



Federal Register

**Monday,
December 3, 2001**

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 Department's agencies have carefully assessed their available resources and what they can accomplish in the next twelve months and have adjusted their agendas accordingly.

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 2001 and October 2002 as well as those completed during the past six months.

FOR FURTHER INFORMATION CONTACT: Barbara Bingham, Acting Director for the Office of Regulatory Economics, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210, (202) 693-5959.

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

SUPPLEMENTARY INFORMATION: Executive Order 12866 and the Regulatory

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

Executive Order 12866 became effective September 30, 1993, and, in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming 1-year period. The focus of all departmental regulatory activity will be on the development of effective rules that advance the Department's goals and that are understandable and usable to the employers and employees in all affected workplaces.

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

The 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.

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.

Occupational Safety and Health Administration

Occupational Exposure to Ethylene Oxide (RIN 1218-AB60)

Grain Handling Facilities (RIN 1218-AB73)

Excavations (RIN 1218-AC02)

Presence Sense Device Initiation of Mechanical Power Presses (RIN 1218-AC03)

Pension and Welfare Benefits Administration

Bonding Rules Under ERISA 21974 (1210-AA82)

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

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

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

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.

Elaine L. Chao,
Secretary of Labor.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2002	Production or Disclosure of Information or Materials	1290-AA17

DOL

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2003	Defining and Delimiting the Term “Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity” (ESA/W-H) (Reg Plan Seq No. 81)	1215-AA14
2004	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
2005	Implementation of the 1996 Amendments to the Fair Labor Standards Act	1215-AB13
2006	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era	1215-AB24
2007	Stock Options, Stock Appreciation Rights, and Bona Fide Employee Stock Purchase Programs Under the Fair Labor Standards Act	1215-AB31
2008	Obligation of Federal Contractors and Subcontractors, Notice of Employee Rights Concerning Payment of Union Dues or Fees (Reg Plan Seq No. 82)	1215-AB33

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

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2009	Child Labor Regulations, Orders, and Statements of Interpretation (ESA/W-H) (Reg Plan Seq No. 83)	1215-AA09
2010	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models (Reg Plan Seq No. 84)	1215-AB09
2011	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
2012	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**.

Employment Standards Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2013	Application of the Fair Labor Standards Act to Domestic Service	1215-AA82
2014	Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act	1215-AB32

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2015	Records To Be Kept by Employers Under the Fair Labor Standards Act	1215-AB03

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2016	Labor Certification Process for the Permanent Employment of Aliens in the United States (Reg Plan Seq No. 85)	1205-AA66
2017	Federal-State Unemployment Compensation Program; Unemployment Insurance Performance System	1205-AB10
2018	Senior Community Service Employment Program (Reg Plan Seq No. 86)	1205-AB28

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

DOL

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2019	Indian and Native American Welfare-to-Work Program	1205-AB16
2020	Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Modification of Fee Structure	1205-AB24
2021	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas; Implementation of Electronic Filing	1205-AB29
2022	Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the U.S.; Delegation of Authority to Adjudication Petitions; Deferral of Effective Date	1205-AB30
2023	Disaster Unemployment Assistance Program Amendment	1205-AB31

Employment and Training Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2024	Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of Information in State UC Records	1205-AB18
2025	Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses	1205-AB27

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2026	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring, and Enforcement	1205-AA37
2027	Disaster Unemployment Assistance Program, Amendment to Regulations	1205-AB02
2028	Trade Adjustment Assistance for Workers—Implementation of 1988 Amendments	1205-AB05
2029	Trade Adjustment Assistance for Workers—Transitional Adjustment Assistance NAFTA-TAA	1205-AB07
2030	Establishment of Fees for Immigration Programs Administered by the Employment and Training Administration	1205-AB14
2031	Welfare-to-Work (WTW) Grants	1205-AB15
2032	Labor Certification Process for the Permanent Employment of Aliens in the United States; Refiling of Applications	1205-AB25

Pension and Welfare Benefits Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2033	Bonding Rules Under the Employee Retirement Income Security Act of 1974 (Section 610 Review)	1210-AA82
2034	Requests for Enforcement Pursuant to Section 502(b)(2) (Section 610 Review)	1210-AA83
2035	Civil Penalties Under ERISA Section 502(c)(2) (Section 610 Review)	1210-AA84
2036	Procedures for the Assessment of Civil Penalties Under ERISA Section 502(c)(2) (Section 610 Review)	1210-AA85

