



Monday,
November 22, 1999

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 1999 and October 2000, as well as those completed during the past 6 months.

FOR FURTHER INFORMATION CONTACT: Roland Droitsch, Deputy Assistant Secretary for Policy, 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.

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. 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 9, 1998, Unified Agenda, the Department listed six rules that were to be reviewed in the succeeding 12 months.

The Employment Standards Administration (ESA) reviewed Government Contractors: Nondiscrimination and Affirmative Action Obligations (41 CFR 60-2) that was last reviewed in 1970. ESA has determined there is a continued need for 41 CFR 60-2. ESA is simplifying the regulation to lessen the impact on small entities and plans to publish a Notice of Proposed Rulemaking in March 2000.

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 held public hearings in July 1998 on the Cotton Dust and Grain Handling standards. OSHA expects to make a decision on whether and what action to

take regarding the Cotton Dust standard in May 2000, the Grain Handling standard in June 2000, and Ethylene Oxide Standard in December 1999. OSHA has determined that the lockout/tagout rule is necessary. However, it will revise the compliance directive and develop and disseminate compliance assistance materials.

The Mine Safety and Health Administration (MSHA) conducted the review of its regulations in 30 CFR part 48 addressing Training and Retraining of Miners. MSHA will be issuing final rules addressing supervisor and experienced miner training soon. In addition, based on comments received from the review and its experience, MSHA will develop an NPRM proposing more flexible training requirements.

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.

Employment Standards Administration

Government Contractors: Nondiscrimination and Affirmative Action Obligations; 41 CFR 60-2 (RIN 1215-AA01)

Occupational Safety and Health Administration

Control of Hazardous Energy Sources (Lockout/Tagout); 29 CFR 1910.147 (RIN 1218-AB59)

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

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

Cotton Dust, 29 CFR 1910.1043 (RIN 1218-AB74)

Mine Safety and Health Administration

Training and Retraining of Miners; 30 CFR 48 (RIN 1219-AB02)

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.

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Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2031	Production or Disclosure of Information or Materials	1290-AA17
2032	Equal Access to Justice Act	1290-AA18

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2033	Supplemental Standards of Ethical Conduct for Employees of the Department of Labor	1290-AA15
2034	Process for Electing State Employment Statistics Agency Representatives for Consultations With Department of Labor	1290-AA19

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
2035	Use of Settlement Judges in Longshore and Related Proceedings Before the Office of Administrative Law Judges	1290-AA20

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2036	Government Contractors: Nondiscrimination and Affirmative Action Obligations, Executive Order 11246 (ESA/OFCCP) (Section 610 Review) (Reg Plan Seq. No. 63)	1215-AA01
2037	Child Labor Regulations, Orders, and Statements of Interpretation (ESA/W-H) (Reg Plan Seq. No. 64)	1215-AA09
2038	Defining and Delimiting the Term "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H) (Reg Plan Seq. No. 65)	1215-AA14
2039	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
2040	Benefits Under the Federal Coal Mine Safety and Health Act of 1977, as Amended Affecting the Black Lung Benefits Act	1215-AA99
2041	Records To Be Kept by Employers Under the Fair Labor Standards Act	1215-AB03
2042	Assessment and Collection of User Fees	1215-AB06
2043	Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act	1215-AB11
2044	Implementation of the 1996 Amendments to the Fair Labor Standards Act	1215-AB13
2045	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
2046	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities	1215-AB23
2047	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era	1215-AB24
2048	Service Contract Act Exemption for Certain Commercial Service Contracts	1215-AB26
2049	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Veterans of the Vietnam Era (Revised)	1215-AB27
2050	Government Contractors: Nondiscrimination and Affirmative Action Obligations, Executive Order 11246 (ESA/OFCCP) (Revised)	1215-AB28

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

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Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2051	Standards for Waivers Under Section 503 of the Rehabilitation Act	1215-AA84
2052	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. 66)	1215-AA94
2053	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models	1215-AB09
2054	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

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
2055	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act	1215-AA43
2056	Application of the Fair Labor Standards Act to Domestic Service	1215-AA82
2057	Reporting by Labor Relations Consultants and Other Persons	1215-AB14

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2058	Amendment to Section 5333(b) Guidelines To Carry Out New Programs Authorized by the Transportation Equity Act for the 21st Century	1215-AB25

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2059	Disaster Unemployment Assistance Program, Amendment to Regulations	1205-AB02
2060	Federal-State Unemployment Compensation Program; Unemployment Insurance Performance System	1205-AB10
2061	Birth and Adoption Unemployment Compensation (Reg Plan Seq. No. 67)	1205-AB21
2062	Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Modification of Fee Structure	1205-AB24

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

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2063	Trade Adjustment Assistance for Workers—Implementation of 1988 Amendments	1205-AB05
2064	Welfare-to-Work (WTW) Grants (Reg Plan Seq. No. 68)	1205-AB15
2065	Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of Information in State Records	1205-AB18
2066	Workforce Investment Act of 1998 (Reg Plan Seq. No. 69)	1205-AB20
2067	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

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Employment and Training Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2068	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring, and Enforcement	1205-AA37
2069	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
2070	Trade Adjustment Assistance for Workers—Transitional Adjustment Assistance NAFTA-TAA	1205-AB07
2071	Establishment of Fees for Immigration Programs Administered by the Employment and Training Administration	1205-AB14
2072	Indian and Native American Welfare-to-Work Program	1205-AB16

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2073	Airline Deregulation: Employee Benefit Program	1205-AB17
2074	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States; Administrative Measures To Improve Program Performance	1205-AB19

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2075	Definition of Collective Bargaining Agreement (ERISA Section 3(40))	1210-AA48
2076	Rulemaking Relating to Notice Requirements for Continuation of Health Care Coverage	1210-AA60
2077	Elimination of Filing Requirements for Summary Plan Descriptions	1210-AA66
2078	Requirement To Furnish Plan Documents Upon Request by the Secretary of Labor	1210-AA67
2079	Civil Penalty for Failure To Furnish Certain Plan Documents	1210-AA68
2080	National Medical Support Notice (Reg Plan Seq. No. 70)	1210-AA72
2081	Small Pension Plan Security Amendments	1210-AA73

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

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2082	Revision of the Form 5500 Series and Implementing and Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA) (Reg Plan Seq. No. 71)	1210-AA52
2083	Regulations Implementing the Health Care Access, Portability and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996 (Reg Plan Seq. No. 72)	1210-AA54
2084	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. 73)	1210-AA55
2085	Limitation of Liability for Insurers and Others Under Part 4 of Title I of ERISA and Section 4975 of the Internal Revenue Code	1210-AA58
2086	Amendments to Employee Benefit Plan Claims Procedures Regulation (Reg Plan Seq. No. 74)	1210-AA61
2087	Mental Health Benefits Parity	1210-AA62
2088	Health Care Standards for Mothers and Newborns (Reg Plan Seq. No. 75)	1210-AA63
2089	Reporting Requirements for MEWAs Providing Medical Care Benefits	1210-AA64
2090	Amendments to Summary Plan Description Regulations (Reg Plan Seq. No. 76)	1210-AA69
2091	Electronic Disclosure of Employee Benefit Plan Information	1210-AA71
2092	Soft Dollar (Interpretive Bulletin)	1210-AA74
2093	Request for Information Relating to the Women's Health and Cancer Rights Act of 1998	1210-AA75
2094	Voluntary Fiduciary Correction Program	1210-AA76
2095	Prohibiting Discrimination Against Participants and Beneficiaries Based on Health Status	1210-AA77

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Pension and Welfare Benefits Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2096	Adequate Consideration	1210-AA15
2097	Civil Penalties Under ERISA Section 502(1)	1210-AA37
2098	Individual Benefits Reporting Requirements for Defined Contribution Plans	1210-AA65

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2099	Payroll Deduction Programs for Contributions to Individual Retirement Accounts (Interpretive Bulletin)	1210-AA70

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2100	Occupational Exposure to Coal Mine Dust (Lowering Exposure Limit)	1219-AB08

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2101	Belt Entry Use as Intake Aircourse To Ventilate Working Sections	1219-AA76
2102	Metal/Nonmetal Impoundments	1219-AA83
2103	Surface Haulage	1219-AA93
2104	Improving and Eliminating Regulations	1219-AA98
2105	Training and Retraining of Miners (Rulemaking Resulting From a Section 610 Review)	1219-AB02
2106	Verification of Dust Control Plan and Continuous Monitoring (Reg Plan Seq. No. 77)	1219-AB14
2107	Determination of Concentration of Respirable Coal Mine Dust (Reg Plan Seq. No. 78)	1219-AB18
2108	Safety Standards for Self-Rescue Devices in Underground Coal Mines; Safety Standards for Self-Rescue Devices in Category I through V Gassy Underground Metal and Nonmetal Mines	1219-AB19

