026
Final Action Implementing Related Regulations	04/19/00	65 FR 21068
Final Action Effective	05/19/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None

Additional Information: Public hearing held November 17, 1997. Hearing comment period ended 12/03/97.

Agency Contact: Eric A. Raps, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8521

RIN: 1210-AA52**2202. SMALL PENSION PLAN SECURITY AMENDMENTS****Priority:** Other Significant

Legal Authority: 29 USC 1135; 29 USC 1024; 29 USC 1191c; Secretary of Labor's Order No. 1-87, April 21, 1987

CFR Citation: 29 CFR 2520.104-41; 29 CFR 2520.104.46

DOL—PWBA

Completed Actions

Legal Deadline: None

Abstract: This initiative would amend the conditions under which small pension plans (i.e., those with fewer than 100 participants) will be exempt from the requirements of section 103(a)(3)(A) to engage an independent qualified public accountant and to include the report of such accountant as part of the plan's annual report. Specifically, the amendment would condition the availability of the exemption on the plan meeting certain additional conditions regarding plan assets being held by a regulated financial institution and related improvements in fidelity bonding and disclosures to plan participants and beneficiaries. This initiative is being undertaken to improve security and accountability with respect to assets of small employee pension benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67436
Final Action	10/19/00	65 FR 62957
Final Action Effective	12/18/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: Amendments made by this rule are applicable as of the first plan year beginning after April 17, 2001.

Agency Contact: John Keene, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8521

RIN: 1210-AA73

2203. AMENDMENTS REGARDING ALLOCATION OF FIDUCIARY RESPONSIBILITY; FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8477(e)(1)(E); Secretary of Labor's Order No. 1-87

CFR Citation: 29 CFR 2584.8477(e)-2**Legal Deadline:** None

Abstract: This rulemaking amended the Department's regulation regarding the allocation of fiduciary responsibility by

the Executive Director of the Federal Retirement Thrift Investment Board to provide for the allocation to investment managers of fiduciary responsibility for two new investment funds, the Small Capitalization Index Stock Investment Fund and the International Stock Index Investment Fund. These amendments also update the definition of investment manager and make other miscellaneous changes to 29 Part 2584.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/30/00	65 FR 34393
Comment Period End	06/29/00	
Final Rule Effective	07/14/00	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7461

RIN: 1210-AA79

Department of Labor (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

2204. OCCUPATIONAL EXPOSURE TO COAL MINE DUST (LOWERING EXPOSURE LIMIT)

Priority: Other Significant**Legal Authority:** 30 USC 811

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 90

Legal Deadline: None

Abstract: In 1996 the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners recommended that we consider lowering the coal dust permissible exposure limit (PEL). In 1995, the National Institute for Occupational Safety and Health issued a Criteria Document in which they recommended that the respirable coal mine dust PEL be cut in half. We are considering rulemaking to lower the coal dust PEL because miners continue to be at risk of developing dust-induced occupational lung disease.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/01	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Carol J. Jones, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203
Phone: 703 235-1910
Fax: 703 235-5551
Email: jones-carol@msha.gov

RIN: 1219-AB08

2205. MINE RESCUE TEAMS

Priority: Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 49**Legal Deadline:** None

Abstract: We are assessing our current regulations to identify areas where we might increase flexibility and provide increased safety for miners. We anticipate publishing an ANPRM to solicit ideas from the mining community.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Carol J. Jones, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203
Phone: 703 235-1910
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Email: jones-carol@msha.gov

RIN: 1219-AB20

Department of Labor (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

2206. METAL/NONMETAL IMPOUNDMENTS**Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 56; 30 CFR 57**Legal Deadline:** None

Abstract: Water, sediment, and slurry impoundments for metal and nonmetal mining and milling operations are located throughout the country.

Some are within flood range of homes and well-traveled roads. Impoundment failures could endanger lives and cause property damage. The proposed rule will address proper design, construction, and other safety issues.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Carol J. Jones, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203
Phone: 703 235-1910
Fax: 703 235-5551
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RIN: 1219-AA83**2207. SURFACE HAULAGE****Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 77**Legal Deadline:** None

Abstract: Approximately thirty percent of the fatal surface mining accidents which occurred during the past 4 years involved large haulage vehicles, over-the-road trucks, front-end loaders, and similar equipment. The proposed rule will set safety requirements for restraint systems, lighting, and blind areas for this equipment for both coal and metal and nonmetal surface mines and surface areas of underground mines.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/98	63 FR 40800
NPRM	03/00/01	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 1219-AA93**2208. IMPROVING AND ELIMINATING REGULATIONS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 30 USC 811; 30 USC 957**CFR Citation:** 30 CFR 1 to 199**Legal Deadline:** None

Abstract: We have reviewed our current regulations and identified provisions that are outdated, redundant, unnecessary or otherwise require change. We will be making these changes through notice and comment rulemaking where necessary. We will also consider new regulations that reflect "best practices" in the mining industry. We view this effort to be evolving and ongoing and will continue to accept recommendations from the public.

Timetable:

Action	Date	FR Cite
NPRM - Phase 5 Miscellaneous Technology Improvements	03/00/01	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 1219-AA98**2209. ELECTRICAL STANDARDS FOR METAL AND NONMETAL MINES****Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 56; 30 CFR 57**Legal Deadline:** None

Abstract: Electricity is used widely in the mining industry to power mining equipment, transport material and people, and for other purposes. Our records show that accidents occur from inadequate or improper equipment grounding. We are considering rulemaking to specify the proper equipment grounding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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RIN: 1219-AB01**2210. RESPIRABLE CRYSTALLINE SILICA STANDARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811; 30 USC 813**CFR Citation:** 30 CFR 70.101 et seq; 30 CFR 90.101 et seq; 30 CFR 71.101 et seq; 30 CFR 72.101 et seq**Legal Deadline:** None

Abstract: Our current regulations set limits for respirable coal dust when crystalline silica is present. We are also aware of many conditions that result in worker overexposure to silica. This overexposure will result in the development of silicosis in some workers. Therefore, we are currently evaluating recommendations of the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers to determine which one, or combination of recommendations, will most effectively reduce worker overexposure to silica. We are considering rulemaking to implement relevant recommendations.

DOL—MSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** None

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RIN: 1219-AB12

2211. SAFETY STANDARDS FOR SELF-CONTAINED SELF-RESCUE DEVICES IN COAL AND METAL/NONMETAL UNDERGROUND MINES

Priority: Substantive, Nonsignificant**Legal Authority:** 30 USC 811; 30 USC 825**CFR Citation:** 30 CFR 48; 30 CFR 57; 30 CFR 75**Legal Deadline:** None

Abstract: Self-contained self-rescuers (SCSR) are closed circuit breathing apparatuses that provide a source of oxygen and greatly increase a miner's chance of surviving a mine emergency involving an irrespirable atmosphere. The mining industry has had recent experiences with SCSRs which did not function properly or were not donned properly, rendering them ineffective. We are considering a rule to limit the service life of the devices, address the appropriate inspection of SCSRs and the adequacy of training. In addition, we may propose to apply SCSR standards to metal and nonmetal mines.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/99	64 FR 36632
NPRM	03/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined

Additional Information: This rulemaking includes the metal and nonmetal rulemaking RIN 1219-AB06

(Self-Contained Self-Rescue Devices in Underground Metal and Nonmetal Mines). This new rulemaking addresses SCSRs at both coal and metal and nonmetal mines.

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RIN: 1219-AB19

2212. • SURGE AND STORAGE PILES

Priority: Substantive, Nonsignificant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 77.209**Legal Deadline:** None

Abstract: MSHA has documented a number of accidents involving miners operating vehicles and equipment on surge piles. The current standard only prohibits persons from walking or standing on or around surge or storage piles where a hazard may exist. We are considering rulemaking to expand the existing standard to address vehicles and equipment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** None

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RIN: 1219-AB22

2213. • ESCAPEWAYS AND REFUGES

Priority: Other Significant**Legal Authority:** 5 USC 811**CFR Citation:** 30 CFR 57**Legal Deadline:** None

Abstract: This standard would revise and clarify an existing standard that requires underground metal and

nonmetal mines to have at least two separate exits to the surface. Because of the physical limits in underground mines, fire, massive ground fall, methane ignition, inundation, for example, could result in multiple entrapment deaths. A second escapeway increases the likelihood that miners will not be trapped underground during an emergency if one escape route is cut off.

Timetable:

Action	Date	FR Cite
NPRM	07/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: Carol J. Jones, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203
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RIN: 1219-AB23

2214. • ACCIDENT INVESTIGATION HEARING PROCEDURES

Priority: Info./Admin./Other**Legal Authority:** 30 USC 957**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The rule is designed to clarify and codify accident investigation hearing procedures. The rule addresses all hearings convened by the Secretary of Labor for the purpose of investigating any accident or other occurrence relating to the health or safety of miners pursuant to section 103(b) of the Federal Mine Safety and Health Act of 1977.

Timetable:

Action	Date	FR Cite
NPRM	01/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Undetermined

Agency Contact: Carol J. Jones, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203

DOL—MSHA

Proposed Rule Stage

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RIN: 1219-AB26

Department of Labor (DOL)

Final Rule Stage

Mine Safety and Health Administration (MSHA)

2215. HAZARD COMMUNICATION

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 47

Legal Deadline: None

Abstract: Today's complex mining environment subjects miners to many hazards such as from wastes burned as fuel supplements at cement kilns and from the many chemicals brought onto mine property. The rule as proposed would provide miners with the means to receive necessary information on the hazards of chemicals to which they are exposed and the actions necessary to protect them from such hazards. It would be consistent with OSHA's rule to the extent appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	
NPRM	11/02/90	55 FR 46400
NPRM Comment Period End	01/31/92	
Reopen Record	03/30/99	64 FR 15144
Interim Final Rule	10/03/00	65 FR 59048
Interim Final Rule Effective	10/03/00	
Interim Final Rule Comment Period End	11/17/00	
Final Action	01/00/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

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RIN: 1219-AA47

2216. DIESEL PARTICULATE MATTER (EXPOSURE OF UNDERGROUND COAL MINERS)

Regulatory Plan: This entry is Seq. No. 82 in Part II of this issue of the **Federal Register**.