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2037	Rulemaking Relating to Notice Requirements for Continuation of Health Care Coverage (Reg Plan Seq No. 87) ..	1210-AA60
2038	Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA80

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

DOL

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2039	Definition of Collective Bargaining Agreement (ERISA Section 3(40))	1210-AA48
2040	Regulations Implementing the Health Care Access, Portability and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996	1210-AA54
2041	Health Care Standards for Mothers and Newborns	1210-AA63
2042	Reporting Requirements for MEWAs Providing Medical Care Benefits	1210-AA64
2043	Elimination of Filing Requirements for Summary Plan Descriptions	1210-AA66
2044	Requirement To Furnish Plan Documents Upon Request by the Secretary of Labor	1210-AA67
2045	Civil Penalty for Failure To Furnish Certain Plan Documents	1210-AA68
2046	Electronic Disclosure of Employee Benefit Plan Information	1210-AA71
2047	Rulemaking Relating to the Women's Health and Cancer Rights Act of 1998	1210-AA75
2048	Voluntary Fiduciary Correction Program (VFC Program) (Reg Plan Seq No. 88)	1210-AA76
2049	Prohibiting Discrimination Against Participants and Beneficiaries Based on Health Status	1210-AA77
2050	Delinquent Filer Voluntary Compliance Program (DFVC Program) (Reg Plan Seq No. 89)	1210-AA86

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

Pension and Welfare Benefits Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2051	Adequate Consideration	1210-AA15
2052	Civil Penalties Under ERISA Section 502(1)	1210-AA37
2053	Mental Health Benefits Parity	1210-AA62

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2054	Individual Benefits Reporting Requirements for Defined Contribution Plans	1210-AA65
2055	Soft Dollar (Interpretive Bulletin)	1210-AA74
2056	Delay of Applicability Date for Claims Regulation Under ERISA	1210-AA89

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2057	Occupational Exposure to Coal Mine Dust (Lowering Concentration Limit)	1219-AB08
2058	Asbestos Exposure Limit (Reg Plan Seq No. 90)	1219-AB24

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

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2059	Belt Entry Use as Intake Aircourse To Ventilate Working Sections	1219-AA76
2060	Independent Laboratory Testing	1219-AA87
2061	Improving and Eliminating Regulations	1219-AA98
2062	Mine Rescue Teams	1219-AB20

DOL

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2063	Hazard Communication	1219-AA47
2064	Electric Motor-Driven Mine Equipment and Accessories and High-Voltage Longwall Equipment Standards for Underground Coal Mines	1219-AA75
2065	Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust (Reg Plan Seq No. 91)	1219-AB14
2066	Determination of Concentration of Respirable Coal Mine Dust (Reg Plan Seq No. 92)	1219-AB18
2067	Diesel Particulate Exposure of Underground Metal and Nonmetal Miners	1219-AB28

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

Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2068	Air Quality, Chemical Substances, and Respiratory Protection Standards	1219-AA48
2069	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA92

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2070	Confined Spaces	1219-AA54
2071	Metal/Nonmetal Impoundments	1219-AA83
2072	Surface Haulage	1219-AA93
2073	Safety Standard Revisions for Underground Anthracite Mines	1219-AA96
2074	Electrical Grounding Standards for Metal and Nonmetal Mines	1219-AB01
2075	Training and Retraining of Miners	1219-AB02
2076	Respirable Crystalline Silica Standard	1219-AB12
2077	Safety Standards for Self-Contained Self-Rescue Devices in Coal and Metal/Nonmetal Underground Mines	1219-AB19
2078	Verification of Surface Coal Mine Dust Control Plans	1219-AB21
2079	Surge and Storage Piles	1219-AB22
2080	Escapeways and Refuges	1219-AB23
2081	Accident Investigation Hearing Procedures	1219-AB26
2082	Continuous Monitoring of Respirable Coal Mine Dust in Underground Coal Mines	1219-AB27

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

Sequence Number	Title	Regulation Identification Number
2083	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance	1291-AA28

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

Sequence Number	Title	Regulation Identification Number
2084	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA21
2085	Implementation of the Nondiscrimination and Equal Opportunity Requirements of the Workforce Investment Act of 1998	1291-AA29