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Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2109	Hazard Communication	1219-AA47
2110	Diesel Particulate Matter (Exposure of Underground Coal Miners) (Reg Plan Seq. No. 79)	1219-AA74
2111	Longwall Equipment (Including High-Voltage)	1219-AA75
2112	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA92
2113	Diesel Particulate Matter (Exposure of Underground Metal and Nonmetal Miners) (Reg Plan Seq. No. 80)	1219-AB11

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Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2114	Air Quality, Chemical Substances, and Respiratory Protection Standards	1219-AA48
2115	Confined Spaces	1219-AA54
2116	Independent Laboratory Testing	1219-AA87

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Mine Safety and Health Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
2117	Safety Standards for the Use of Roof-Bolting Machines	1219-AA94
2118	Safety Standard Revisions for Underground Anthracite Mines	1219-AA96
2119	Electrical Standards for Metal and Nonmetal Mines	1219-AB01
2120	Respirable Crystalline Silica Standard	1219-AB12
2121	Mine Rescue Teams	1219-AB20

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2122	Noise Standard	1219-AA53
2123	Safety Standards for Methane in Metal and Nonmetal Mines	1219-AA90
2124	Safety Standards for Underground Coal Mine Ventilation—Preshift Examination Intervals	1219-AB10
2125	Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines	1219-AB17

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

Sequence Number	Title	Regulation Identification Number
2126	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA21
2127	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
2128	Department of Labor Acquisition Regulation	1291-AA20
2129	Audits of States, Local Governments, and Nonprofit Organizations	1291-AA26
2130	Audit Requirements for Grants, Contracts, and Other Agreements	1291-AA27
2131	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance	1291-AA28

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2132	Control of Hazardous Energy Sources (Lockout/Tagout) (Section 610 Review)	1218-AB59
2133	Occupational Exposure to Ethylene Oxide (Section 610 Review)	1218-AB60
2134	Fall Protection in the Construction Industry	1218-AB62
2135	Process Safety Management of Highly Hazardous Chemicals	1218-AB63
2136	Safety Standards for Scaffolds Used in the Construction Industry—Part II	1218-AB68
2137	Grain Handling Facilities (Section 610 Review)	1218-AB73
2138	Cotton Dust (Section 610 Review)	1218-AB74
2139	Occupational Exposure to Perchloroethylene	1218-AB86
2140	Hearing Loss Prevention in Construction Workers	1218-AB89

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Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2141	Ergonomics Programs: Preventing Musculoskeletal Disorders (Reg Plan Seq. No. 81)	1218-AB36
2142	Safety and Health Programs (for General Industry and the Maritime Industries) (Reg Plan Seq. No. 82)	1218-AB41
2143	Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Shipyards: Fire Safety)	1218-AB51
2144	Permissible Exposure Limits (PELs) for Air Contaminants (Reg Plan Seq. No. 83)	1218-AB54
2145	Nationally Recognized Testing Laboratories Programs: Fees	1218-AB57
2146	Plain Language Revision of the Mechanical Power-Transmission Apparatus Standard	1218-AB66
2147	Occupational Exposure to Crystalline Silica	1218-AB70
2148	Standards Improvement (Miscellaneous Changes) for General Industry, Marine Terminals, and Construction Standards (Phase II)	1218-AB81
2149	Spray Applications	1218-AB84
2150	Signs, Signals, and Barricades	1218-AB88

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
2151	Steel Erection (Part 1926) (Safety Protection for Ironworkers) (Reg Plan Seq. No. 84)	1218-AA65
2152	Recording and Reporting Occupational Injuries and Illnesses (Simplified Injury/Illness Recordkeeping Requirements) (Reg Plan Seq. No. 85)	1218-AB24
2153	Occupational Exposure to Tuberculosis (Reg Plan Seq. No. 86)	1218-AB46
2154	Employer Payment for Personal Protective Equipment (Reg Plan Seq. No. 87)	1218-AB77
2155	Consultation Agreements	1218-AB79

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Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2156	Respiratory Protection (Proper Use of Modern Respirators)	1218-AA05
2157	Longshoring and Marine Terminals (Parts 1917 and 1918) — Reopening of the Record (Vertical Tandem Lifts (VTLs))	1218-AA56
2158	Scaffolds in Shipyards (Part 1915 — Subpart N)	1218-AA68
2159	Access and Egress in Shipyards (Part 1915, Subpart E) (Shipyards: Emergency Exits and Aisles)	1218-AA70
2160	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates: Protecting Reproductive Health	1218-AA84
2161	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2162	Indoor Air Quality in the Workplace	1218-AB37
2163	Occupational Exposure to Hexavalent Chromium (Preventing Occupational Illness: Chromium)	1218-AB45
2164	Confined Spaces in Construction (Part 1926): Preventing Suffocation/Explosions in Confined Spaces	1218-AB47
2165	General Working Conditions for Shipyard Employment	1218-AB50
2166	Metalworking Fluids: Protecting Respiratory Health	1218-AB58
2167	Flammable and Combustible Liquids	1218-AB61
2168	Revocation of Certification Records for Tests, Inspections, and Training	1218-AB65
2169	Electric Power Transmission and Distribution; Electrical Protective Equipment in the Construction Industry	1218-AB67
2170	Safety and Health Programs for Construction	1218-AB69
2171	Control of Hazardous Energy (Lockout) in Construction (Part 1926) (Preventing Construction Injuries/Fatalities: Lockout)	1218-AB71
2172	Occupational Exposure to Beryllium	1218-AB76
2173	Consolidation of Records Maintenance Requirements in OSHA Standards	1218-AB78
2174	Walking Working Surfaces and Personal Fall Protection Systems (1910) (Slips, Trips and Fall Prevention)	1218-AB80
2175	Exit Routes	1218-AB82
2176	Oil and Gas Well Drilling and Servicing	1218-AB83
2177	Prevention of Needlestick and Other Sharps Injuries	1218-AB85
2178	Sanitation	1218-AB87

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Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2179	Plain Language Revision of Existing Standards	1218-AB55
2180	Fire Brigades	1218-AB64

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

Sequence Number	Title	Regulation Identification Number
2181	Annual Report for Federal Contractors	1293-AA07

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

Proposed Rule Stage

2031. 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	01/00/00	

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

2032. EQUAL ACCESS TO JUSTICE ACT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 504; 28 USC 2412

CFR Citation: 29 CFR 16

Legal Deadline: None

Abstract: The regulation will incorporate the 1996 amendments to the Equal Access to Justice Act and revise the existing regulation to

conform with the case law which has evolved since 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Robert A. Shapiro, Associate Solicitor for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, Room N2428, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8201
Email: shapiro-robert@dol.gov

RIN: 1290-AA18

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

Final Rule Stage

2033. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF LABOR

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 5 USC 7301; 5 USC 7353; 5 USC app (Ethics in Government Act); EO 12674; 18 USC 208

CFR Citation: 5 CFR 5201; 29 CFR 0; 3 CFR 1989 Comp; 5 CFR 2634; 5 CFR 2635; 3 CFR 1990

Legal Deadline: None

Abstract: The Department of Labor is developing a rule for its employees that supplements the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government Ethics (OGE). The rule

would designate certain components of the Department as separate agencies for the purposes of provisions in the Executive Branch-wide standards regarding gifts from outside sources, the receipt of compensation for teaching, speaking, or writing, and fundraising in a personal capacity. The rule would also restrict the outside financial interests for employees of the Mine Safety and Health Administration and

DOL—OS

Final Rule Stage

require approval of outside employment for employees of the Office of Inspector General. It repeals existing regulations governing outside employment and financial interests. Issuance of this rule would require OGE concurrence.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/06/96	61 FR 57281
Final Action	02/00/00	

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

Agency Contact: Robert A. Shapiro, Associate Solicitor for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, Room N2428, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8201
Email: shapiro-robert@dol.gov

RIN: 1290-AA15

2034. PROCESS FOR ELECTING STATE EMPLOYMENT STATISTICS AGENCY REPRESENTATIVES FOR CONSULTATIONS WITH DEPARTMENT OF LABOR

Priority: Substantive, Nonsignificant**Legal Authority:** 20 USC 927(c); 29 USC 49e-2; 5 USC 301**CFR Citation:** 29 CFR 44**Legal Deadline:** Final, Statutory, December 31, 1999.