RIN: 1219-AA74

2217. LONGWALL EQUIPMENT (INCLUDING HIGH-VOLTAGE)

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: Our current regulations require that high-voltage cables and transformers be kept at least 150 feet from coal extraction areas. These requirements are intended to eliminate an ignition source for methane and coal dust in close proximity to the work area.

Highly productive longwall mining systems are now in widespread use in the mining industry. They use safe high-voltage electrical equipment and associated cables. Mine operators, however, currently must apply to us for a modification from the existing regulations if they want to use this high-voltage equipment.

The rule as proposed would eliminate the need for a modification to use this equipment and would establish safety requirements for the design, construction, installation, use, and maintenance of high-voltage longwall equipment and associated cables.

Timetable:

Action	Date	FR Cite
NPRM	08/27/92	57 FR 39036
Extension of Comment Period to	10/23/92	57 FR 48350
	11/13/1992	

Action	Date	FR Cite
Reopen Record	10/18/95	60 FR 53891
Extension of Comment Period	11/14/95	60 FR 57203
Comment Period End	12/18/95	60 FR 57203
Reopen Record	12/28/99	64 FR 72620
Comment Period End	02/28/00	
Final Rule	03/00/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA75

2218. INDEPENDENT LABORATORY TESTING

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 6; 30 CFR 29; 30 CFR 33; 30 CFR 35; 30 CFR 18; 30 CFR 19; 30 CFR 20; 30 CFR 22; 30 CFR 23; 30 CFR 26; 30 CFR 27; 30 CFR 28

Legal Deadline: None

Abstract: Our current regulations allow us to set approval requirements and test products used in mines. The rule as proposed would allow us to: accept testing of certain mine equipment by independent laboratories; and approve products which satisfy alternative testing and evaluation requirements if those requirements are equivalent to ours, or could be enhanced to be equivalent.

DOL—MSHA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/30/94	59 FR 61376
NPRM Comment Period Extended to 2/21/1995	02/13/95	60 FR 8209
Public Hearing Notice	10/10/95	60 FR 52640
Notice to Reschedule Public Hearing to 4/30/1996	02/09/96	61 FR 15743
Comment Period End	05/31/96	61 FR 15743
Final Action	06/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Federal

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RIN: 1219-AA87

2219. REQUIREMENTS FOR APPROVAL OF FLAME-RESISTANT CONVEYOR BELTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 957; 30 USC 811**CFR Citation:** 30 CFR 14; 30 CFR 18; 30 CFR 75**Legal Deadline:** None

Abstract: Our current regulations require conveyor belts used in underground coal mines to be flame-resistant. The rule, as proposed, would set new procedures and requirements for testing and approval of these belts to evaluate their resistance to fire ignition and propagation. The proposal would also require purchase of the improved belts after one year.

Timetable:

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61524
Extension of Comment Period to 3/36/93	02/11/93	58 FR 8028
Reopen Record and Notice of Public Hearing	03/31/95	60 FR 16589
Record Closed	06/05/95	60 FR 16558
Reopen Record	10/31/95	60 FR 55353
Extension of Comment Period to 2/5/1996	12/20/95	60 FR 65509
Reopen Record	12/28/99	64 FR 72617
Final Action	03/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** None

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RIN: 1219-AA92

2220. DIESEL PARTICULATE MATTER (EXPOSURE OF UNDERGROUND METAL AND NONMETAL MINERS)

Regulatory Plan: This entry is Seq. No. 83 in Part II of this issue of the **Federal Register**.

RIN: 1219-AB11

2221. VERIFICATION OF UNDERGROUND COAL MINE OPERATORS' DUST CONTROL PLANS AND COMPLIANCE SAMPLING FOR RESPIRABLE DUST

Regulatory Plan: This entry is Seq. No. 84 in Part II of this issue of the **Federal Register**.

RIN: 1219-AB14

2222. DETERMINATION OF CONCENTRATION OF RESPIRABLE COAL MINE DUST

Regulatory Plan: This entry is Seq. No. 85 in Part II of this issue of the **Federal Register**.

RIN: 1219-AB18

Department of Labor (DOL)**Mine Safety and Health Administration (MSHA)****Long-Term Actions****2223. AIR QUALITY, CHEMICAL SUBSTANCES, AND RESPIRATORY PROTECTION STANDARDS****Priority:** Other Significant**Unfunded Mandates:** This action may affect State, local or tribal governments.**Legal Authority:** 30 USC 811; 30 USC 813**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 58; 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90**Legal Deadline:** None

Abstract: Our current regulations for exposure to hazardous airborne contaminants are over 25 years old. They do not fully protect today's miners, who are potentially exposed to an array of toxic chemicals, and other hazards. Examples of these include lead, cyanide, arsenic benzene, asbestos

and other well-documented hazards. We will propose provisions of the air quality rule in phases based on our assessment of priority needs.

Timetable:

Action	Date	FR Cite
ANPRM	07/06/83	48 FR 31171
ANPRM	11/19/85	50 FR 47702
NPRM	08/29/89	54 FR 35760
NPRM Comment Period End	08/30/91	
NPRM Phase 3 - PELs	To Be	Determined
NPRM Phase 2 - Respiratory Protection - Reproposal	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Federal, State, Local, Tribal

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RIN: 1219-AA48

2224. CONFINED SPACES**Priority:** Other Significant**Legal Authority:** 30 USC 811; 30 USC 813**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77

DOL—MSHA

Long-Term Actions

Legal Deadline: None

Abstract: Storage bins, hoppers, tanks, stockpiles, and other confined spaces at mining operations create hazards to miners. These hazards include entrapment by shifting piles of loose materials, falling into materials, and being struck by overhanging materials. Additionally, miners are exposed to toxic and physical hazards in these confined spaces. We will explore both regulatory and non-regulatory ways to eliminate or reduce these hazards.

Timetable:

Action	Date	FR Cite
ANPRM	12/30/91	56 FR 67364
ANPRM Comment Period End	05/01/92	
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 1219-AA54

2225. BELT ENTRY USE AS INTAKE AIRCOURSE TO VENTILATE WORKING SECTIONS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: Our current regulations prohibit belt haulage entries from being used to ventilate active working places in mines. This prevents smoke from a belt conveyor fire from being coursed to a miner's workplace.

Improved technology, including sophisticated atmospheric monitoring systems, makes it possible now to safely use belt haulage entries to ventilate active working places in mines provided certain conditions are met. In some instances this would

result in more efficient and effective ventilation systems. Mine operators, however, must apply to MSHA for a modification of the current regulations if they want to use belt haulage entries for ventilation purposes.

The proposed rule would permit the use of this type ventilation in certain circumstances and eliminate the need for the mine operator to apply for a modification.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A public hearing was held in April 1990.

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RIN: 1219-AA76

2226. SAFETY STANDARD REVISIONS FOR UNDERGROUND ANTHRACITE MINES

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: Our current regulations for coal mines do not adequately address anthracite coal mining because of the significant differences in conditions and hazards in those mines. Mining methods in anthracite mines include minimal use of mechanized equipment and a slow rate of advance into the coal seam. In addition, anthracite coal is found in pitched, undulating seams.

Mine operators currently must petition us for a modification of the existing regulations for certain mining situations. The proposed rule would

address the specific conditions of the anthracite mining industry and eliminate the need for a modification of existing safety requirements.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203
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RIN: 1219-AA96

2227. TRAINING AND RETRAINING OF MINERS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Other Significant

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48

Legal Deadline: None

Abstract: Our current regulations require all mine operators to have approved plans for training of their miners. We reviewed these requirements as part of our Regulatory Flexibility Review to determine if changes were appropriate. We are considering developing a proposed rule to reflect a more flexible approach.

In response to public comments we are considering increasing the number of hours of annual refresher training for supervisors from 8 hours to 12 hours. The training needs of supervisors are broader in scope than those of miners. We believe that better trained, more knowledgeable supervisors will contribute to their own safety and that of miners under their supervision.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
NPRM	To Be Determined	
End Review	To Be Determined	

DOL—MSHA

Long-Term Actions

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

Additional Information: RIN 1219-AB16 (Training and Retraining of Miners: Supervisor Training) is combined with this rulemaking.

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RIN: 1219-AB02

2228. • VERIFICATION OF SURFACE COAL MINES DUST CONTROL PLANS

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 30 CFR 71

Legal Deadline: None

Abstract: MSHA recognizes that the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Workers made several recommendations that also impact surface coal mine workers.