DOL

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

Sequence Number	Title	Regulation Identification Number
2086	Audits of States, Local Governments, and Nonprofit Organizations	1291-AA26
2087	Audit Requirements for Grants, Contracts, and Other Agreements	1291-AA27
2088	Grants and Agreements	1291-AA30
2089	Effectuation of Title VI of the Civil Rights Act of 1964 and Implementation of Section 504 of the Rehabilitation Act of 1973	1291-AA31
2090	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug Free Workplace (Grants) 29 CFR 98	1291-AA33

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

Sequence Number	Title	Regulation Identification Number
2091	Department of Labor Acquisition Regulation	1291-AA20

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
2092	Confined Spaces in Construction (Part 1926): Preventing Suffocation/Explosions in Confined Spaces	1218-AB47
2093	Occupational Exposure to Ethylene Oxide (Section 610 Review)	1218-AB60
2094	Electric Power Transmission and Distribution; Electrical Protective Equipment in the Construction Industry	1218-AB67
2095	Grain Handling Facilities (Section 610 Review)	1218-AB73
2096	Occupational Exposure to Beryllium	1218-AB76
2097	Hearing Loss Prevention in Construction Workers	1218-AB89
2098	Cranes, Derricks, Hoists, Elevators, and Conveyors	1218-AC01
2099	Excavations (Section 610 Review)	1218-AC02
2100	Presence Sensing Device Initiation of Mechanical Power Presses (Section 610 Review)	1218-AC03

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2101	Assigned Protection Factors: Amendments to the Final Rule on Respiratory Protection (Reg Plan Seq No. 93)	1218-AA05
2102	Occupational Exposure to Tuberculosis	1218-AB46
2103	General Working Conditions for Shipyard Employment	1218-AB50
2104	Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Shipyards: Fire Safety) (Reg Plan Seq No. 94) ..	1218-AB51
2105	Standards Improvement (Miscellaneous Changes) for General Industry, Marine Terminals, and Construction Standards (Phase II) (Reg Plan Seq No. 95)	1218-AB81
2106	Changes to State Plans	1218-AB91

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

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2107	Update and Revision of the Exit Routes Standard (Reg Plan Seq No. 96)	1218-AB82
2108	Signs, Signals, and Barricades (Reg Plan Seq No. 97)	1218-AB88
2109	Procedures for Handling of Discrimination Complaints Under the Aviation Investment and Reform Act	1218-AB99

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

DOL

Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
2110	Longshoring and Marine Terminals (Parts 1917 and 1918) — Reopening of the Record (Vertical Tandem Lifts (VTLs))	1218-AA56
2111	Scaffolds in Shipyards (Part 1915 — Subpart N)	1218-AA68
2112	Access and Egress in Shipyards (Part 1915, Subpart E) (Shipyards: Emergency Exits and Aisles)	1218-AA70
2113	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates: Protecting Reproductive Health	1218-AA84
2114	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2115	Indoor Air Quality in the Workplace	1218-AB37
2116	Injury and Illness Prevention	1218-AB41
2117	Occupational Exposure to Hexavalent Chromium (Preventing Occupational Illness: Chromium)	1218-AB45
2118	Fall Protection in the Construction Industry	1218-AB62
2119	Occupational Exposure to Crystalline Silica	1218-AB70
2120	Employer Payment for Personal Protective Equipment	1218-AB77
2121	Walking Working Surfaces and Personal Fall Protection Systems (1910) (Slips, Trips and Fall Prevention)	1218-AB80
2122	Revision and Update of Subpart S—Electrical Standards	1218-AB95
2123	Commercial Diving Operations: Revision	1218-AB97

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
2124	Permissible Exposure Limits (PELs) for Air Contaminants	1218-AB54
2125	Metalworking Fluids: Protecting Respiratory Health	1218-AB58
2126	Update and Revision of the Flammable and Combustible Liquids Standard	1218-AB61
2127	Process Safety Management of Highly Hazardous Chemicals	1218-AB63
2128	Revision and Update of the Mechanical Power-Transmission Apparatus Standard	1218-AB66
2129	Safety Standards for Scaffolds Used in the Construction Industry—Part II	1218-AB68
2130	Safety and Health Programs for Construction	1218-AB69
2131	Control of Hazardous Energy (Lockout) in Construction (Part 1926) (Preventing Construction Injuries/Fatalities: Lockout)	1218-AB71
2132	Consolidation of Records Maintenance Requirements in OSHA Standards	1218-AB78
2133	Oil and Gas Well Drilling and Servicing	1218-AB83
2134	Update and Revision of the Spray Applications Standard	1218-AB84
2135	Occupational Exposure to Perchloroethylene	1218-AB86
2136	Sanitation in the Construction Industry	1218-AB87
2137	Update of Revision of the Woodworking Machinery Standard	1218-AB92
2138	Ergonomics Programs in Construction (Part 1926): Preventing Work-Related Musculoskeletal Disorders among Construction Workers	1218-AB94
2139	Occupational Health Risks in the Manufacture and Assembly of Semiconductors	1218-AB96
2140	Occupational Injury and Illness Recording and Reporting Requirements	1218-AC00