Abstract: This interim final rule establishes a process for the election of State representatives to participate in formal consultations with the Department of Labor relating to the development of an annual employment statistics plan and to address other employment statistics issues. Section 15(d)(2) of the Wagner-Peyser Act, as recently amended by section 309 of the Workforce Investment Act of 1998, requires the Secretary to establish a process for the election of representatives from each of the 10 Federal regions of the Department. This provision requires that the representatives be elected by and from the directors of the State employment statistics agencies designed to carry at

employment statistics responsibilities under section 15 of the Wagner-Peyser Act. The interim final rule addresses the election cycles, the tenure of representatives, the process for the distribution of ballots, tie-breaking procedures, methods of transmitting ballots and votes, and the filling of vacancies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/18/98	63 FR 70260
Interim Final Rule Comment Period End	03/18/99	
Final Action	12/00/99	

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

Agency Contact: Mark Morin, Senior Attorney Adviser, Department of Labor, Office of the Secretary, Room N2428, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8065

RIN: 1290-AA19

Department of Labor (DOL)

Office of the Secretary (OS)

Completed Actions

2035. ● USE OF SETTLEMENT JUDGES IN LONGSHORE AND RELATED PROCEEDINGS BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES

Priority: Info./Admin./Other**Legal Authority:** 5 USC 301; 5 USC 551-553; 5 USC 571 note; Executive Order 12778**CFR Citation:** 29 CFR 18.9(e)(2)**Legal Deadline:** None

Abstract: The Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges is amended to permit the appointment of settlement judges in

cases arising out of Longshore and Harbor Workers' Compensation Act, the Defense Base Act, the Outer Continental Shelf Lands Act, the Nonappropriated Fund Instrumentalities Act, and the former District of Columbia Workmen's Compensation Act. Experience with the settlement judge procedure now indicates that the appointment of settlement judges in the above cases would be appropriate and beneficial.

Timetable:

Action	Date	FR Cite
Final Action	08/27/99	64 FR 47088
Final Action Effective	08/27/99	

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

Agency Contact: John M. Vittone, Chief Administrative Law Judge, Office of Administrative Law Judges, Department of Labor, Office of the Secretary, Room 400-N, 800 K Street NW, Washington, DC 20001-8002

Phone: 202 565-5341

Fax: 202 565-4094

Email: jvittone@oalj.dol.gov

RIN: 1290-AA20

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

Proposed Rule Stage

2036. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS, EXECUTIVE ORDER 11246 (ESA/OFCCP) (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 63 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA01

2037. CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Regulatory Plan: This entry is Seq. No. 64 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA09

2038. 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. 65 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA14

2039. 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 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
NPRM Comment Period End	10/10/95	
Final Rule - Walsh-Healey/CWHSSA Rule	08/05/96	61 FR 40714
Second NPRM	03/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State, Local

Additional Information: These legislative amendments will require revisions to Regulations, 29 CFR parts 4 and 5 with respect to CWHSSA and DB and Regulations, 41 CFR part 50-201 and part 50-206 with respect to PCA.

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

2040. BENEFITS UNDER THE FEDERAL COAL MINE SAFETY AND HEALTH ACT OF 1977, AS AMENDED AFFECTING THE BLACK LUNG BENEFITS ACT

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 alternative dispute resolution during the informal conference; streamline the litigation process by encouraging the early development and submission of evidence; reduce the costs of copying and mailing; 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
2nd NPRM	10/08/99	64 FR 54966
2nd NPRM Comment Period End	12/07/99	

Regulatory Flexibility Analysis Required: Undetermined

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

2041. 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

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Proposed Rule Stage

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	03/00/00	

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

2042. ASSESSMENT AND COLLECTION OF USER FEES

Priority: Substantive, Nonsignificant

Legal Authority: PL 97-470; 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; 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

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: In accordance with the authority provided by title V of the Independent Offices Appropriations Act of 1952, often referred to as the "user fee statute," and the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act of 1995 (PL 103-333), the Department is proposing 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 to be collected 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	12/00/99	

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
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB06

2043. EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS 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 201 et seq

CFR Citation: 29 CFR 780

Legal Deadline: None

Abstract: This regulation interprets various exemptions applicable to employees in agriculture, processing of agricultural commodities and related issues under the Fair Labor Standards Act (FLSA). The regulation has been targeted for updating and streamlining as part of the Department's regulatory reinvention initiative.

Timetable:

Action	Date	FR Cite
NPRM	02/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, State

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-AB11

2044. 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

DOL—ESA

Proposed Rule Stage

\$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	06/00/00	

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-AB13

2045. 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 interpreted by these court decisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

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-AB21

2046. 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 regulation implementing section 503 of the Rehabilitation Act of 1973, as amended, to conform to the recently revised section 60-1.20(a) of the regulation 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 regulation implementing the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA).)

Timetable:

Action	Date	FR Cite
NPRM	03/00/00	

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
Phone: 202 693-0102
TDD Phone: 202 693-1308
Fax: 202 693-1304
Email: jimelvin@fenix2.dol-esa.gov

RIN: 1215-AB23

2047. 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; 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; 38 USC 4212; PL 102-16; PL 102-127; PL 102-484

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 newly enacted 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.

DOL—ESA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/00/00	

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
Phone: 202 693-0102
TDD Phone: 202 693-1308
Fax: 202 693-1304
Email: jimelvin@fenix2.dol-esa.gov
RIN: 1215-AB24

2048. • 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 an earlier final rule issued in the Federal Acquisition Regulation (FAR) that exempted all subcontracts for commercial services from the SCA based on the Federal Acquisition Streamlining Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

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
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB26

2049. • 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;38 USC 4212;PL 93-508, Amended; PL 94-502;PL 96-466;PL 101-237; EO 11758; PL 97-306; PL 98-223; PL 102-16; PL 102-127;; PL 102-484; 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	03/00/00	

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
Phone: 202 693-0102
TDD Phone: 202 693-1308
Fax: 202 693-1304
Email: jimelvin@fenix2.dol-esa.gov
RIN: 1215-AB27

2050. • 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 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	03/00/00	

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
Phone: 202 693-0102
TDD Phone: 202 693-1308
Fax: 202 693-1304
Email: jimelvin@fenix2.dol-esa.gov

RIN: 1215-AB28

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

Final Rule Stage

2051. 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 is planning to issue regulations that will 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	03/00/00	

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
Phone: 202 693-0102
TDD Phone: 202 693-1308
Fax: 202 693-1304
Email: jimelvin@fenix2.dol-esa.gov

RIN: 1215-AA84

2052. 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. 66 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA94

2053. 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	
Final Action	12/00/99	

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
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB09

2054. 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 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	11/00/99	

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
Fax: 202 693-1432

RIN: 1215-AB20

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

Long-Term Actions

2055. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 216 OF THE IMMIGRATION AND NATIONALITY ACT

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration issued an interim final rule on June 1, 1987 (53 FR 20524), that incorporates the labor standards issued by the Employment and Training Administration (ETA) and sets forth procedures for enforcement of these labor standards.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	
Interim Final Rule Final Action	06/01/87 To Be	52 FR 20524 Determined

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
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AA43

2056. 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 recently-enacted 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 09/08/95	60 FR 46797 60 FR 46766
NPRM	To Be	Determined

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-AA82

2057. REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS

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 433; 29 USC 438

CFR Citation: 29 CFR 406.3

Legal Deadline: None

Abstract: The Office of Labor-Management Standards (OLMS) is proposing to amend Receipts and Disbursements Report (Form LM-21) to narrow the scope of reporting. A Receipts and Disbursements Report is required in the circumstances specified in section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). It is required to be filed by any labor relations consultant, or other individual or organization, who has made or received payment as a party to an agreement or arrangement with an employer, pursuant to which he has undertaken persuader or information-supplying activities on behalf of the employer. The proposed amendment would reflect reporting guidelines established in *Donovan v. The Rose Law Firm*, 768 F.2d 964 (8th Cir. 1985). This judicial decision narrowed the scope of reporting to eliminate reporting of receipts and disbursements in connection with labor relations advice and services rendered to employers for whom no persuader or information-supplying activities were undertaken.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and Standards, OLMS, Department of Labor, Employment Standards Administration, Room N5605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-1233
Fax: 202 693-1340

RIN: 1215-AB14

Department of Labor (DOL)

Completed Actions

Employment Standards Administration (ESA)

2058. AMENDMENT TO SECTION 5333(B) GUIDELINES TO CARRY OUT NEW PROGRAMS AUTHORIZED BY THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY**Priority:** Substantive, Nonsignificant**Legal Authority:** Secretary's Order 5-96, 62 FR 107, January 2, 1997**CFR Citation:** 29 CFR 215.3(a); 29 CFR 215.8**Legal Deadline:** None**Abstract:** The Transportation Equity Act for the 21st Century provides for three new transportation programs which require employee protection under section 5333(b) — a Job Access and Reverse Commute Program, an

Over-the-Road Bus Accessibility Program, and a State Infrastructure Bank Program. As a condition of release of assistance by FTA, the Department must certify that protective arrangements pursuant to section 5333(b) are in place. The Department has amended its guidelines to identify which of the new programs will be covered under the certification processes set forth therein.