These surface coal mine issues will be addressed by the agency in a separate rulemaking which is currently underway. The scope of that rulemaking will include many issues that are addressed in the underground rule including requirements for dust control plans, verification of dust control plans prior to approval, on shift examination of dust control measures, and the elimination of operator sampling for compliance purposes.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB21

2229. • ASBESTOS EXPOSURE LIMIT

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 813

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 71

Legal Deadline: None

Abstract: Exposure to asbestos can cause lung cancer and may lead to cancers of the digestive system. MSHA's asbestos standard is 20 years old and recent scientific data indicates our permissible exposure limit (PEL) could be more protective. We are considering rulemaking to lower the asbestos PEL because miners may be at risk of developing asbestos-induced occupational lung disease.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB24

Department of Labor (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2230. • EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND IMPLEMENTATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2000(d); 29 USC 794

CFR Citation: 29 CFR 31; 29 CFR 32

Legal Deadline: None

Abstract: This proposal would incorporate into 29 CFR parts 31 and 32 the term "program or activity" and the definition of that term as it was defined in the Civil Rights Restoration Act of 1987. Part 31 effectuates title VI

of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in programs or activities that receive financial assistance from the Department of Labor. Part 32 implements section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in programs or activities that receive financial assistance from the Department of Labor.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 1291-AA31

Department of Labor (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2231. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6101 et seq Age Discrimination Act of 1975**CFR Citation:** 45 CFR 90**Legal Deadline:** NPRM, Statutory, September 10, 1979, Requires publication of the NPRM within 90 days of publication and submission to HHS of final rule within 120 days of NPRM.**Abstract:** The proposed regulatory action is necessary to comply with the Department's statutory and regulatory obligations under the Age Discrimination Act of 1975, as amended (the Act). The Act and the general, Governmentwide implementing rule issued by the Department of Health and Human Services (HHS) (45 CFR 90) require each Federal agency providing financial assistance to any program or activity to publish proposed regulations implementing the Act no later than 90 days after the publication date of the Governmentwide rule, and to submit final agency regulations to HHS no later than 120 days after publication of the NPRM. As a practical matter, while DOL has not issued proposed or final regulations under the Age Discrimination Act, it has complied with its enforcement obligations. Furthermore, discrimination on the basis of age is prohibited under section 167 of the Job Training Partnership Act of 1982 and the implementing regulations at 29 CFR 34.**Timetable:**

Action	Date	FR Cite
NPRM	12/29/98	63 FR 71714
NPRM Comment	03/01/99	63 FR 71714
Period End		
Final Action	04/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Annabelle T. Lockhart, Director, Civil Rights Center, Department of Labor, Office of the Assistant Secretary for Administration and Management, Room N4123, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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Email: lockhart-annabelle@dol.gov**RIN:** 1291-AA21**2232. IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY REQUIREMENTS OF THE WORKFORCE INVESTMENT ACT OF 1998****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-220, sec 188 Workforce Investment Act**CFR Citation:** 29 CFR 37**Legal Deadline:** Final, Statutory, August 7, 1999.**Abstract:** The Workforce Investment Act of 1998 (WIA) was signed into law by President Clinton on August 7, 1998. Section 188 prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, religion,

political affiliation or belief, participant status, and against certain noncitizens. Section 188(e) requires that the Secretary of Labor issue regulations necessary to implement section 188 not later than one year after the date of the enactment of the WIA. Such regulations will include standards for determining compliance and procedures for enforcement that are consistent with the Acts referred to in section 188(a)(1), as well as procedures to ensure that complaints filed under section 188 and such acts processed in a manner that avoids duplication of effort.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/12/99	64 FR 61692
Interim Final Rule	12/13/99	
Comment Period		
End		
Final Rule	10/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Annabelle T. Lockhart, Director, Civil Rights Center, Department of Labor, Office of the Assistant Secretary for Administration and Management, Room N4123, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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TDD Phone: 800 326-2577
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Email: lockhart-annabelle@dol.gov**RIN:** 1291-AA29

Department of Labor (DOL)

Long-Term Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

2233. DEPARTMENT OF LABOR ACQUISITION REGULATION**Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 5 USC 301; 40 USC 486(c)**CFR Citation:** 48 CFR 2900 to 2999**Legal Deadline:** None**Abstract:** Revisions to the DOLAR reflect changes in the Federal

Acquisition Regulations and organizational changes within DOL.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.**Additional Information:** Revision of the Department of Labor Acquisition Regulation is awaiting the final publication of revisions to the Federal Acquisition Regulations as a result of changes being implemented pursuant to passage of the Federal Acquisition Streamlining Act of 1994 enacted October 13, 1994 and the Federal Acquisition Reform Act of 1995.**Agency Contact:** Phyllis McMeekin, Director, Office of the Acquisition Advocate, Department of Labor, Office of the Assistant Secretary for Administration and Management, Room

DOL—OASAM

Long-Term Actions

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RIN: 1291-AA20

2234. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS

Priority: Info./Admin./Other

Legal Authority: PL 104-156 110 Stat.136; OMB Circular A-110; OMB Circular A-133

CFR Citation: 29 CFR 99

Legal Deadline: None

Abstract: The Department of Labor hereby adds title 29 CFR 99 "Audits of States, Local Governments, and Non-Profit Organizations" as a new regulation which codifies the revised Office of Management and Budget (OMB) Circular A-133 in its entirety. The Single Audit Act Amendments of 1996 (Public Law 104-156, 110 Stat. 136) and the June 24, 1997, revision of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," required agencies to adopt in codified regulations the standards in the revised OMB Circular A-133 by August 29, 1997, so that they will apply to audits of fiscal years beginning after June 30, 1996. The revised OMB Circular A-133 co-located audit requirements for States, local governments, and nonprofit organizations. As a consequence, the OMB rescinded OMB Circular A-128, "Audits of States and Local Governments." On August 29, 1997, the Department of Labor amended its grants common rules at 29 CFR 95 and 29 CFR 97 in accordance with OMB guidance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/25/99	64 FR 14537
Interim Final Rule Effective	03/25/99	64 FR 14537
Interim Final Rule Comment Period End	05/24/99	64 FR 14537
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

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RIN: 1291-AA26

2235. AUDIT REQUIREMENTS FOR GRANTS, CONTRACTS, AND OTHER AGREEMENTS

Priority: Info./Admin./Other

Legal Authority: 31 USC 7500 et seq; OMB Circular A-183

CFR Citation: 29 CFR 96

Legal Deadline: None

Abstract: The Department of Labor hereby revises title 29 of the Code of Federal Regulations (CFR) part 96 "Audit Requirements for Grants, Contracts, and Other Agreements" to consolidate various provisions and ensure consistency, continuity, and ameliorate conflicts with subtitle A of 29 CFR parts 95 and 97.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/25/99	64 FR 14537
Interim Final Rule Effective	03/25/99	64 FR 14537
Interim Final Rule Comment Period End	05/24/99	64 FR 14537
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 1291-AA27

2236. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 32

Legal Deadline: None

Abstract: Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disability in federally financed programs and activities. The Department last published a final rule implementing section 504 on October 7, 1980. Since that time, section 504 has been amended several times, generally to update terminology and provide new definitions. The Department is undertaking this rulemaking to update 29 CFR part 32 to incorporate those changes.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal

Agency Contact: Annabelle T. Lockhart, Director, Civil Rights Center, Department of Labor, Office of the Assistant Secretary for Administration and Management, Room N4123, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1291-AA28

2237. GRANTS AND AGREEMENTS

Priority: Other Significant

Legal Authority: PL 105-277

CFR Citation: 29 CFR 95

Legal Deadline: None

Abstract: The Department is joining with other Federal agencies in establishing revised regulations for Grants. Congress included a two-

DOL—OASAM

Long-Term Actions

sentence provision in OMB's appropriation for fiscal year 1999, contained in Public Law 105-277, directing OMB to section 95.36 of Circular A-110 "to require Federal awarding agencies to ensure that all data produced under an award will be made available to public through the procedures established under the Freedom of Information Act." Circular A-110 applies to grants and cooperative agreements to institutions of higher education, hospitals, and nonprofit institutions, from all Federal agencies. OMB finalized the revision on September 30, 1999 (64 FR 54926). This

interim final rule amends the agencies' codification of Circular A-110 so they reflect OMB's recent action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	
Interim Final Rule Comment Period End	05/15/00	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Phyllis McMeekin, Director, Office of the Acquisition Advocate, Department of Labor, Office of the Assistant Secretary for Administration and Management, Room N5425, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1291-AA30

Department of Labor (DOL)

Completed Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

2238. • NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES—IMPLEMENTATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Priority: Other Significant

Legal Authority: 20 USC 1682 et seq

CFR Citation: 29 CFR 36

Legal Deadline: None

Abstract: On June 17, 1980, the Department published a proposed regulation to implement the requirements of title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of an

individual's sex in federally assisted educational programs. That regulation was never issued in final form. As a result of subsequent statutory amendments, it is necessary to revise the prior proposed title IX regulation and begin a new rulemaking process. The Department's regulation will be published as a common rule with other agencies that need title IX regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/29/99	64 FR 58567
NPRM Comment Period End	12/28/99	
Final Action	08/30/00	65 FR 52858
Final Action Effective	09/29/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Annabelle T. Lockhart, Director, Civil Rights Center, Department of Labor, Office of the Assistant Secretary for Administration and Management, Room N4123, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1291-AA32

Department of Labor (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

2239. OCCUPATIONAL EXPOSURE TO ETHYLENE OXIDE (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 29 USC 655(b); 5 USC 553; 5 USC 610

CFR Citation: 29 CFR 1910.1047

Legal Deadline: None

Abstract: OSHA has undertaken a review of the ethylene oxide (ETO) standard in accordance with the requirements of the Regulatory Flexibility Act and section 5 of EO 12866. The review has considered the continued need for the rule, the impacts of the rule, comments on the rule received from the public, the

complexity of the rule, whether the rule overlaps, duplicates or conflicts with other Federal, State or local regulations, and the degree to which technology, economic conditions or other factors may have changed since the rule was last evaluated. The Agency's findings with respect to this review will be published in a report available to the public in 2000.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
Publish Report	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
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RIN: 1218-AB60

DOL—OSHA

Prerule Stage

2240. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.119

Legal Deadline: None

Abstract: OSHA is undertaking two regulatory actions concerning the Process Safety Management of Highly Hazardous Chemicals (PSM) standard. One action was to publish, in October, 2000, an advance notice of proposed rulemaking to address the need to add reactive chemicals that are not currently covered by PSM to the rule and the need to revise the language of the rule to clarify OSHA's intent to cover flammable liquids stored in atmospheric tanks that are connected to a process. Another action is a proposal to add chemicals to the list of highly hazardous chemicals in the PSM standard that were not originally included in the OSHA standard but were included in the Environmental Protection Agency's (EPA) Risk Management Program (RMP) rule (one part of the RMP rule addresses compliance with the OSHA Process Safety Management rule). OSHA has been asked by representatives of the regulated community to bring its chemical list into closer alignment with the RMP rule.