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

Sequence Number	Title	Regulation Identification Number
2141	Annual Report for Federal Contractors (2002 Revisions)	1293-AA08

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

Sequence Number	Title	Regulation Identification Number
2142	Annual Report for Federal Contractors	1293-AA07

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

Proposed Rule Stage

2002. 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	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Miriam McD. Miller, Co-Counsel for Administrative Law, Division of Legislation and Legislative Counsel, Department of Labor, Office of the Secretary, Room N2428, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 693-5500
 Email: miller-miriam@dol.gov

RIN: 1290-AA17

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

Proposed Rule Stage

2003. 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. 81 in part II of this issue of the **Federal Register**.

RIN: 1215-AA14

(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	03/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: Annabelle T. Lockhart, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, FP Building, Room S3502, Washington, DC 20210
 Phone: 202 693-0051
 Fax: 202 693-1432

RIN: 1215-AA96

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

2004. 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

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, amended several Acts administered by the Department of Labor: (1) the Contract Work Hours and Safety Standards Act (CWHSSA) to limit its applicability to contracts in an amount of \$100,000 or greater; (2) 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; and (3) the Walsh-Healey Public Contracts Act

2005. 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

DOL—ESA

Proposed Rule Stage

Government Levels Affected: State, Local, Federal

Agency Contact: Annabelle T. Lockhart, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, FP Building, Room S3502, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB13

2006. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Priority: Substantive, Nonsignificant

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

CFR Citation: 41 CFR 60-250

Legal Deadline: None

Abstract: OFCCP proposes to amend the regulations implementing the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) 38 USC 4212, to conform with the Veterans Employment Opportunities Act (the Act) of 1998 and the Veterans Benefits and Health Care Improvement Act of 2000 (VBHCIA). The Act and VBHCIA of 2000 increase the current threshold for coverage from \$10,000 to \$25,000. The Act and VBHCIA of 2000 expand the existing definition of Veterans, i.e., special disabled veterans and veterans of the Vietnam Era, to include recently separated veterans and 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. Recently separated veterans means any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

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

2007. STOCK OPTIONS, STOCK APPRECIATION RIGHTS, AND BONA FIDE EMPLOYEE STOCK PURCHASE PROGRAMS UNDER THE FAIR LABOR STANDARDS ACT

Priority: Other Significant

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

CFR Citation: 29 CFR 546; 29 CFR 778

Legal Deadline: None

Abstract: The Worker Economic Opportunity Act, Public Law 106-202 (May 18, 2000), amended section 7(e) of the Fair Labor Standards Act to

clarify how certain employer-provided stock option programs are to be treated for purposes of overtime pay. Certain programs meeting prescribed criteria would not have to be factored into the "regular rate" otherwise required when calculating "time-and-one-half" overtime premium pay for overtime hours of work. The legislation calls for regulations to be promulgated as necessary, which will include amendments to some of the existing regulations on overtime pay.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Annabelle T. Lockhart, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, FP Building, Room S3502, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB31

2008. OBLIGATION OF FEDERAL CONTRACTORS AND SUBCONTRACTORS, NOTICE OF EMPLOYEE RIGHTS CONCERNING PAYMENT OF UNION DUES OR FEES

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

RIN: 1215-AB33

Department of Labor (DOL)

Employment Standards Administration (ESA)

Final Rule Stage

2009. CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION (ESA/W-H)

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

RIN: 1215-AA09

2010. LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING NONIMMIGRANTS ON H-1B VISAS IN SPECIALTY OCCUPATIONS AND AS FASHION MODELS

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

RIN: 1215-AB09

2011. 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

DOL—ESA

Final Rule Stage

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	01/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Annabelle T. Lockhart, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution

Avenue, NW, FP Building, Room S3502, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB20