Timetable:

Action	Date	FR Cite
NPRM	03/30/99	64 FR 15276
NPRM Comment Period End	04/29/99	
Final Action	07/28/99	64 FR 40990
Final Action Effective	08/27/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Kelley Andrews, Director, Statutory Programs Division, Office of Labor Management Standards, Department of Labor, Employment Standards Administration, Room N5603, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-1182

Fax: 202 693-1342

RIN: 1215-AB25

Department of Labor (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

2059. 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:** Experience in several recent disasters has highlighted the complexity and time-consuming nature of the monetary benefit provisions of the current regulations and brought into question other provisions of the current regulations which are perceived to be unduly restrictive and/or result in perceived inequities in some disaster situations. These issues will be addressed in two stages. First, an ANPRM was published, with a 60-day comment period, on 12/08/94 at 59 FR 63670. This ANPRM outlined provisions in the Disaster Unemployment Assistance (DUA) program regulations (20 CFR part 625), other than the monetary benefit provisions, that have come into question and solicited public comment and suggestions relative to these provisions and on other provisions for review and potential revision in a future NPRM. Second, an interim final rule was published May 11, 1995, with a 60-day comment period. This rule simplified the monetary assistance provisions by removing cumbersome administrative provisions and inconsistencies in the computation of

a weekly amount. The NPRM will revise the entire part 625 to incorporate "plain language" format.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/94	59 FR 63670
ANPRM Comment Period End	02/06/95	
Interim Final Rule	05/11/95	60 FR 25560
NPRM	03/00/00	
Final Action	09/00/00	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Governmental Jurisdictions**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

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 614.7(c); 20 CFR 640; 20 CFR 650; 20 CFR 609.6(f); 20 CFR 614.6(f)**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	01/00/00	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State**2060. 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

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

2061. • BIRTH AND ADOPTION UNEMPLOYMENT COMPENSATION

Regulatory Plan: This entry is Seq. No. 67 in Part II of this issue of the **Federal Register**.

RIN: 1205-AB21

2062. • 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	11/00/99	
NPRM Comment Period End	12/00/99	
Final Action	02/00/00	
Final Action Effective	03/00/00	

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
Email: jnorris@doleta.gov

RIN: 1205-AB24

Department of Labor (DOL)

Final Rule Stage

Employment and Training Administration (ETA)

2063. 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	09/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Edward A. Tomchick, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, Room C4318, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-5555

RIN: 1205-AB05

2064. WELFARE-TO-WORK (WTW) GRANTS

Regulatory Plan: This entry is Seq. No. 68 in Part II of this issue of the **Federal Register**.

RIN: 1205-AB15

2065. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF INFORMATION IN STATE RECORDS

Priority: Other Significant

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

CFR Citation: 20 CFR 603

Legal Deadline: None

Abstract: The Employment and Training Administration of the Department of Labor is preparing to issue a 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 final rule modifies and expands the regulations implementing the Income and Eligibility Verification System (IEVS) to include the statutory

DOL—ETA

Final Rule Stage

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 records compiled or maintained for purposes of the Federal-State Unemployment Compensation Program.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/99	

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 100064 with comment period ending 5/22/92.

Agency Contact: Anne Vogel, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, C4512, FP Building, Washington, DC 20210
Phone: 202 219-5201

RIN: 1205-AB18

2066. WORKFORCE INVESTMENT ACT OF 1998

Regulatory Plan: This entry is Seq. No. 69 in Part II of this issue of the **Federal Register**.

RIN: 1205-AB20

2067. • 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
Interim Final Rule	11/00/99	
Interim Final Rule Effective	04/00/00	

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
Email: jnorris@doleta.gov

RIN: 1205-AB23

Department of Labor (DOL)

Employment and Training Administration (ETA)

Long-Term Actions

2068. 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

Agency Contact: John R. Beverly, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Washington, DC 20210
Phone: 202 219-5257
Email: beverlyj@doleta.gov

RIN: 1205-AA37

2069. 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—ETA

Long-Term Actions

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 is a collaborative effort of Federal and State staff who are involved in the administration of alien certification programs. The re-engineering effort also involves consultation throughout the process with sponsors, stakeholders State partners, and outside interest groups to solicit ideas and suggestions for change.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State

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
Email: jnorris@doleta.gov

RIN: 1205-AA66

2070. 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 (PL 103-182) amends chapter 2 of title II of the Trade Act of 1974 by adding a new 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
NPRM Comment Period End	03/20/95	
Final Action	12/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Edward A. Tomchick, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, Room C4318, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-5555

RIN: 1205-AB07

2071. 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: The regulation would establish a new fee charged to employers for processing of alien labor certification and attestation applications by the Department of Labor (DOL) and State Employment Security Agencies. The user fee would be proposed in the FY 2000 Appropriations. 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: 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
Email: jnorris@doleta.gov

RIN: 1205-AB14

2072. 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

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.

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, as amended.

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Additional Information: There are two possibilities for future action anticipated for this regulation. A final rule will be published if (1) Congress extends the program and/or changes the eligibility criteria; or (2) Congress does not extend the program but (retroactive or not) eases the eligibility criteria.

DOL—ETA

Long-Term Actions

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

Department of Labor (DOL)
Employment and Training Administration (ETA)

Completed Actions

**2073. AIRLINE DEREGULATION:
EMPLOYEE BENEFIT PROGRAM**

Priority: Other Significant

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: U.S. District Court for the District of Columbia held that section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that employee protection provisions of section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987, that the legislative veto provisions were unconstitutional but the employee protection provisions were constitutional; therefore, rulemaking on the monetary benefits aspect of the employee protection program can proceed. In 1991 DOT determined there were no job losses due to deregulation. In September 1993, the U.S. District Court for the District of Columbia ordered DOT to develop broader guidelines to apply to air carriers, which may result in a finding of job losses. DOL has reinstated clearance on the proposed rule. No benefits are payable to eligible workers until DOT determines that an air carrier experienced a qualifying dislocation and Congress appropriates the money

to award benefits. To date, neither of these actions has occurred.

Timetable:

Action	Date	FR Cite
Withdrawn	08/22/99	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal, State

Additional Information: Regulation is no longer required since Section 43 of the Airline Deregulation Act of 1977 has been repealed.

Agency Contact: Betty E. Castillo,
Chief, Division of Program
Development and Implementation,
Department of Labor, Employment and
Training Administration, Room S4514,
200 Constitution Avenue NW, FP
Building, Washington, DC 20210
Phone: 202 219-5616

RIN: 1205-AB17

**2074. LABOR CERTIFICATION
PROCESS FOR THE TEMPORARY
EMPLOYMENT OF ALIENS IN
AGRICULTURE IN THE UNITED
STATES; ADMINISTRATIVE
MEASURES TO IMPROVE PROGRAM
PERFORMANCE**

Priority: Other Significant

Legal Authority: 8 USC 1101 (a); 8 USC 1184 (c) (1); 8 USC 1188

CFR Citation: 20 CFR 655 subpart B;
20 CFR 654 subpart E

Legal Deadline: None

Abstract: The Amendments would improve and streamline the operation of the temporary program for the temporary employment of nonimmigrant agricultural workers in the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/02/98	63 FR 53243
Final Action	06/29/99	64 FR 34955
Final Action Effective	07/29/99	

**Regulatory Flexibility Analysis
Required:** 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
Email: jnorris@doleta.gov

RIN: 1205-AB19

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

Proposed Rule Stage

**2075. 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

DOL—PWBA

Proposed Rule Stage

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	60 FR 39208
Notice Establishing Negotiated Rulemaking Advisory Committee	09/22/98	63 FR 50542
NPRM Second	12/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Elizabeth Goodman, 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-AA48

2076. 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

Action	Date	FR Cite
ANPRM Comment Period End	11/24/97	
NPRM	03/00/00	

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: 202 219-0521

RIN: 1210-AA60

2077. 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, section 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 Period End	10/04/99	
Final Action	03/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Jeffrey J. Turner, 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

2078. 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, section 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 Period End	10/04/99	
Final Action	03/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Jeffrey J. Turner, 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