Timetable:

Action	Date	FR Cite
ANPRM Reactives	10/00/00	
NPRM Process Safety Management	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB63

2241. GRAIN HANDLING FACILITIES (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 29 USC 655(b); 5 USC 553; 5 USC 610

CFR Citation: 29 CFR 1910.272

Legal Deadline: None

Abstract: OSHA is undertaking a review of its grain handling standard (29 CFR 1910.272) in accordance with the requirements of section 610 of the Regulatory Flexibility Act and section 5 of EO 12866. The review will cover the continued need for the rule; the nature of complaints or comments received from the public concerning the rule; the complexity of the rule; the extent to which the rule overlaps, duplicates or conflicts with other Federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in the industries affected by the rule.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	01/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John F. Martonik, Director, Office of Program Audits and Evaluation, Department of Labor, Occupational Safety and Health Administration, Room N3641, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB73

2242. PREVENTION OF NEEDLESTICK AND OTHER SHARPS INJURIES

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1030

Legal Deadline: None

Abstract: In 1998, OSHA published a Request for Information (RFI) requesting information from the public on the incidence of needlestick and

sharps injuries among workers in healthcare, nursing home, and other related work settings; the availability and extent of use of safer medical devices to prevent such injuries; the potential cost and feasibility implications of relying on such devices; how best to evaluate the efficacy of these devices and encourage worker acceptance of them, and other issues. Workers receiving such injuries may contract such deadly diseases as Hepatitis B, Hepatitis C, or Acquired Immune Deficiency Syndrome (AIDS) if the needle or sharp causing the injury is contaminated by blood or other potentially infectious material from a patient or client with bloodborne disease. OSHA received 396 responses to the RFI. It has been estimated that there are 590,000 contaminated needlestick and sharps injuries every year. OSHA decided to take several actions in response to the information received: issuance of the RFI summary report; revision of the compliance directive (CPL 2-2.44D) for the Bloodborne Pathogens standard (29 CFR 1910.1030); and proposed revision of the Bloodborne Pathogens standard to clarify that, where feasible, safer medical devices must be used to satisfy the requirements of that paragraph: "Engineering and work practice controls shall be used to eliminate or minimize employee exposure." The revised compliance directive was issued in 1999. OSHA intends to issue the proposed rule in the spring of 2001, and to hold stakeholder meetings beforehand.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB85

DOL—OSHA

Prerule Stage

2243. OCCUPATIONAL EXPOSURE TO PERCHLOROETHYLENE

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: OSHA intends to issue an advance notice of proposed rulemaking (ANPRM) to address the hazards associated with occupational exposure to perchloroethylene (also called "tetrachloroethylene") (CAS 127-18-4). OSHA's limits for this substance are 100 ppm as an 8-hour TWA; 200 ppm as a 15-minute ceiling; and 300 ppm as a 5-minute peak not to be exceeded in any 3-hour period (29 CFR 1910.1000). These limits have been in place for nearly 30 years and are widely recognized as being inadequately protective. NIOSH classifies perchloroethylene as an occupational carcinogen. Workers exposed to perchloroethylene may experience sensory irritation, narcosis, liver damage, and cancer. The ANPRM will solicit information from interested parties on the risk, current exposure levels, current industry control practices, and feasible means of achieving reductions in existing exposure levels among workers in perchloroethylene-using industries. It will also request information on the health risks posed to workers by alternative processes and solvents, including new detergent formulations.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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Phone: 202 693-1950

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RIN: 1218-AB86

2244. SANITATION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.51

Legal Deadline: None

Abstract: On October 7, 1998, the Advisory Committee on Construction Safety and Health (ACCSH) recommended that OSHA consider proposed revisions to the construction sanitation standard (29 CFR 1926.51). OSHA believes that the ACCSH recommendation raises important issues regarding the type of sanitation facilities needed for construction workers. OSHA intends to issue an ANPRM to consider revisions to the sanitation standard that would include washing facilities, gender-separate and lockable toilet facilities, and (where other OSHA standards require change rooms), gender-separate and lockable change facilities.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Russell B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Room N3468, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

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RIN: 1218-AB87

2245. HEARING LOSS PREVENTION IN CONSTRUCTION WORKERS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.52

Legal Deadline: None

Abstract: OSHA issued a section 6(b)(5) health standard mandating a comprehensive hearing conservation program for noise exposed workers in general industry in 1983. However, a number of recent studies have shown that a large number of construction workers experience work-related hearing loss. In addition, current industry practice with regard to the use of engineering, administrative and personal protective equipment to reduce exposures to noise is low in this industry. OSHA intends to issue an Advance Notice of Proposed Rulemaking (ANPRM) early in 2000, and to initiate stakeholder meetings later in the year, to gather information on the extent of noise-induced hearing loss among workers in different trades in this industry, current practices to reduce this loss, and additional approaches and protections that could be used to prevent such loss in the future.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

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RIN: 1218-AB89

Department of Labor (DOL)

Proposed Rule Stage

Occupational Safety and Health Administration (OSHA)

2246. SAFETY AND HEALTH PROGRAMS (FOR GENERAL INDUSTRY AND THE MARITIME INDUSTRIES)

Regulatory Plan: This entry is Seq. No. 86 in Part II of this issue of the **Federal Register**.

RIN: 1218-AB41

2247. OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM (PREVENTING OCCUPATIONAL ILLNESS: CHROMIUM)

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: In July 1993, the Occupational Safety and Health Administration (OSHA) was petitioned for an emergency temporary standard (ETS) to reduce the permissible exposure limit (PEL) for occupational exposures to hexavalent chromium. The Oil, Chemical, and Atomic Workers International Union (OCAW) and Public Citizen's Health Research Group (HRG) petitioned OSHA to promulgate an ETS to lower the PEL for chromium (CrVI) compounds to 0.5 micrograms per cubic meter of air (ug/m3) as an eight-hour, time-weighted average (TWA). This would represent a significant reduction in the current PEL. The current PEL in general industry is found in 29 CFR 1910.1000 Table Z and is a ceiling value of 100 ug/m3, measured as chromium (VI) and reported as chromic anhydride (CrO3). The amount of chromium (VI) in the compound equates to a PEL of 52 ug/m3. This ceiling limit applies to all forms of hexavalent chromium (VI), including chromic acid and chromates, lead chromate, and zinc chromate. The current PEL for chromium (VI) in the construction industry is 100 ug/m3 as a TWA PEL, which also equates to a PEL of 52 ug/m3. After reviewing the petition, OSHA denied the request for an ETS and initiated a section 6(b) rulemaking.

The major illnesses associated with occupational exposure to hexavalent chromium are lung cancer and dermatoses. OSHA estimates that

approximately one million workers are exposed to hexavalent chromium on a regular basis in all industries. The major uses of hexavalent chromium are: as a structural and anti-corrosive element in the production of stainless steel, ferrochromium, iron and steel, and in electroplating, welding and painting. Work on a proposed rule continues.

Timetable:

Action	Date	FR Cite
NPRM	09/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB45

2248. CONFINED SPACES IN CONSTRUCTION (PART 1926): PREVENTING SUFFOCATION/EXPLOSIONS IN CONFINED SPACES

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.36

Legal Deadline: None

Abstract: In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces (29 CFR 1910.146). This standard does not apply to the construction industry because of differences in the nature of the worksite in the construction industry. In discussions with the United Steel Workers of America on a settlement agreement for the general industry standard, OSHA agreed to issue a proposed rule to extend confined-space protection to construction workers appropriate to their work environment. One million construction workers are exposed to the hazards of confined space entry each year. OSHA intends to issue a proposed

rule addressing this construction industry hazard next year.

Timetable:

Action	Date	FR Cite
NPRM	07/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Russell B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Room N3468, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB47

2249. PERMISSIBLE EXPOSURE LIMITS (PELS) FOR AIR CONTAMINANTS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 29 USC 655 (b)

CFR Citation: 29 CFR 1910.1000; 29 CFR 1915.1000; 29 CFR 1917.1(a)(2)(ii); 29 CFR 1918.1(b)(a); 29 CFR 1926.55

Legal Deadline: None

Abstract: OSHA enforces hundreds of permissible exposure limits (PELs) for toxic air contaminants found in U.S. workplaces. Most of the air contaminant limits were adopted by OSHA in 1971 from recommendations issued by the American Conference of Governmental Industrial Hygienists and the American National Standards Institute. These PELs, which have not been updated since 1971, thus reflect the results of research conducted in the 1950s and 1960s. Since then, much new information has become available that indicates that, in many cases, these early limits are outdated and insufficiently protective of worker health.