2012. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS, EXECUTIVE ORDER 11246 (ESA/OFCCP) (REVISED)

Priority: Substantive, Nonsignificant

Legal Authority: EO 11246, as amended; 38 USC 4211; PL 94-502;; PL 97-306; PL 102-484; 38 USC 4212; PL 93-508, amended; PL 96-466; PL 101-237;; EO 11758; PL 98-223; PL 102-16; PL 102-127; PL 95-520; PL 105-339; 29 USC 706;; 29 USC 793; EO 11758

CFR Citation: 41 CFR 60-1 (Revision); 41 CFR 60-250 (Revision); 41 CFR 60-741 (Revision)

Legal Deadline: None

Abstract: The 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 proposes also to make the same revision in Section 60-250.60(a)(3) of the regulations implementing the affirmative action provisions of the Vietnam Era Veteran's Readjustment Assistance Act (VEVRAA). Lastly,

OFCCP proposes to conform regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended, to the compliance evaluation procedures contained in the regulations implementing Executive Order 11246, as amended, and the affirmative action provisions of VEVRAA, both of which expressly authorize OFCCP to use additional investigative procedures to determine a contractor's compliance with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/12/00	65 FR 60815
Final Rule	09/00/02	

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-AB28

Department of Labor (DOL)

Long-Term Actions

Employment Standards Administration (ESA)

2013. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Priority: Other Significant

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 the applicability of these exemptions to third-party employers (58 FR 69310). After reviewing the public comments, the Department adopted technical changes to update the regulations, including a revision necessitated by amendments to title II of the Social Security Act under Public Law 103-387 (Social Security Domestic Employment Reform Act) 10/22/94, (see 60 FR 46766) and reopened the public comment period on proposed revisions affecting third-party employers (section 552.109). After further review of the history and

background to this exemption, a new proposed rule was published for public comment on 1/19/2001 (66 FR 5481).

Timetable:

Action	Date	FR Cite
NPRM	12/30/93	58 FR 69310
NPRM Comment Period End	02/28/94	
Second NPRM	09/08/95	60 FR 46797
Final Rule	09/08/95	60 FR 46766
Third NPRM	01/19/01	66 FR 5481
NPRM Comment Period End	03/20/01	
Third NPRM Comment Period End Extended to	04/23/01	66 FR 20411
07/23/2001		
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

DOL—ESA

Long-Term Actions

Government Levels Affected: State, Local, Federal

Agency Contact: Annabelle T. Lockhart, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, FP Building, Room S3502, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AA82

2014. CLAIMS FOR COMPENSATION UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 106-398; EO 13179

CFR Citation: 20 CFR 30

Legal Deadline: Other, Statutory, May 31, 2001, Interim Final Rule. By executive order, regulations for administration of program to be promulgated by 5/31/2001.

Abstract: The Department of Labor has issued regulations for its administration of the provisions of the Energy Employees Occupational Illness Compensation Program Act. These regulations address all questions arising under this act which have not been specifically assigned to the Secretary of Health and Human Services, to the Secretary of Energy, or to the Attorney General.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/25/01	66 FR 28948
Interim Final Rule Effective	07/24/01	

Action	Date	FR Cite
Interim Final Rule Comment Period End	09/24/01	66 FR 47382
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Peter M. Turcic, Director, Division of Energy Employees Occupational Illness Compensation, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, FP Building, Washington, DC 20210
Phone: 202 693-0081
Fax: 202 693-1465
Email: eeoic@dol-esa.gov

RIN: 1215-AB32

Department of Labor (DOL)

Employment Standards Administration (ESA)

Completed Actions

2015. RECORDS TO BE KEPT BY EMPLOYERS UNDER THE FAIR LABOR STANDARDS ACT

Priority: Substantive, Nonsignificant

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 regulatory initiative contemplates simplification of regulatory language and streamlining of regulatory requirements to ensure that applicable standards are easily understandable and reasonable.