2079. CIVIL PENALTY FOR FAILURE TO FURNISH CERTAIN PLAN DOCUMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-34, section 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

DOL—PWBA

Proposed Rule Stage

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 Period End	10/04/99	
Final Action	03/00/00	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jeffrey J. Turner, 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**2080. NATIONAL MEDICAL SUPPORT NOTICE****Regulatory Plan:** This entry is Seq. No. 70 in Part II of this issue of the **Federal Register**.**RIN:** 1210-AA72**2081. 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**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	12/00/99	

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

Department of Labor (DOL)

Pension and Welfare Benefits Administration (PWBA)

Final Rule Stage

2082. REVISION OF THE FORM 5500 SERIES AND IMPLEMENTING AND RELATED REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)**Regulatory Plan:** This entry is Seq. No. 71 in Part II of this issue of the **Federal Register**.**RIN:** 1210-AA52**2083. 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. 72 in Part II of this issue of the **Federal Register**.**RIN:** 1210-AA54**2084. 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. 73 in Part II of this issue of the **Federal Register**.**RIN:** 1210-AA55**2085. LIMITATION OF LIABILITY FOR INSURERS AND OTHERS UNDER PART 4 OF TITLE I OF ERISA AND SECTION 4975 OF THE INTERNAL REVENUE CODE****Priority:** Other Significant**Legal Authority:** PL 104-188, Sec 1460; 29 USC 1101(c)(1); 29 USC 1135; 29 USC 1021**CFR Citation:** 29 CFR 2550.401(c-1); 29 CFR 2510.3-101**Legal Deadline:** NPRM, Statutory, June 30, 1997, Per Section 734 of ERISA as added by Section 101 of HIPAA Per Section 707 of ERISA as added by Section 101 of HIPAA.

Other, Statutory, September 30, 1997, Per Section 734 of ERISA as added by Section 101 of HIPAA Per Section 707 of ERISA as added by Section 101 of HIPAA. Specifies 6/30/99 as latest date for the regulation to take effect. Regulation not.

Final, Statutory, December 31, 1997, Per Section 734 of ERISA as added by Section 101 of HIPAA Per Section 707 of ERISA as added by Section 101 of HIPAA. Specifies 6/30/99 as latest date for the regulation to take effect. Regulation not.

Abstract: Section 1460 of the Small Business Job Protection Act of 1991 (Public Law 104-188) amended ERISA section 401 to limit the liability of insurers and others under part 4 of title

DOL—PWBA

Final Rule Stage

I of ERISA and section 4975 of the Internal Revenue Code with regard to certain policies or contracts issued to or for the benefit of employee benefit plans which are supported by assets in the insurers' general accounts. Subsection 401(c) specifies the timetable by which the Secretary must issue regulatory guidance concerning this provision.

Timetable:

Action	Date	FR Cite
Request for Information	11/25/96	61 FR 59845
NPRM	12/22/97	62 FR 66908
NPRM Comment Period End	03/23/98	
Final Action	11/00/99	

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

Agency Contact: Ivan L. Strasfeld, Director, of Exemption Determinations, Department of Labor, Pension and Welfare Benefits Administration, Room N5649, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-8194

RIN: 1210-AA58

2086. AMENDMENTS TO EMPLOYEE BENEFIT PLAN CLAIMS PROCEDURES REGULATION

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

RIN: 1210-AA61

2087. 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

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 will provide further guidance with regard to the provisions of the MHPA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/22/97	62 FR 66932
Final Action	09/00/00	

Regulatory Flexibility Analysis**Required:** Undetermined**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, 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-AA62

2088. HEALTH CARE STANDARDS FOR MOTHERS AND NEWBORNS

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

RIN: 1210-AA63

2089. 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 will 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 will implement recent changes made to ERISA by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The rules will 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 would also 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	12/00/99	

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

Agency Contact: Amy Turner, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7006

RIN: 1210-AA64

2090. AMENDMENTS TO SUMMARY PLAN DESCRIPTION REGULATIONS

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

RIN: 1210-AA69

2091. 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

DOL—PWBA

Final Rule Stage

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	03/00/00	

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

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-AA71**2092. 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	04/00/00	

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**2093. REQUEST FOR INFORMATION 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	12/00/99	

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

Agency Contact: Mila Kofman, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7006

RIN: 1210-AA75**2094. 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 considering implementing a Voluntary Fiduciary Correction Program (VFC Program). Under this VFC Program, plan officials would 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 to be described in the Program. PWBA anticipates that the Program would assist plan officials in understanding the requirements of part 4 of title I of ERISA and their legal responsibilities in correcting fiduciary breaches.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/99	

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

Agency Contact: Elizabeth Goodman, 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-AA76

DOL—PWBA

Final Rule Stage

2095. 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; 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; 52 FR 13139, April 21, 1987

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 within 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 guidance under HIPAA's nondiscrimination provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/97	62 FR 16894

Action	Date	FR Cite
Interim Final Rule	07/07/97	
Comment Period End		
Interim Final Rule	12/00/99	
Final Action	03/00/00	

Regulatory Flexibility Analysis Required: Undetermined

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 N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-7006

RIN: 1210-AA77

Department of Labor (DOL)

Long-Term Actions

Pension and Welfare Benefits Administration (PWBA)

2096. 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

2097. 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	
NPRM Comment Period End	08/20/90	
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

DOL—PWBA

Long-Term Actions

NW, FP Building, Washington, DC
20210
Phone: 202 219-8610

RIN: 1210-AA37

**2098. 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: Debra M. Golding, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW, N5669, FP Building, Washington, DC 20210
Phone: 202 219-8671

RIN: 1210-AA65

Department of Labor (DOL)

Completed Actions

Pension and Welfare Benefits Administration (PWBA)

**2099. PAYROLL DEDUCTION
PROGRAMS FOR CONTRIBUTIONS
TO INDIVIDUAL RETIREMENT
ACCOUNTS (INTERPRETIVE
BULLETIN)**

Priority: Info./Admin./Other

Legal Authority: 29 USC 1002 (2); 29 USC 1135

CFR Citation: 29 CFR 2509

Legal Deadline: None

Abstract: This interpretive bulletin compiles for ease of reference the views of the Department of Labor (the Department) concerning the circumstances under which the use of

a payroll deduction program for forwarding employee monies to an individual retirement account annuity will not constitute an employee pension benefit plan subject to title I of the Employee Retirement Security Act of 1974 (ERISA). This guidance will assist employers in their efforts to provide retirement savings opportunities to employees by clarifying the circumstances under which the use of payroll deduction programs will not implicate provisions of parts 1 (Reporting and Disclosure), 4 (Fiduciary Responsibility) and 5 (Administration and Enforcement) of title I of ERISA.

Timetable:

Action	Date	FR Cite
Final Action	06/18/99	64 FR 33000

**Regulatory Flexibility Analysis
Required:** No

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: 202 219-0521

RIN: 1210-AA70

Department of Labor (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

**2100. 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	12/00/99	

**Regulatory Flexibility Analysis
Required:** Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AB08

Department of Labor (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

2101. 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; 30 CFR 48**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 us for a variance from the current regulations if they want to use belt haulage entries for ventilation purposes.

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** A public hearing was held in April 1990.

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA76**2102. METAL/NONMETAL IMPOUNDMENTS****Priority:** Substantive, Nonsignificant**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	04/00/00	

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

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA83**2103. 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 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.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/98	63 FR 40800
NPRM	02/00/00	

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

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA93**2104. 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 1 Removal of 30 CFR 21 and 24	08/30/96	61 FR 45925
Final Rule - Phase 1 Removal of 30 CFR 21, 24, and 75	09/03/98	63 FR 47118
Final Rule Effective - Phase 1 Removal of 30 CFR 21 and 24	11/02/98	
Final Rule - Phase 2 Removal of 30 CFR 26 and 29	08/10/99	64 FR 43280
Final Rule - Phase 3 Update of Reference IR 1240	08/10/99	64 FR 43283
Final Rule - Phase 4 Part 75 Subpart S	08/10/99	64 FR 43286
NPRM - Phase 5 Miscellaneous Technology Improvements	12/00/99	

DOL—MSHA

Proposed Rule Stage

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

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA98**2105. TRAINING AND RETRAINING OF MINERS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)****Priority:** Substantive, Nonsignificant**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	
End Review	10/30/98	
NPRM	06/00/00	

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.