OSHA believes that establishing a rulemaking approach that will permit the Agency to update existing air contaminant limits and establish new ones as toxicological evidence of the need to do so becomes available is a high priority. OSHA published (61 FR

DOL—OSHA

Proposed Rule Stage

1947) the name of the 20 substances from which the proposed new PELs for the first update were chosen: carbon disulfide, carbon monoxide, chloroform, dimethyl sulfate, epichlorohydrin, ethylene dichloride, glutaraldehyde, n-hexane, 2-hexanone, hydrazine, hydrogen sulfide, manganese and compounds, mercury and compounds, nitrogen dioxide, perchloroethylene, sulfur dioxide, toluene, toluene diisocyanate, trimellitic anhydride, and vinyl bromide. The specific hazards associated with the air contaminants preliminarily selected for regulation include cancer, neurotoxicity, respiratory and skin irritation and sensitivity, and cardiovascular disease, etc. For this first stage in the current rulemaking process, OSHA has decided to propose new PELs for four chemicals - carbon disulfide, glutaraldehyde, hydrazine, and trimellitic anhydride - that have different adverse health effects, both carcinogenic and non-carcinogenic, requiring different risk assessment approaches. For these four chemicals, OSHA has modified or developed new quantitative risk assessment approaches for cancer, respiratory sensitization and irritation, cardiovascular disease and neurotoxicity effects. Publication of the proposal will allow OSHA to continue to develop a mechanism for updating and extending its air contaminant limits, that will, at the same time, provide added protection to many workers who are currently being overexposed to toxic substances in the workplace.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB54

2250. PLAIN LANGUAGE REVISION OF THE FLAMMABLE AND COMBUSTIBLE LIQUIDS STANDARD

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 5 USC 553

CFR Citation: 29 CFR 1910.106

Legal Deadline: None

Abstract: This project responds to the President's Executive Memo of June 1998 regarding the use of plain language in Federal regulations. With this project, OSHA is initiating rulemaking that will revise the regulations contained in 29 CFR 1910.106 addressing flammable and combustible liquids storage. The purpose of this rulemaking will be to restate this standard in plain language.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The Flammable and Combustible Liquids Plain Language Revision Project, 29 CFR 1910.106, was originally one of four projects listed under RIN 1218-AB55.

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RIN: 1218-AB61

2251. PLAIN LANGUAGE REVISION OF THE MECHANICAL POWER-TRANSMISSION APPARATUS STANDARD

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 5 USC 553

CFR Citation: 29 CFR 1910.219

Legal Deadline: None

Abstract: OSHA has identified this standard in 29 CFR part 1910 for revision as part of the President's initiative on Federal regulations discussed in the U.S. Department of Labor Report of June 15, 1995 and to respond to the President's June 1998 Executive Memo on Plain Language. OSHA intends to propose a plain language revision of the rule.

Timetable:

Action	Date	FR Cite
NPRM - Mechanical Power-Transmission Apparatus	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB66

2252. ELECTRIC POWER TRANSMISSION AND DISTRIBUTION; ELECTRICAL PROTECTIVE EQUIPMENT IN THE CONSTRUCTION INDUSTRY

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910.136; 29 CFR 1910.137; 29 CFR 1910.269; 29 CFR 1926.97; 29 CFR 1926.950 to 968

Legal Deadline: None

Abstract: The annual fatality rate for power line workers is over 50 deaths per 100,000 employees. The

DOL—OSHA

Proposed Rule Stage

construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 20 years old. OSHA is developing a revision of this standard that will prevent many of these fatalities, that will add flexibility to the standard, and that will update and streamline the standard. In addition, OSHA intends to amend the corresponding standard for general industry so that requirements for work performed during maintenance of electric power transmission and distribution installations are the same as those for similar work in construction.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
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RIN: 1218-AB67

2253. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

Regulatory Plan: This entry is Seq. No. 87 in Part II of this issue of the **Federal Register**.

RIN: 1218-AB70

2254. STANDARDS IMPROVEMENT (MISCELLANEOUS CHANGES) FOR GENERAL INDUSTRY, MARINE TERMINALS, AND CONSTRUCTION STANDARDS (PHASE II)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.142; 29 CFR 1910.178; 29 CFR 1910.219; 29 CFR

1910.261; 29 CFR 1910.265; 29 CFR 1910.410; 29 CFR 1910.1001 to 1910.1052; 29 CFR 1926.60; 29 CFR 1926.62; 29 CFR 1926.1101; 29 CFR 1926.1127; 29 CFR 1926.1129; 29 CFR 1917.92

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration (OSHA) is continuing the process of removing or revising provisions in its standards that are out of date, duplicative, unnecessary, or inconsistent. The Agency is proposing these changes to reduce the burden imposed on the regulated community by these provisions and to further respond to a March 4, 1995 memorandum from the President. In this document, substantive changes are proposed for standards that will revise or eliminate duplicative, inconsistent, or unnecessary regulatory requirements without diminishing employee protections. Phase I of this Standards Improvement process was completed in June 1998 (63 FR 33450).

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB81

2255. PLAIN LANGUAGE REVISIONS TO SPRAY APPLICATIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.107; 29 CFR 1910.94(c) and (d)

Legal Deadline: None

Abstract: This plain language effort will revise one of OSHA's most complex and out-of-date rules, those for spray finishing using flammable and combustible liquids (29 CFR 1010.107). This standard addresses the hazards associated with the use of spray areas or spray booths to apply flammable or combustible liquids to manufactured equipment and objects. It includes specifications for the design of spray booths and areas, and for the use of these booths and areas and associated equipment. The plain language rule will be titled "Spray Applications." This rule was originally listed under RIN 1218-AB55.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB84

2256. SIGNS, SIGNALS, AND BARRICADES

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.200; 29 CFR 1926.201; 29 CFR 1926.202; 29 CFR 1926.203

Legal Deadline: None

Abstract: OSHA's standard on Signs, Signals and Barricades (subpart G-29 CFR 1926.200 through 1926.203) currently incorporates the American National Standards Institute's 1971 industry consensus standard ANSI D6.1-1971. The ANSI organization has withdrawn its 1971 standard and the U.S. Department of Transportation has issued an updated standard entitled: A Manual on Uniform Traffic Control

DOL—OSHA

Proposed Rule Stage

Devices (MUTCD). Because the OSHA standard is out of date, the Agency intends to propose changes to update subpart G to incorporate the requirements of the Department of Transportation's MUTCD into the OSHA rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Russell B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Room N3468, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 693-2020

Fax: 202 693-1689

Email: bswanson@dol.gov

RIN: 1218-AB88

2257. • CHANGES TO STATE PLANS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

Legal Authority: 29 USC 667

CFR Citation: 29 CFR 1953

Legal Deadline: None

Abstract: Section 18 of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 667, provides that States that wish to assume responsibility for developing and enforcing their own occupational safety and health standards relating to any occupational safety or health issue may do so by submitting and obtaining Federal approval of a State plan. A State plan consists of the laws, standards and other regulations, and procedures under which the State operates its occupational safety and health program. From time to time after initial plan approval, States may make changes to their plans as a result of legislative, regulatory or administrative actions. If the State makes a change to its plan which differs from the Federal program, the State must notify OSHA of the change to its plan which differs from the Federal program (referred to as a plan supplement). OSHA then reviews the changes; if they meet the approval criteria OSHA publishes a notice announcing the approval of the change; if the change does not meet the criteria OSHA initiates procedures to reject the change.

OSHA is proposing to amend its regulations regarding State plan changes to streamline the review and approval process and to allow more organizational flexibility in this process. Changes which are identical to components of the Federal program would not require formal review. The proposal also would reorganize 29 CFR part 1953 to eliminate repetitive language. Cross references to part 1953 in the CFR would be changed as necessary to reflect the correct references.

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Agency Contact: Paula O. White, Director, Directorate of Federal State Operations, Department of Labor, Occupational Safety and Health Administration, Room N3700, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2213

RIN: 1218-AB91

Department of Labor (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

2258. STEEL ERECTION (PART 1926) (SAFETY PROTECTION FOR IRONWORKERS)

Regulatory Plan: This entry is Seq. No. 88 in Part II of this issue of the **Federal Register**.

RIN: 1218-AA65

2259. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL, AND THEIR ACETATES: PROTECTING REPRODUCTIVE HEALTH

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655; 29 USC 657; 29 USC 651

CFR Citation: 29 CFR 1910.1000; 29 CFR 1910.1031

Legal Deadline: None

Abstract: OSHA published an Advance Notice of Proposed Rulemaking (ANPRM) on April 2, 1987 (52 FR 10586). OSHA used the information received in response to the ANPRM, as well as other information and analysis, and published a proposal on March 23, 1993 (58 FR 15526), that would reduce the permissible exposure limits for four glycol ethers and provide protection for approximately 46,000 workers exposed to these substances. OSHA is working toward promulgation of a final rule in 2001.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	03/23/93	58 FR 15526

Action	Date	FR Cite
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NPRM Comment
Period End

06/07/93

Final Action

04/00/01

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AA84

2260. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES (SIMPLIFIED INJURY/ILLNESS RECORDKEEPING REQUIREMENTS)

Regulatory Plan: This entry is Seq. No. 89 in Part II of this issue of the **Federal Register**.

RIN: 1218—AB24

2261. ERGONOMICS PROGRAMS: PREVENTING MUSCULOSKELETAL DISORDERS

Regulatory Plan: This entry is Seq. No. 90 in Part II of this issue of the **Federal Register**.

RIN: 1218—AB36

2262. OCCUPATIONAL EXPOSURE TO TUBERCULOSIS

Regulatory Plan: This entry is Seq. No. 91 in Part II of this issue of the **Federal Register**.

RIN: 1218—AB46

2263. EMPLOYER PAYMENT FOR PERSONAL PROTECTIVE EQUIPMENT

Regulatory Plan: This entry is Seq. No. 92 in Part II of this issue of the **Federal Register**.

RIN: 1218—AB77

2264. CONSULTATION

Priority: Other Significant

Legal Authority: 29 USC 670

CFR Citation: 29 CFR 1908

Legal Deadline: None

Abstract: OSHA proposed an amendment to 29 CFR 1908, the Agency's regulations governing consultation agreements, to provide for full employee involvement in the consultative process in line with the President's directive to enhance worker participation in the consultation program (The New OSHA: Reinventing Worker Safety and Health, May 1995), and to implement the requirements of the Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1999 (section 21(d)) of the OSH Act.