Timetable:

Action	Date	FR Cite
Withdrawn Due to Competing Priorities	09/24/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: Annabelle T. Lockhart, Acting Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, FP Building, Room S3502, Washington, DC 20210
Phone: 202 693-0051
Fax: 202 693-1432

RIN: 1215-AB03

Department of Labor (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

2016. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

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

RIN: 1205-AA66

2017. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; UNEMPLOYMENT INSURANCE PERFORMANCE SYSTEM

Priority: Other Significant

Legal Authority: 42 USC 501 to 504; 42 USC 1302(a); 26 USC 3301 to 3311; 5 USC 8501 to 8508; 5 USC 8521 to 8525; 42 USC 5177 to 5189a; 19 USC 2271 to 2322; 40 FR 18515

CFR Citation: 20 CFR 602; 20 CFR 640; 20 CFR 650; 20 CFR 609.6(f); 20 CFR 614.6(f); 20 CFR 614.7(c); 20 CFR 609.7(c); 20 CFR 617.51(b)

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

DOL—ETA

Proposed Rule Stage

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.

The UI PERFORMS Regulation is consistent with the Administration's and the Secretary's emphasis on improved grants management. It is needed now to help complete the development and implementation of the UI PERFORMS system and will replace other regulations, two of which establish Secretary's Standards for first payment and lower appeals timeliness. Until those regulations have been replaced the related UI PERFORMS

measures and criteria cannot be put in place. It will also establish a definitive framework for enforcing, if necessary, the elements and performance standards established as parts of the UI PERFORMS system. Until the regulation is in place, UI PERFORMS will remain incomplete.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/97	62 FR 2543
ANPRM Comment Period End	03/17/97	
NPRM	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Federalism: Undetermined

Agency Contact: Burman Skrable, Operations Research Analyst, Division of Performance Management, OWS, Department of Labor, Employment and Training Administration, Room S4231, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-3197
Email: bskrable@doleta.gov

RIN: 1205-AB10

2018. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

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

RIN: 1205-AB28

Department of Labor (DOL)

Final Rule Stage

Employment and Training Administration (ETA)

2019. INDIAN AND NATIVE AMERICAN WELFARE-TO-WORK PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC

612(a)(3)(c)(iii); PL 106-113, Division B, section 1000(a)(4)

CFR Citation: 20 CFR 646

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

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

Abstract: These are program regulations needed to implement the Indian and Native American set-aside under the Welfare-to-Work program authorized by section 412(a)(3) of the Social Security Act. New interim final regulations are being issued to implement changes made by the Welfare-to-Work and Child Support Amendments of 1999 and other legislation. The Consolidated Appropriations Act of 2001 authorized the Department to extend welfare-to-work grants an additional two years. Therefore, the grants may operate until September 2004.

The Department received 14 comments and none would substantively change the regulations. The Department will provide guidance in response to those

comments. The Interim Final Rule is the final.

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	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Tribal

Additional Information: Congress has changed eligibility criteria. A final rule will be published to conform with the State programs.

Agency Contact: Gregory Gross, Department of Labor, Employment and Training Administration, Room N4641, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-3752
Email: ggross@doleta.gov

RIN: 1205-AB16

2020. 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

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,

DOL—ETA

Final Rule Stage

while the petition fee is a processing fee.

The Department published a Notice of Proposed Rulemaking (NPRM) at 65 FR 43545 (July 13, 2000). Because of the continuing interest in the proposal, the Department published at 65 FR 50170 (August 17, 2000) a proposed rule reopening and extending the comment period on the July 13, 2000, NPRM. The comments received as a result of this reopening and extension of the comment period did not provide sufficient information to permit the Department to draft a final rule concerning a number of issues raised by commenters. Consequently, the Department intends to publish a proposed rule to again reopen and extend the comment period on the July 13, 2000, NPRM.

Timetable:

Action	Date	FR Cite
NPRM	07/13/00	65 FR 43545
NPRM Comment Period Reopened and Extended	09/18/00	65 FR 50170
NPRM Comment Period Reopened and Extended to 10/29/2001	09/27/01	66 FR 49328
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210

Phone: 202 693-2942

Fax: 202 693-2760

Email: dziegler@doleta.gov

RIN: 1205—AB24

2021. • LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING NONIMMIGRANTS ON H-1B VISAS; IMPLEMENTATION OF ELECTRONIC FILING

Priority: Other Significant

Legal Authority: 8 USC

1101(a)(15)(h)(i)(b); 8 USC 1182(n); 8 USC 1184(c)

CFR Citation: 20 CFR 655, subparts H and I

Legal Deadline: None

Abstract: The Department of Labor is amending its regulations governing the filing and processing of labor condition applications for the employment of nonimmigrant aliens on H-1B visas in specialty occupations and as fashion models. The amendments will allow employers the option of submitting LCAs electronically, utilizing Web-based forms and instructions. The electronic filing system will be convenient and less burdensome for employers, since, unlike a system based on filing applications by facsimile transmission or by mail, the new system will allow the filing of an application without the submission of a "hard copy." Submission by mail or fax will continue to be permitted for employers who prefer one of those formats.