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AB02**2106. VERIFICATION OF DUST CONTROL PLAN AND CONTINUOUS MONITORING**

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

RIN: 1219-AB14**2107. DETERMINATION OF CONCENTRATION OF RESPIRABLE COAL MINE DUST**

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

RIN: 1219-AB18**2108. SAFETY STANDARDS FOR SELF-RESCUE DEVICES IN UNDERGROUND COAL MINES; SAFETY STANDARDS FOR SELF-RESCUE DEVICES IN CATEGORY I THROUGH V GASSY UNDERGROUND METAL AND NONMETAL MINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811; 30 USC 957**CFR Citation:** 30 CFR 48; 30 CFR 75; 30 CFR 57**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 and where the devices were not donned properly, rendering them ineffective. We are considering a rule to address the appropriate inspection of SCSRs and the adequacy of training. In addition, we are proposing to apply SCSR regulations to certain gassy metal and nonmetal mines .

Personal emergency devices (PED) are individual communication devices that inform a miner underground of an emergency situation and have proven to be effective in an emergency evacuation of a coal mine. We are considering the feasibility of requiring use of PEDs for miners.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/99	64 FR 36632
NPRM	05/00/00	

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.

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AB19

Department of Labor (DOL)
Mine Safety and Health Administration (MSHA)

Final Rule Stage

2109. HAZARD COMMUNICATION

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 120

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 will 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 will 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	56 FR 48720
Reopen Record	03/30/99	64 FR 15144
Final Action	02/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA47

2110. DIESEL PARTICULATE MATTER (EXPOSURE OF UNDERGROUND COAL MINERS)

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

RIN: 1219-AA74

2111. 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 variance from the existing regulations if they want to use this high-voltage equipment.

The rule as proposed will eliminate the need for a variance to use this equipment and will 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
NPRM Comment Period End	11/13/92	57 FR 46350
Reopen Record	10/18/95	60 FR 53891
Extension of Comment Period	11/14/95	60 FR 57203
Comment Period End	12/18/95	
Reopen Record	11/00/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA75

2112. 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 will set new procedures and requirements for testing and approval of these belts which will provide additional protective measures relating to fire ignition and propagation.

Timetable:

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61524
NPRM Comment Period End	03/26/93	58 FR 8028
Public Hearing	05/02/95	60 FR 16589
Record Closed	06/05/95	60 FR 16558
Extension of Comment Period	02/05/96	60 FR 65509
Reopen Record	11/00/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA92

2113. DIESEL PARTICULATE MATTER (EXPOSURE OF UNDERGROUND METAL AND NONMETAL MINERS)

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

RIN: 1219-AB11

Department of Labor (DOL)

Long-Term Actions

Mine Safety and Health Administration (MSHA)

2114. 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**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	56 FR 29201
NPRM Phase 3 - PELs	12/00/00	
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

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA48**2115. CONFINED SPACES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77**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	57 FR 8102
NPRM	To Be	Determined

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

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA54**2116. 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 18; 30 CFR 19; 30 CFR 20; 30 CFR 22; 30 CFR 23; 30 CFR 26; 30 CFR 27; 30 CFR 28; 30 CFR 29; 30 CFR 33; 30 CFR 35**Legal Deadline:** None

Abstract: Our current regulations allow us to set approval requirements and test products used in mines. The rule as proposed will 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.

Timetable:

Action	Date	FR Cite
NPRM	11/30/94	59 FR 61376
NPRM Comment Period End	02/21/95	
Public Hearing Notice	10/10/95	60 FR 52640
Public Hearing	04/30/96	61 FR 15743
Comment Period End	05/31/96	
Final Action	12/00/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AA87**2117. SAFETY STANDARDS FOR THE USE OF ROOF-BOLTING MACHINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 57; 30 CFR 75**Legal Deadline:** None

Abstract: We believe that the current design of some roof-bolting machines may contribute to or cause accidents during drilling and roof-bolt installation procedures. Accident and fatality information points to the need to modify the design of such machines and take additional precautions in their use. We will explore both regulatory and non-regulatory ways to eliminate or reduce these hazards.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/97	62 FR 64789
ANPRM Comment Period End	02/09/98	
Extension of Comment Period to 3/9/98	02/12/98	63 FR 7089
NPRM	To Be	Determined

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

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

DOL—MSHA

Long-Term Actions

Fax: 703 235-5551
 Email: cjones@msha.gov
 RIN: 1219-AA94

2118. 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 apply to anthracite coal mining because of the significant difference 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 apply to us for a variance from the existing regulations for certain mining situations. The proposed rule will address the specific conditions of the anthracite mining industry and eliminate the need for a variance from 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, Acting 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: cjones@msha.gov

RIN: 1219-AA96

2119. 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 address proper equipment grounding.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AB01

2120. RESPIRABLE CRYSTALLINE SILICA STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

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. The Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers recommended that there be separate standards for silica and coal mine dust. With a separate standard for silica, we will increase our ability to target mining situations where silica exposure constitutes a significant hazard. We are considering rulemaking

to set a separate exposure limit for silica which is not tied to the respirable dust standard.

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, Acting 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: cjones@msha.gov

RIN: 1219-AB12

2121. • MINE RESCUE TEAMS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 30 USC 811; 30 USC 825 (e); 30 USC 957

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	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AB20

Department of Labor (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

2122. NOISE STANDARD**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 813**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 62; 30 CFR 70; 30 CFR 71**Legal Deadline:** None**Abstract:** Current data indicate that hearing impairment can be reduced significantly if effective protective action is used to reduce or eliminate noise and to minimize miners' exposure to it. The rule requires protective measures be taken where exposure to noise is at a level lower than that which is currently permitted. The rule, which is applicable to all types of mining, addresses hearing conservation plans and an "action level." It also includes an opportunity for miners and their representatives to observe required operator monitoring.**Timetable:**

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 50209
ANPRM Comment Period End	06/22/90	55 FR 6011
NPRM	12/17/96	61 FR 66348
Extension of Comment Period to 4/21/97; Notice of Public Hearings	02/06/97	62 FR 5554
Hearings - Date Change Extension of Comment Period to 6/20/97	03/03/97	62 FR 9404
Extension of Comment Period to 8/1/97	06/13/97	62 FR 32252
NPRM Comment Period End	08/01/97	
Availability of Report	12/16/97	62 FR 65777
Request for Comments on Report	12/23/97	62 FR 67013
Extension of Comment Period	01/16/98	63 FR 2642
National Environmental Policy Act	05/26/98	63 FR 28496
Correction	09/13/99	64 FR 49636
Final Action	09/13/99	64 FR 49547
Final Action Effective	09/13/00	

**Regulatory Flexibility Analysis
Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Carol J. Jones, Acting 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: cjones@msha.gov**RIN:** 1219-AA53**2123. SAFETY STANDARDS FOR METHANE IN METAL AND NONMETAL MINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 57**Legal Deadline:** None**Abstract:** Metal and nonmetal mines which liberate methane, or have the potential to liberate methane, are classified into several categories. We are considering revising our current regulations to ensure they are legally sufficient to provide adequate protection for miners who are potentially exposed to explosive methane gas.**Timetable:**

Action	Date	FR Cite
Withdrawn	08/25/99	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Carol J. Jones, Acting 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: cjones@msha.gov**RIN:** 1219-AA90**2124. SAFETY STANDARDS FOR UNDERGROUND COAL MINE VENTILATION—PRESHIFT EXAMINATION INTERVALS****Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 75.360(a)(1)**Legal Deadline:** None**Abstract:** The final rule clarifies and standardizes the application of the preshift mine examination requirements

to assure that they are concluded within appropriate timeframes. It requires preshift examinations to be conducted within 3 hours preceding the beginning of any 8-hour interval during which any person is scheduled to work or travel underground.

This rule is virtually identical to the rule published in 1996 and invalidated by the District of Columbia Circuit on procedural grounds. Following the court decision invalidating the previous standard on procedural grounds, we published a Federal Register notice reinstating the portion of the previous standard requiring a preshift examination be conducted prior to the beginning of any shift.

Timetable:

Action	Date	FR Cite
NPRM	07/14/98	63 FR 38066
Comment Period End	09/14/98	
Final Action	08/18/99	64 FR 45165
Final Action Effective	10/18/99	

**Regulatory Flexibility Analysis
Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Carol J. Jones, Acting 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: cjones@msha.gov**RIN:** 1219-AB10**2125. TRAINING AND RETRAINING OF MINERS ENGAGED IN SHELL DREDGING OR EMPLOYED AT SAND, GRAVEL, SURFACE STONE, SURFACE CLAY, COLLOIDAL PHOSPHATE, OR SURFACE LIMESTONE MINES****Priority:** Other Significant**Legal Authority:** 30 USC 811; 30 USC 825**CFR Citation:** 30 CFR 46**Legal Deadline:** Final, Statutory, September 30, 1999.**Abstract:** Congress included language in our Fiscal Year 1999 appropriation that requires us to promulgate training regulations for the following industries: shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate and surface limestone mines. These

DOL—MSHA

Completed Actions

industries have been exempted by Congressional action since 1980 from our enforcement of the training requirements contained in Agency regulations (found at 30 CFR part 48). Fatalities over the last several years have increased steadily in these industries. Our data show that the majority of victims at these exempted industries did not receive safety and health training. The final rule implements training requirements for these previously exempted industries.