Timetable:

Action	Date	FR Cite
NPRM	07/02/99	64 FR 35972
Final Rule	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Paula O. White, Director, Directorate of Federal State Operations, Department of Labor, Occupational Safety and Health Administration, Room N3700, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2213

RIN: 1218—AB79

2265. WALKING WORKING SURFACES AND PERSONAL FALL PROTECTION SYSTEMS (1910) (SLIPS, TRIPS AND FALL PREVENTION)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655 (b)

CFR Citation: 29 CFR 1910, subparts D and I

Legal Deadline: None

Abstract: In 1990, OSHA proposed (55 FR 13360) a rule addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. OSHA has analyzed the record and determined that it is appropriate to move forward with a final rule addressing personal fall protection requirements (subpart I of 29 CFR 1910). The Agency intends to issue a final rule in 2001.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	55 FR 13360
NPRM Comment Period End	08/22/90	
Hearing	09/11/90	55 FR 29224
Final Rule (Subpart I)	09/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200

Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218—AB80

2266. PLAIN LANGUAGE REVISIONS TO THE EXIT ROUTES STANDARD

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 5 USC 353

CFR Citation: 29 CFR 1910.35; 29 CFR 1910.36; 29 CFR 1910.37; 29 CFR 1910.38

Legal Deadline: None

Abstract: This plain language effort will revise one of OSHA's most complex and out-of-date standards, Means of Egress, codified at 29 CFR 190.38. This standard addresses exit routes in general industry workplaces, which are essential to guide employees to safety in an emergency. The plain language rule will be titled "Exit Routes." This rule was originally listed under RIN 1218-AB55.

Timetable:

Action	Date	FR Cite
NPRM	09/10/96	61 FR 47712
Public Hearing	04/29/97	62 FR 9402
Final Rule	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218—AB82

2267. ● COTTON DUST: WASHED COTTON EXEMPTION (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing

DOL—OSHA

Final Rule Stage

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1043(n)

Legal Deadline: None

Abstract: OSHA has completed a Lookback Review of the Cotton Dust Standard pursuant to Section 610 of the Regulatory Flexibility Act and Section 5 of Executive Order 12866. As part of that review OSHA requested public comments (63 FR 32140, June 22, 1998) and held two public meetings. During that review commenters representing the National Institute for Occupational Safety and Health (NIOSH), the Washed Cotton Task Force, and industry and union representatives on the task force recommended that OSHA expand the washed cotton partial exemption that appears in the cotton dust standard.

Raw cotton washed according to certain protocols creates a much lower risk of

byssinosis, and the current cotton dust standard at 29 CFR 1910.1043(n) provides a partial exemption from the standard for such washed cotton. The Washed Cotton Task Force, made up of representatives of government, industry and unions, has sponsored research which demonstrates that cotton washed pursuant to an additional process, batch kier washing following a specific protocol, also creates a much lower risk of byssinosis.

One of the purposes of a Lookback Review is to streamline regulation when that is appropriate based on experience or new science. Expanding the washed cotton partial exemption is supported by new science and seems generally to be supported by the affected community. Accordingly, OSHA intends to promptly issue a direct final rule to expand the partial exemption from the cotton dust standard to batch kier washed in accordance with the protocol recommended by the Task Force.

Timetable:

Action	Date	FR Cite
Direct Final Rule	10/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Will permit cotton textile mills, many of which are small businesses pursuant to the SBA definition, to choose an option which will reduce their costs to comply with OSHA's cotton dust standard.

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB90

Department of Labor (DOL)

Long-Term Actions

Occupational Safety and Health Administration (OSHA)

2268. RESPIRATORY PROTECTION (PROPER USE OF MODERN RESPIRATORS)

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 33 USC 941; 40 USC 333

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: In January 1998, OSHA published the final respiratory protection standard, except for the reserved provision on assigned protection factors (APFs). APFs are numbers that estimate the degree of performance of the various classes of respirators. OSHA is developing an approach to devising APFs that

involves analyzing available data including data from workplace and chamber studies, where such data are available. OSHA will request further public comment on the analyses conducted using this approach. This will assure that OSHA receives and fully considers public input before issuing final APFs. OSHA expects to complete the rulemaking on APFs in 2001.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment	09/13/82	
Period End		
NPRM	11/15/94	59 FR 58884
Final Rule	01/08/98	63 FR 1152
Final Rule Effective	04/08/98	63 FR 1152
Final Rule - Assigned	12/00/01	
Protection Factors		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, State, Local, Tribal

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200

Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AA05

2269. LONGSHORING AND MARINE TERMINALS (PARTS 1917 AND 1918) — REOPENING OF THE RECORD (VERTICAL TANDEM LIFTS (VTLS))

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 33 USC 941; 29 USC 655

CFR Citation: 29 CFR 1918.11; 29 CFR 1918.85

Legal Deadline: None

Abstract: OSHA issued a final rule on Longshoring on July 25, 1997 (62 FR 40142). However, in that rule, the

DOL—OSHA

Long-Term Actions

Agency reserved provisions related to vertical tandem lifts. Vertical tandem lifts (VTLs) involve the lifting of two empty single intermodal containers, secured together with twist locks, at the same time. Because some commenters to the record questioned the safety of allowing such tandem lifts and the record does not contain adequate information to allow the Agency to address this issue, OSHA is gathering additional information. The Agency will make a decision about whether to proceed with rulemaking or to address this issue through a compliance directive in early 2001.

Timetable:

Action	Date	FR Cite
NPRM	06/06/94	59 FR 28594
NPRM Comment Period End	09/23/94	
Final Rule on Longshoring/Marine Terminals	07/25/97	62 FR 40142
Public Meeting on VTLs - 1/27/1998	10/09/97	62 FR 52671
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AA56

2270. SCAFFOLDS IN SHIPYARDS (PART 1915 — SUBPART N)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and

consolidate the various OSHA standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. Shipyard employers are subject to both shipyard and general industry standards, and this project aimed at establishing a vertical standard for shipyard employment by addressing six shipyard employment safety standards (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these subparts were issued in November 1988 (53 FR 48092). Final rules have been issued on two of these proposals: Personal Protective Equipment and Confined Spaces. The remaining subparts in part 1915 were categorized as Phase II of the consolidation project (including General Working Conditions and Fire Protection).

This standard will revise the existing shipyard employment standards covering scaffolds and will consolidate all related and applicable 29 CFR part 1910 provisions into 29 CFR part 1915. It will develop, in part, performance-oriented standards, address current gaps in coverage, and address new technologies. About 75,000 workers are potentially exposed to these hazards annually.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Reopened Record Comment Period Ended	04/12/94	59 FR 17290
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
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RIN: 1218-AA68

2271. ACCESS AND EGRESS IN SHIPYARDS (PART 1915, SUBPART E) (SHIPYARDS: EMERGENCY EXITS AND AISLES)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: In the 1980s, OSHA embarked on a project to update and consolidate OSHA standards that applied to the shipbuilding, shiprepair, and shipbreaking industry. Shipyard employers are subject to both the shipyard and general industry standards, and this project aimed at establishing a vertical standard for shipyard employment by addressing six subparts (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these subparts were issued in November 1988 (53 FR 48092). Final rules have been issued on two of these proposals: Personal Protective Equipment and Confined Spaces. The remaining subparts in part 1915 were categorized as Phase II of the consolidation project (including General Working Conditions and Fire Protection).

This standard will revise the existing shipyard employment standards covering access and egress and will consolidate all related and applicable 29 CFR part 1910 provisions into 29 CFR part 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions. About 75,000 workers are potentially exposed to these hazards annually.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130

DOL—OSHA

Long-Term Actions

Action	Date	FR Cite
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NPRM Comment Period End	02/27/89	
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Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AA70**2272. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 655(b); PL 101-549 (November 15, 1990); 5 USC 552(a); 5 USC 553**CFR Citation:** 29 CFR 1910.121**Legal Deadline:** None

Abstract: The Superfund Amendments and Reauthorization Act (SARA) of 1986 (Public Law 99-499) established the criteria under which OSHA was to develop and promulgate the Hazardous Waste Operations and Emergency Response standard. OSHA issued an interim final standard on December 19, 1986 (51 FR 45654) to comply with the law's requirements. OSHA issued a permanent final rule for provisions on training to replace this interim rule on March 9, 1989 (29 CFR 1910.120).

On December 22, 1987, as part of an omnibus budget reconciliation bill (PL 100-202), Congress amended section 126(d)(3) of SARA to include accreditation of training programs for hazardous waste operations. OSHA issued a proposal on January 26, 1990 (55 FR 2776), addressing this issue. OSHA received public comments following the issuance of the proposal. OSHA also reopened the record in June 1992 to allow additional public comment on an effectiveness of training study that the Agency had conducted. OSHA has also developed nonmandatory guidelines to further

address minimum training criteria. OSHA has not yet determined what further steps, if any, are necessary in this rulemaking.

Timetable:

Action	Date	FR Cite
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NPRM	01/26/90	55 FR 2776
NPRM Comment Period End	04/26/90	55 FR 2776

Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
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RIN: 1218-AB27**2273. INDOOR AIR QUALITY IN THE WORKPLACE****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 655**CFR Citation:** 29 CFR 1910; 29 CFR 1915; 29 CFR 1926; 29 CFR 1928**Legal Deadline:** None

Abstract: Every day, more than 20 million American workers face an unnecessary health threat because of indoor air pollution in the workplace. Thousands of heart disease deaths, hundreds of lung cancer deaths, and many cases of respiratory disease, Legionnaire's disease, asthma, and other ailments are estimated to be linked to this occupational hazard. EPA estimates that 20 to 35 percent of all workers in modern mechanically ventilated buildings may experience air-quality related signs and symptoms.