Timetable:

Action	Date	FR Cite
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210

Phone: 202 693-2942

Fax: 202 693-2760

Email: dziegler@doleta.gov

RIN: 1205—AB29

2022. • LABOR CERTIFICATION AND PETITION PROCESS FOR THE TEMPORARY EMPLOYMENT OF NONIMMIGRANT ALIENS IN AGRICULTURE IN THE U.S.: DELEGATION OF AUTHORITY TO ADJUDICATION PETITIONS; DEFERRAL OF EFFECTIVE DATE

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

Unfunded Mandates: Undetermined

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: 20 CFR 655, subpart B

Legal Deadline: None

Abstract: The Department of Labor (DOL or Department) published a final rule in this rulemaking in the Federal Register at 65 FR 43538 (July 13, 2000), with an effective date of November 13, 2000, implementing a delegation of authority from the INS to the Department of adjudicate petitions for the temporary employment of nonimmigrant aliens in agriculture in the United States. Concurrently, the INS published a final rule at 65 FR 43528 (July 13, 2000) with an effective date of November 13, 2000, transferring to the Secretary of Labor the authority to adjudicate petitions for temporary agricultural workers and the authority to decide appeals on these decisions and to make determinations for revocation of petition approvals.

Subsequently, the INS at 65 FR 67616 (November 13, 2000) published a final rule and DOL at 65 FR 67628 (November 13, 2000) published an interim final rule (IFR) deferring the effective dates of their final rules. The Department in its IFR invited comments on the deferral of the effective date. No comments were received by DOL on the deferral of the effective date.

The Department also reopened and extended the comment period at 65 FR 50170 (August 17, 2000) on a companion notice of proposed rulemaking (NPRM) published at 65 FR 43545 (July 13, 2000) setting forth implementation measures necessary to the successful implementation of the delegation of authority to adjudicate petitions. The comments received as a result of this reopening and extension of the comment period did not provide sufficient information to permit the Department to draft a final rule concerning a number of issues raised by commenters. Consequently, the Department intends to publish a proposed rule to again reopen and extend the comment period on the July 13, 2000, NPRM.

Finalizing the proposed rule is essential to the effective implementation of any delegation of authority to DOL to adjudicate petitions for temporary employment of nonimmigrant aliens in the United States. Therefore, the Department has determined to defer the effective date of the July 13, 2000, final rule for 1 year, which should be sufficient time to complete the rulemaking on the companion NPRM.

DOL—ETA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/27/01	66 FR 49275
Interim Final Rule Comment Period End	10/29/01	
Interim Final Rule Effective	09/27/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210
Phone: 202 693-2942
Fax: 202 693-2760
Email: dziegler@doleta.gov

RIN: 1205-AB30

2023. • DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM AMENDMENT**Priority:** Other Significant**Legal Authority:** 42 USC 1302; 42 USC 5177; EO 12673**CFR Citation:** 20 CFR 625.5**Legal Deadline:** None

Abstract: In 1995, ETA published an interim final rule that clarified and removed undue restrictions in the existing regulations implementing the Disaster Unemployment Assistance Program. This rule revised all of part 625. Its withdrawal from the current agenda reflects a postponement of additional rulemaking due to higher agency priorities. (See RIN 1205-AB02.) This new rule on the Disaster Unemployment Assistance Program will only address one aspect of part 625; it adds a definition of “unemployment is a direct result of the major disaster.” ETA had not defined this term in its previous rule. The purpose of the new definition is to

clarify eligibility for disaster unemployment assistance in the wake of the major disasters as a result of the terrorist attacks of September 11, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/13/01	66 FR 56959
Interim Final Rule Effective	11/13/01	
Interim Final Rule Comment Period End	12/13/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Federal

Agency Contact: Betty E. Castillo, Chief, Division of Unemployment Insurance Operations, Department of Labor, Employment and Training Administration, Room S4231, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-3032

RIN: 1205-AB31

Department of Labor (DOL)

Employment and Training Administration (ETA)