Timetable:

Action	Date	FR Cite
Notice of Public Meetings	11/03/98	63 FR 59258
NPRM	04/14/99	64 FR 18498
Final Action and Notice of Public Hearings	09/30/99	64 FR 53080

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Tribal

Agency Contact: Carol J. Jones, Acting 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: cjones@msha.gov

RIN: 1219-AB17

Department of Labor (DOL)

Final Rule Stage

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

2126. 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 Period End	03/01/99	
Final Action	09/00/00	

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
Phone: 202 219-8927
Fax: 800 326-2577
Email: lockhart-annabelle@dol.gov

RIN: 1291-AA21

2127. 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 1988 (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	12/00/99	

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
Phone: 202 219-8927
Fax: 800 326-2577
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)

2128. 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

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 N5425, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 219-9174
Fax: 202 219-9440

Email: mcmeekin-phyllis@dol.gov

RIN: 1291-AA20

2129. 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 non-profit 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	
Interim Final Rule Comment Period End	05/24/99	
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.

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
Phone: 202 219-9174
Fax: 202 219-9440

Email: mcmeekin-phyllis@dol.gov

RIN: 1291-AA26

2130. 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	
Interim Final Rule Comment Period End	05/24/99	
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.

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
Phone: 202 219-9174
Fax: 202 219-9440
Email: mcmeekin-phyllis@dol.gov

RIN: 1291-AA27

2131. 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

DOL—OASAM

Long-Term Actions

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	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
 Phone: 202 219-8927
 Fax: 800 326-2577
 Email: lockhart-annabelle@dol.gov
RIN: 1291-AA28

Department of Labor (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

2132. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.147

Legal Deadline: None

Abstract: As required by section 610 of the Regulatory Flexibility Act and section 5 of Executive Order 12866, OSHA has reviewed the Agency's standard for the protection of employees from exposure to lockout/tagout hazards, 29 CFR 1910.147, to determine whether the rule should be continued without change or should be amended or rescinded, consistent with the objectives of the rule and of the Occupational Safety and Health Act, to minimize any significant impact on a substantial number of small entities. After a thorough review of the Agency's experience in enforcing this standard, the available literature, and comments received in connection with this review, OSHA has determined that there is a continued need for the rule, that the rule does not appear to overlap, duplicate, or conflict with other Federal rules or with other State and local rules, and that no technological, economic or other factors have arisen since the rule was published that would necessitate amendment or rescission of the rule at this time. OSHA has also concluded that no change that is consistent with the objectives of the OSH Act can be made to the rule that will further minimize any significant impact on a substantial number of small entities. To respond to comments received during this review of the standard, OSHA will revise the compliance directive, review the Agency's interpretive guidance

pertaining to this rule, and develop and disseminate training and other compliance assistance materials to assist employers in complying with the rule.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
Publish Report	12/00/99	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 693-2222
 Fax: 202 693-1678

RIN: 1218-AB59

2133. 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 1999.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
Publish Report	12/00/99	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 693-2222
 Fax: 202 693-1678

RIN: 1218-AB60

2134. 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.

DOL—OSHA

Prerule Stage

Timetable:

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

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-AB62

2135. 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 considering two regulatory actions concerning the Process Safety Management of Highly Hazardous Chemicals (PSM) standard. One action is to publish 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 that were not 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	12/00/99	

Action	Date	FR Cite
NPRM Process Safety Management	To Be Determined	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 693-2222

Fax: 202 693-1678

RIN: 1218-AB63

2136. 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 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:

Action	Date	FR Cite
ANPRM	04/00/00	

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-AB68

2137. 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	06/00/00	

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

Phone: 202 693-2400

Email: jmartonik@dol.gov

RIN: 1218-AB73

2138. COTTON DUST (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 is undertaking a review of its cotton dust standard (29 CFR 1910.1043) in accordance with the

DOL—OSHA

Prerule Stage

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	05/00/00	

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
Phone: 202 693-2400
Email: jmartonik@dol.gov

RIN: 1218-AB74**2139. • 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 (ANPR) 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 ANPR 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.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/00	
ANPRM Comment Period End	06/00/00	

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
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AB86**2140. • 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 Sec. 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) in December, 1999, 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	12/00/99	
ANPRM Comment Period End	02/00/00	

Regulatory Flexibility Analysis**Required:** Undetermined

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB89

Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

2141. ERGONOMICS PROGRAMS: PREVENTING MUSCULOSKELETAL DISORDERS

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

RIN: 1218-AB36

2142. SAFETY AND HEALTH PROGRAMS (FOR GENERAL INDUSTRY AND THE MARITIME INDUSTRIES)

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

RIN: 1218-AB41

2143. 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	05/00/00	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB51

2144. PERMISSIBLE EXPOSURE LIMITS (PELS) FOR AIR CONTAMINANTS

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

RIN: 1218-AB54

2145. 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 16 laboratories operating 40 sites in the U.S., Canada, and the Far East as NRTLs. OSHA is proposing to revise 29 CFR 1910.7 to allow OSHA to charge fees to NRTLs for services that are provided to the NRTLs. The fees will be computed on the basis of the cost of the services to the Government. In determining the amount of such fees, OSHA will follow the guidelines established by the Office of

Management and Budget in Circular Number A-25.

Timetable:

Action	Date	FR Cite
NPRM	08/18/99	64 FR 45098
NPRM Comment Period End	10/04/99	
Final	04/00/00	

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, N3653, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2300
Fax: 202 693-1644

RIN: 1218-AB57

2146. 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 eliminate existing text in the CFR.

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 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 issue a plain language revision of the rule.

Timetable:

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

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

DOL—OSHA

Proposed Rule Stage

Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678
RIN: 1218-AB66

2147. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

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; 29 CFR 1926; 29 CFR 1915; 29 CFR 1916; 29 CFR 1917; 29 CFR 1918

Legal Deadline: None

Abstract: Silica exposure remains a serious threat to nearly 2 million U.S. workers, including more than 100,000 workers in high risk jobs such as abrasive blasting, foundry work, stonecutting, rock drilling, quarry work and tunneling. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur in sandblasters and rock drillers and by recent studies that demonstrate a statistically significant increase in lung cancer among silica-exposed workers. In October 1996, the International Agency for Research on Cancer classified crystalline silica as "carcinogenic to humans." Exposure studies indicate that some workers are still exposed to very high levels of silica. Although OSHA currently has a permissible exposure limit for crystalline silica (10mg/m3 divided by the percent of silica in the dust + 2 respirable), more than 30 percent of OSHA-collected silica samples from 1982 through 1991 exceeded this limit. Additionally recent studies suggest that the current OSHA standard is insufficient to protect against silicosis. OSHA plans to publish a proposed rule on crystalline silica under section 6(b)(5) of the Act. The standard would protect silica-exposed workers in general industry, construction and maritime.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

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
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AB70

2148. • STANDARDS IMPROVEMENT (MISCELLANEOUS CHANGES) FOR GENERAL INDUSTRY, MARINE TERMINALS, AND CONSTRUCTION STANDARDS (PHASE II)

Priority: Substantive, Nonsignificant

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-.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	05/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678
RIN: 1218-AB81

2149. • SPRAY APPLICATIONS

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

Unfunded Mandates: Undetermined

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

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

Legal Deadline: None

Abstract: The 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	12/00/99	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678
RIN: 1218-AB84

2150. • SIGNS, SIGNALS, AND BARRICADES

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

DOL—OSHA

Proposed Rule Stage

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 .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, A Manual on Uniform Traffic Control Devices(MUTCD). For this reason, OSHA intends to issue a proposal 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	08/00/00	

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

Department of Labor (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

2151. STEEL ERECTION (PART 1926) (SAFETY PROTECTION FOR IRONWORKERS)

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

RIN: 1218-AA65

2154. EMPLOYER PAYMENT FOR PERSONAL PROTECTIVE EQUIPMENT

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

RIN: 1218-AB77

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

2152. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES (SIMPLIFIED INJURY/ILLNESS RECORDKEEPING REQUIREMENTS)

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

RIN: 1218-AB24

2155. CONSULTATION AGREEMENTS

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 OSH Act's section 7(c)(1) consultation program (The New OSHA: Reinventing Worker Safety and Health, May 1995).