After reviewing and analyzing available information, OSHA published a proposed rule on April 5, 1994. The proposal would require employers to write and implement indoor air quality compliance plans that would include inspection and maintenance of current building ventilation systems to ensure they are functioning as designed. In buildings where smoking is allowed,

the proposal would require designated smoking areas that would be separate, enclosed rooms where the air would be exhausted directly to the outside. Other proposed provisions would require employers to maintain healthy air quality during renovation, remodeling, and similar activities. The provisions for indoor air quality would apply to 70 million workers and more than 4.5 million nonindustrial indoor work environments, including schools and training centers, offices, commercial establishments, health care facilities, cafeterias and factory break rooms. The proposed ETS provisions would apply to all 6 million industrial and nonindustrial work environments under OSHA's jurisdiction. OSHA preliminarily estimated that the proposed standard would prevent a substantial number of air-quality related illnesses per year.

Timetable:

Action	Date	FR Cite
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Request for Information	09/20/91	56 FR 47892
NPRM	04/05/94	59 FR 15968
NPRM Comment Period End	08/13/94	
Record Closed	02/09/96	

Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** This action may have federalism implications as defined in EO 13132.

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RIN: 1218-AB37**2274. GENERAL WORKING CONDITIONS FOR SHIPYARD EMPLOYMENT****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in

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the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915, subpart F

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. Publication of a proposal addressing general working conditions in shipyards is part of this project. The operations addressed in this rulemaking relate to housekeeping, illumination, sanitation, first aid, and lockout/tagout. About 75,000 workers are exposed annually to these hazards.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 1218-AB50

2275. FIRE PROTECTION IN SHIPYARD EMPLOYMENT (PART 1915, SUBPART P) (SHIPYARDS: FIRE SAFETY)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915, subpart P

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, shiprepair, and

shipbreaking industry. With the assistance of the Agency's Maritime Advisory Committee on Occupational Safety and Health, OSHA formed a Negotiated Rulemaking Committee to develop draft regulatory text addressing fire protection in shipyards. The committee includes members representing employers, employees, and other affected parties. The committee has drafted a regulatory text and is now working with OSHA staff to refine and support it in preparation for publication as a proposed rule.

The operations that would be addressed in this rulemaking relate to fire brigades, fire extinguishers, sprinkler systems, detection systems, alarm systems, fire watches, and emergency plans. A total of 75,000 workers are potentially exposed to these hazards annually. This proposed standard is expected to be published next year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB51

2276. METALWORKING FLUIDS: PROTECTING RESPIRATORY HEALTH

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b)(1); 29 USC 656(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: In December 1993, the International Union, United Automobile Aerospace and Agricultural Implement Workers of America, petitioned OSHA to take emergency regulatory action to protect workers from the risks of occupational cancers and respiratory illnesses due to

exposure to metalworking fluids. In response to the petition, OSHA established a 15-member Standards Advisory Committee to make recommendations to OSHA regarding the need for a standard, a guideline, or other appropriate response to the dangers of occupational exposures to metalworking fluids. The Committee recommended that OSHA proceed with a rulemaking on metalworking fluids under section 6(b)(5) of the Act. Workers exposed to these fluids are at risk of developing respiratory diseases, including hypersensitivity pneumonitis, occupational asthma, and lung cancer and dermatoses. The committee submitted its report to OSHA in July, 1999. OSHA plans to propose a standard in 2001.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB58

2277. FALL PROTECTION IN THE CONSTRUCTION INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA issued an ANPRM to gather information on fall protection issues regarding certain construction processes such as residential home building, precast concrete operations and post frame construction. The issues relate to the fall protection rules as they now apply to roofing work, residential construction operations, climbing reinforcement steel and vendors delivering materials to construction projects. These issues have arisen since OSHA revised the fall protection standard in August 1994. The comment

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period on the ANPRM closed January 24, 2000. OSHA is now evaluating comments to determine whether further action is required.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/99	64 FR 38077
ANPRM Comment Period End	01/24/00	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Russell B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Room N3468, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

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RIN: 1218-AB62

2278. SAFETY STANDARDS FOR SCAFFOLDS USED IN THE CONSTRUCTION INDUSTRY—PART II

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1926.453; 29 CFR 1926.454

Legal Deadline: None

Abstract: Since the promulgation of a final rule for scaffolds used in construction in August 1996, several issues have arisen under the new standard. The Agency will solicit information on several issues including: (1) providing access to platforms where decking extends past the ends of the scaffold; (2) changing the minimum width for roof brackets to less than 12 inches; (3) changing the requirements for grounding of the scaffold during welding operations; and (4) requiring the use of scaffold grade planks.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1218-AB68

2279. SAFETY AND HEALTH PROGRAMS FOR CONSTRUCTION

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655; 29 USC 657; 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: In response to industry requests and in response to the recommendation of OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA has determined that the current safety and health program standards contained in subpart C of the construction standards, 29 CFR 1926, need to be revised to provide construction employers with a more comprehensive set of requirements to assist them in establishing safety and health programs. Safety and health programs have proven to be an effective, systematic method of identifying and correcting existing workplace safety and health hazards, as well as preventing those that might arise in the future.

After its April 1996 meeting, ACCSH began to develop language and concepts to submit to OSHA for consideration as a proposed rule. Over 130 stakeholders representing small, medium and large contractors and host employers and stakeholders (such as petroleum producers; contractor associations; labor unions; other governmental agencies; and nonprofit institutions) have participated in these ACCSH discussions.

Although OSHA is still developing the details of a new proposed safety and health program standard, the proposal will require employers to set up a program for managing workplace safety and health in order to reduce the incidence of occupational deaths, injuries, and illnesses. The standard will not impose duties on employers to control hazards that they are not already required to control. Instead, the standard will provide a basic

framework for systematically identifying and controlling workplace hazards already covered by the OSH Act under section 5(a)(1) and current OSHA standards.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: A separate standard is being developed for general industry (29 CFR 1910) and the maritime (29 CFR 1915, 1917 and 1918) industries (see entry for RIN 1218-AB41).

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RIN: 1218-AB69

2280. CONTROL OF HAZARDOUS ENERGY (LOCKOUT) IN CONSTRUCTION (PART 1926) (PREVENTING CONSTRUCTION INJURIES/FATALITIES: LOCKOUT)

Priority: Economically Significant

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA issued a general industry rule on September 1, 1989 (54 FR 36644) to address the hazards posed to workers by the failure to control hazardous energy (i.e., the failure to properly lock out or tag out machines and equipment) during repair and servicing activities. OSHA has not yet issued a standard to prevent these accidents during equipment repair and maintenance activities in the construction industry. Four million workers annually may be exposed to this hazard in construction workplaces.

Construction sites often do not have effective lockout/tagout procedures to control hazardous energy because of several factors, all associated with the

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nature of the construction industry. These factors basically relate to the types of machines and equipment found in construction; the makeup of the industry (i.e., employment is relatively "short term," lasting only as long as the length of the current project); multiple employers having different employer/employee relationships are present at the same site; and "in-the-field" maintenance activity is usually temporary. OSHA intends to issue a proposal to address this hazard in this industry.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 1218-AB71

2281. OCCUPATIONAL EXPOSURE TO BERYLLIUM

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Beryllium is a lightweight metal that is used for nuclear weapons, for atomic energy, and for metal alloys such as beryllium-copper and beryllium-aluminum. The metal alloys are used in dental appliances, golf clubs, non-sparking tools, wheelchairs, etc. Beryllium is also used in the ceramics industry. OSHA's current permissible exposure limits for beryllium are: an 8-hour TWA of 2 ug/m³; a 5 ug/m³ ceiling concentration not to be exceeded over a 30-minute period; and a 25 ug/m³ maximum peak exposure never to be exceeded.

In 1977, OSHA proposed to reduce the 8-hour TWA exposure to beryllium

from 2 ug/m³ to 1 ug/m³ based on evidence that beryllium caused lung cancer in exposed workers. A hearing followed the proposal, but a final standard was never published. Since the previous OSHA hearing, NIOSH has updated its studies on beryllium exposed workers. The study results again demonstrated a significant excess of lung cancer among exposed workers. The International Agency for Research on Cancer (IARC) has concluded that beryllium is a carcinogen in humans (Category I).

In addition to lung cancer, a new OSHA beryllium standard would address chronic beryllium disease (CBD), a fatal disease involving lung fibrosis and other organ toxicity. Based on several recent studies involving workers employed in the beryllium ceramics industry, in beryllium production, and in Department of Energy facilities, there is now evidence that very low level beryllium exposure (less than 0.5 ug/m³) may cause CBD. A new medical surveillance tool is now available that allows for the early detection of workers with CBD prior to any signs of clinical disease or symptoms. Beryllium-sensitized workers convert to CBD at an estimated rate of about 10 percent per year. This "beryllium sensitization" test is being used in clinical studies of current and past exposed workers. Recent study results indicate that between 5 percent and 15 percent of beryllium-exposed workers are sensitized and will eventually develop CBD.