2153. OCCUPATIONAL EXPOSURE TO TUBERCULOSIS

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

RIN: 1218-AB46

Department of Labor (DOL)

Long-Term Actions

Occupational Safety and Health Administration (OSHA)

2156. 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 has developed a statistical model for analyzing available data that will be used to derive APFs.

DOL—OSHA

Long-Term Actions

Accordingly, OSHA will request further public comment on the analyses conducted using that model, the ANSI Z88.2-1992 APFs, the NIOSH Respirator Decision Logic APFs and other relevant methods for deriving APFs. This will assure that OSHA receives and fully considers public input before issuing final APFs. OSHA expects to complete the rulemaking on APFs in 2000.

Timetable:

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

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AA05

2157. 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 Agency reserved provisions related to vertical tandem lifts. Vertical tandem

lifts (VTLs) involve the lifting of two 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 2000.

Timetable:

Action	Date	FR Cite
NPRM	06/06/94	59 FR 28594
NPRM Comment Period End	09/23/94	
Final Rule on Longshoring	07/25/97	62 FR 40142
Public Meeting	01/27/98	62 FR 52671
Next Action	Undetermined	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AA56

2158. 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 7500 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, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210

Phone: 202 693-2222

Fax: 202 693-1678

RIN: 1218-AA68

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2159. 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

Action	Date	FR Cite
NPRM Comment Period End	02/27/89	
Final Action	To Be Determined	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AA70

2160. 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: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under section 9(a) of the Toxic Substance Control Act, stating that EPA had reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use was unreasonable, and that this risk could be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. 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 2000.

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
NPRM Comment Period End	06/07/93	
Final Action	12/00/00	

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
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AA84

2161. 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 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

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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.

Timetable:

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

Next Action Undetermined

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB27

2162. 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: OSHA was petitioned in May 1987 by Action on Smoking and Health (ASH), Public Citizen, and the American Public Health Association to issue an emergency temporary standard on environmental tobacco smoke (ETS) in the workplace. In March 1992, OSHA was petitioned by the AFL-CIO to establish workplace IAQ standards. In December 1992, ASH again petitioned for rulemaking on ETS.

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. ETS provisions would apply to all 6 million industrial and nonindustrial work environments under OSHA's jurisdiction. OSHA preliminarily estimates that the proposed standard will prevent a substantial number of air-quality related illnesses per year.

Timetable:

Action	Date	FR Cite
Request for Information	09/20/91	56 FR 47892
NPRM	04/05/94	59 FR 15968
NPRM Comment Period End	08/13/94	59 FR 30560
Record Closed	02/09/96	
Next Action Undetermined		

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
Phone: 202 693-1950
Fax: 202 693-1678
RIN: 1218-AB37

2163. 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 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

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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	06/00/01	

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
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AB45

2164. 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	12/00/00	

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
Phone: 202 693-2020
Fax: 202 693-1689
Email: bswanson@dol.gov

RIN: 1218-AB47

2165. 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 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:

Action	Date	FR Cite
NPRM	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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB50

2166. 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, as well as lung cancer and dermatoses.

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

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
Phone: 202 693-1950

DOL—OSHA

Long-Term Actions

Fax: 202 693-1678

RIN: 1218-AB58

2167. FLAMMABLE AND COMBUSTIBLE LIQUIDS

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	12/00/00	

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.

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB61

2168. 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: Various OSHA standards require employers to prepare and maintain records to certify that they have tested or inspected certain types of equipment or machinery, or that they have provided training to employees. OSHA is considering whether to propose to revoke some of these certification provisions, in order to reduce paperwork burdens on employers. Such a proposal would not change the substantive requirements for employers to perform the testing, inspecting, and training.

Timetable: Next Action Undetermined

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB65

2169. 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 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	12/00/00	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB67

2170. 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

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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 non-profit 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:** 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).

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-AB69

2171. CONTROL OF HAZARDOUS ENERGY (LOCKOUT) IN CONSTRUCTION (PART 1926) (PREVENTING CONSTRUCTION INJURIES/FATALITIES: LOCKOUT)

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

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 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:** 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

Phone: 202 693-2020
Fax: 202 693-1689
Email: bswanson@dol.gov
RIN: 1218-AB71

2172. 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, wheel chairs, 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 demonstrate 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

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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 is initiating rulemaking under Section 6(b)(5) to protect beryllium-exposed workers from contracting these diseases.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AB76

2173. 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, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB78

2174. 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: For many years, OSHA has had under consideration standards for

walking working surfaces and personal fall protection systems. In 1990, OSHA proposed (55 FR 13360) a rule addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. OSHA is analyzing the record to determine if it is appropriate to repropose the standard or to issue a final rule based on the existing record.

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
Next Action	Undetermined	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB80

2175. • EXIT ROUTES

Priority: Substantive, Nonsignificant

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	To Be	Determined

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

DOL—OSHA

Long-Term Actions

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678
RIN: 1218-AB82

2176. • 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: 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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678
RIN: 1218-AB83

2177. • 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 will be issued by the end of 1999. OSHA intends to issue the proposed rule in the Spring of 2001, and to hold stakeholder meetings in the summer of 2000.

Timetable:

Action	Date	FR Cite
NPRM	03/00/01	

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
Phone: 202 693-1950
Fax: 202 693-1678
RIN: 1218-AB85

2178. • 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 propose revisions to the sanitation standard, including the need to require washing facilities, gender-separate and lockable toilet facilities, and (where other OSHA standards require change rooms) gender-separate and lockable change facilities.

DOL—OSHA

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	12/00/00	

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

Phone: 202 693-2020

Fax: 202 693-1689

Email: bswanson@dol.gov

RIN: 1218-AB87

Department of Labor (DOL)

Completed Actions

Occupational Safety and Health Administration (OSHA)

2179. PLAIN LANGUAGE REVISION OF EXISTING STANDARDS

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 655(b); 5 USC 553

CFR Citation: 29 CFR 1910.107; 29 CFR 1910.94(c); 29 CFR 1910.94(d); 29 CFR 1910.35; 29 CFR 1910.36; 29 CFR 1910.37; 29 CFR 1910.38

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration (OSHA) adopted its initial package of workplace safety and health standards in the 1970's. Many of these standards have been identified by the regulated community as being overly complex, difficult to read and follow, and out of date with current technology.

OSHA is initiating separate rulemakings to revise three of the agency's most complex and out-of-date standards. The purpose of these rulemakings is to simplify and clarify these standards and to write them in "plain language," as directed by the President's report and the June 1998 Executive Memorandum on Plain Language. The first of these

rulemakings, involving the Standard on Dipping and Coating Operations, was completed in March, 1999. The other two rulemakings address OSHA's Standards on Means of Egress and Spray Finishing Using Flammable and Combustible Liquids, which formerly appeared together in the Agenda under RIN 1218-AB55, have been separated in this agenda and appear under RIN 1218-AB82 (Exit Routes) and RIN 1218-AB84, Spray Applications.

Timetable:

Action	Date	FR Cite
NPRM Exit Routes (Means of Egress)	09/10/96	61 FR 47712
Hearing on Exit Routes	04/29/97	62 FR 9402
Final Action on Dipping and Coating Operations	03/23/99	64 FR 13897
Final Action Effective Dipping and Coating Operations	04/22/99	
Withdrawn	08/30/99	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222

Fax: 202 693-1678

RIN: 1218-AB55

2180. FIRE BRIGADES

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 1910.156

Legal Deadline: None

Abstract: This entry is being withdrawn from the Regulatory Agency because OSHA no longer intends to pursue this rulemaking action.

Timetable:

Action	Date	FR Cite
Withdrawn	08/30/99	

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 N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1678

RIN: 1218-AB64

Department of Labor (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)

2181. • ANNUAL REPORT FOR FEDERAL CONTRACTORS

Priority: Other Significant

Legal Authority: PL 105-339
Employment Opportunities Act

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 sub-contractors 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

DOL—ASVET

Proposed Rule Stage

contractors. This proposal will help VETS assist in providing qualified veterans to maximize employment and training opportunities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/99	

Regulatory Flexibility Analysis Required: No

Agency Contact: Robert Wilson, Chief, Compliance Programs, VETS, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, S-1316, 200

Constitution Avenue, NW, Washington, DC 20210

Phone: 202 693-4717

Fax: 202 693-4755

RIN: 1293-AA07

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