In the past year, OSHA was petitioned to issue an emergency temporary standard (ETS) by the Paper, Allied-Industrial, Chemical and Energy Workers Union (PACE) to protect workers from developing Chronic Beryllium Disease (CBD) and lung cancer as a result of occupational beryllium exposure. The petition was denied, but the Agency has initiated rulemaking under Section 6(b)(5) to protect beryllium-exposed workers from contracting these diseases.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

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RIN: 1218-AB76

2282. CONSOLIDATION OF RECORDS MAINTENANCE REQUIREMENTS IN OSHA STANDARDS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 40 USC 333; 29 USC 655; 33 USC 941; 5 USC 553

CFR Citation: 29 CFR 1910; 29 CFR 1915 to 1918; 29 CFR 1926; 29 CFR 1928

Legal Deadline: None

Abstract: OSHA is initiating a rulemaking to simplify and consolidate many of its requirements for employers to maintain records of training, testing, medical surveillance, and other activities conducted to comply with OSHA health and safety standards. These records maintenance requirements appear in many OSHA standards and are codified at 29 CFR 1910 (General Industry), 29 CFR 1915-1918 (Maritime), 29 CFR 1926 (Construction), and 29 CFR 1928 (Agriculture). The final rule, when published, will facilitate compliance with these requirements and reduce the amount of paperwork associated with these records, but will leave employee protections unchanged.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health

DOL—OSHA

Long-Term Actions

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RIN: 1218-AB78

2283. OIL AND GAS WELL DRILLING AND SERVICING

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.270

Legal Deadline: None

Abstract: OSHA intends to propose a standard for the oil and gas well drilling and servicing industry. In 1982, OSHA proposed a standard for the industry. OSHA believed at that time that the OSHA general industry standard did not adequately address the hazards of oil and gas well drilling and servicing and that this lack of protection contributed to a high number of deaths and injuries in the industry. No final action was taken with respect to the proposed standard and, therefore, there is still no specific OSHA standard for the oil and gas well drilling and servicing industry. OSHA intends to repropose in the near future, because changes in technology, conditions in the industry, and workforce demographics necessitate the issuance of a new proposal.

The oil and gas well drilling and servicing industry is involved in extracting underground deposits of oil and gas and in maintaining the equipment used to bring the oil and gas to the surface. In 1997, there were 85 deaths resulting from accidents in the industry, caused by such events as falling from equipment/platforms to another level, being struck or crushed by equipment, and being asphyxiated. OSHA has begun collecting information and data with respect to the industry and will soon hold stakeholder meetings to provide an early opportunity to those who may be impacted by a standard to discuss their ideas on the rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB83

2284. • WOODWORKING MACHINERY

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.213

Legal Deadline: None

Abstract: OSHA's standards for woodworking machinery (29 CFR 1910.213) have not been updated since their adoption in 1971. The corresponding industry consensus standards have been updated several times in the intervening years. OSHA intends to work with affected stakeholders to develop an updated woodworking machinery standard that reflects the technological advances and changes in occupational safety and health practices that have taken place since then. The revised standard will take account of approaches included in the most recent voluntary consensus standard.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health

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RIN: 1218-AB92

2285. • ERGONOMICS PROGRAMS IN CONSTRUCTION (PART 1926): PREVENTING WORK-RELATED MUSCULOSKELETAL DISORDERS AMONG CONSTRUCTION WORKERS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: Based on evidence that employers in the construction industry report to the Bureau of Labor Statistics, more than 40,000 lost-time musculoskeletal disorders (MSDs) occur among their workers every year. Accordingly, OSHA has decided to begin to gather information for future rulemaking to address these disorders. When the number of non-lost worktime MSDs in this workforce is added to the total, the annual number of MSDs experienced by construction workers is likely to exceed 200,000. Approximately one-third of the costs construction employers incur for workers' compensation every year goes to pay for these costly injuries. However, many work-related MSDs are preventable, and many low-cost methods of reducing worker exposure to ergonomic risk factors are now available for the construction industry. OSHA intends to publish an ANPR to gather information on the construction workers most at risk, feasible methods of reducing this risk, and successful ergonomics programs in construction.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

DOL—OSHA

Long-Term Actions

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RIN: 1218-AB94

2286. • SUBPART S—ELECTRICAL STANDARDS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910. Subpart S

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration (OSHA) is planning to update the Subpart S-Electrical Standard and will rely heavily on the materials involved in the development of the 2000 Edition of the National Fire Protection Association's (NFPA's) 70 E standard for Electrical Safety Requirements for Employee Workplaces. This revision will provide the first update of Subpart S-Electrical since the standard was originally published in 1981. It will thus allow the latest technological developments to be considered; several of these state-of-the-art safety developments will be addressed by OSHA for the first time. The update of Subpart S-Electrical will also permit the completion of standards covering safety-related maintenance requirements and safety requirement for special equipment.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB95

2287. • OCCUPATIONAL HEALTH RISKS IN THE MANUFACTURE AND ASSEMBLY OF SEMICONDUCTORS

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The manufacture and assembly of semiconductors requires the use of a variety of complex mixtures of chemicals. For most of these chemicals, adequate data on toxicity are not available, although chemical structure suggests that they may present potential health risks. The types of mixtures used and their components change rapidly in this industry. OSHA is aware of case reports and epidemiologic studies suggesting excesses of certain cancers and reproductive damage among employees in this industry. Although these effects may be associated with processes and mixtures no longer in common use, the 1995 Priority Planning Process emphasized reproductive hazards as an item of special concern.

Accordingly, OSHA is planning to request information on the chemical content of "photoresist" and other mixtures currently used in semiconductor manufacture and assembly, on employee exposures in this sector, on toxicological information available about the components or mixtures, and about feasible means of reducing vapor-phase exposures in industry "clean rooms."

Timetable:

Action	Date	FR Cite
ANPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

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RIN: 1218-AB96

2288. • COMMERCIAL DIVING OPERATIONS: TECHNICAL AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1910.423

Legal Deadline: None

Abstract: OSHA's Commercial Diving Operations standard (29 CFR 1910.401 to 1910.441) was published in 1977. In the intervening years, major changes in the technology of diving systems and equipment have occurred. In December 1999, OSHA granted a permanent variance to Dixie Divers, Inc. permitting recreational diving instructors employed by that company to comply with the provisions of the variance rather than with paragraphs (b)(2) and (c)(3)(iii) of 1910.423 and paragraph (b)(1) of 1910.426. Since granting of the variance, other employers of recreational diving instructors have asked OSHA to clarify the applicability of the variance to their operations. OSHA intends to issue a Request for Information to obtain data on the appropriateness of amending the commercial diving operations standard to reflect the alternative specified in the permanent variance granted to Dixie Divers, Inc.

Timetable:

Action	Date	FR Cite
Request for Information	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB97

Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)
Completed Actions
2289. NATIONALLY RECOGNIZED TESTING LABORATORIES PROGRAMS: FEES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 9701; 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.7

Legal Deadline: None

Abstract: A number of OSHA standards require that certain products and equipment used in the workplace be tested and certified by a laboratory that has been recognized and accredited by OSHA. Through the Nationally Recognized Testing Laboratory (NRTL) Program OSHA has, to date, recognized 17 laboratories operating over 40 sites in the United States, Europe, Canada, and the Far East as NRTLs. OSHA recently completed its revision of 29 CFR 1910.7 to allow OSHA to charge fees to NRTLs for services that are provided to the NRTLs by OSHA. The fees are computed on the basis of the cost of the services to the Government. In determining the amount of such fees, OSHA followed the guidelines established by the Office of Management and Budget in Circular Number A-25. The final rule was published in the summer of 2000.

Timetable:

Action	Date	FR Cite
NPRM	08/18/99	64 FR 45098
NPRM Comment Period End	10/04/99	
Final Rule	07/31/00	65 FR 46797
Final Rule Effective	08/30/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Bernard Pasquet, Directorate of Technical Support, Department of Labor, Occupational Safety and Health Administration,

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RIN: 1218-AB57

2290. REVOCATION OF CERTIFICATION RECORDS FOR TESTS, INSPECTIONS, AND TRAINING

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 29 USC 655(b); 40 USC 333; 33 USC 941

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1926; 29 CFR 1917; 29 CFR 1918

Legal Deadline: None

Abstract: OSHA has completed its initial assessment of its rules which require employers to maintain certification records of tests, inspections and training. No rulemaking action is anticipated during the next year. OSHA is withdrawing this entry.

Timetable:

Action	Date	FR Cite
Withdrawn	06/20/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3609, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB65

2291. COTTON DUST (COMPLETION OF A SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 29 USC 655 (b); 5 USC 553; 5 USC 610

CFR Citation: 29 CFR 1910.1043

Legal Deadline: None

Abstract: OSHA has reviewed its cotton dust standard (29 CFR 1910.1043) in accordance with the requirements of section 610 of the Regulatory Flexibility Act and section 5 of EO 12866. The review covered the continued need for the rule; the nature of complaints or comments received from the public concerning the rule; the complexity of the rule; the extent to which the rule overlaps, duplicates or conflicts with other Federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in the industries affected by the rule. The review concluded that the rule should be continued without change except to expand the washed cotton exemption.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	10/11/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John F. Martonik, Director, Office of Program Audits and Evaluation, Department of Labor, Occupational Safety and Health Administration, Room N3641, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
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RIN: 1218-AB74

Department of Labor (DOL)
Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)
Proposed Rule Stage
2292. ANNUAL REPORT FOR FEDERAL CONTRACTORS

Priority: Other Significant

Legal Authority: PL 105-339 Veterans Employment Opportunities Act of 1998

CFR Citation: 41 CFR 61

Legal Deadline: None

Abstract: The Veterans' Employment and Training Service is proposing to issue regulations implementing changes in the reporting requirements as stated in Veterans Employment Opportunity Act of 1998. The Act requires all Federal contractors and subcontractors with contracts in the amount of \$25,000 or more to report their efforts toward

the hiring of qualified veterans. The Act also added an additional category of veterans, "other veteran," to be eligible for employment by Federal contractors. This proposal will help VETS assist in providing qualified veterans to maximize employment and training opportunities.

DOL—ASVET

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/00	
Final Action	01/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert Wilson, Chief,
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RIN: 1293-AA07

[FR Doc. 00-23743 Filed 11-29-00]

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