Long-Term Actions

2024. FEDERAL-STATE UNEMPLOYMENT COMPENSATION (UC) PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF INFORMATION IN STATE UC RECORDS**Priority:** Other Significant**Legal Authority:** 42 USC 1302 (a); 42 USC 503; 42 USC 1320b-7; 26 USC ch 23; Secretary's Orders 4-75 and 14-75**CFR Citation:** 20 CFR 603**Legal Deadline:** None

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

use of unemployment compensation wage records under these and other statutes has increased in recent years while privacy and confidentiality issues have not yet been addressed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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

Agency Contact: Gerard Hildebrand, Chief, Division of Legislation, Department of Labor, Employment and Training Administration, Room S4231, 200 Constitution Avenue NW, FB Building, Washington, DC 20210
Phone: 202 693-3038
Email: ghildebrand@doleta.gov

RIN: 1205-AB18

2025. ATTESTATIONS BY FACILITIES TEMPORARILY EMPLOYING H-1C NONIMMIGRANT ALIENS AS REGISTERED NURSES**Priority:** Other Significant**Legal Authority:** 8 USC 1101(a)(15)(H)(i)(c); 8 USC 1182(m); 8 USC 1184; 29 USC 49 et seq; PL 106-95, 113 Stat. 1312**CFR Citation:** 20 CFR 655, subparts L and M

Legal Deadline: Final, Statutory, February 11, 2000.
Final or Interim Final regulations required within 90 days of enactment.

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/00	65 FR 51137

DOL—ETA

Long-Term Actions

Action	Date	FR Cite	Regulatory Flexibility Analysis Required:	Small Entities Affected:	Government Levels Affected:	Agency Contact:	RIN:
Interim Final Rule Comment Period End	09/21/00		No	No	State, Local, Federal	Michael Ginley, Director, Office of Enforcement Policy,	1205-AB27
Interim Final Rule Effective	09/21/00						
Final Action	To Be Determined						

Wage and Hour Division, Department of Labor, Employment Standards Administration, Room N3510, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-0745

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

Completed Actions

2026. 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, and title III of the Workforce Investment Act of 1998.

Timetable:

Action	Date	FR Cite
Withdrawn	08/31/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State, Local, Federal

Federalism: Undetermined

Agency Contact: Gay Gilbert, Chief, Division of Employment Service and ALMIS, Department of Labor, Employment and Training Administration, Room S4231, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-3428
Email: ggilbert@doleta.gov

RIN: 1205-AA37

2027. 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: This rulemaking to revise current regulations into a "Plain English" format is being postponed due to higher agency priorities.

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
Withdrawn	09/24/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Betty E. Castillo, Chief, Division of Unemployment Insurance Operations, Department of Labor, Employment and Training Administration, Room S4231, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-3032

RIN: 1205-AB02

2028. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—IMPLEMENTATION OF 1988 AMENDMENTS

Priority: Other Significant

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 it was 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
Withdrawn	08/31/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Federal

Additional Information: This rulemaking is withdrawn from the regulatory agenda. After further analysis, agency resources are now focused on the Administration's trade adjustment assistance initiative, which could change the focus of these regulatory items.

Agency Contact: Edward A. Tomchick, Director, Division of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, Room C5311, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-3577

RIN: 1205-AB05

2029. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—TRANSITIONAL ADJUSTMENT ASSISTANCE NAFTA-TAA

Priority: Other Significant

Legal Authority: 19 USC 2320; 19 USC 2331

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: Title V of the North American Free Trade Agreement Implementation Act (NAFTA) (PL 103-182) amends chapter 2 of title II of the Trade Act of 1974 by adding a new NAFTA Transitional Adjustment Assistance Program (NAFTA-TAA) for workers who lose their jobs because of increased imports from or a shift of production to Mexico and Canada. Most of the provisions of title V are in the form of amendments to chapter

DOL—ETA

Completed Actions

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	
Withdrawn	08/31/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Federal

Additional Information: This rulemaking is withdrawn from the regulatory agenda. After further analysis, agency resources are now focused on the Administration's trade adjustment assistance initiative, which could change the focus of these regulatory items.

Agency Contact: Edward A. Tomchick, Director, Division of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, Room C5311, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-3577

RIN: 1205-AB07

2030. ESTABLISHMENT OF FEES FOR IMMIGRATION PROGRAMS ADMINISTERED BY THE EMPLOYMENT AND TRAINING ADMINISTRATION

Priority: Other Significant

Legal Authority: Not yet determined

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Program Operations Account in DOL's Employment and Training Administration (ETA).

Timetable:

Action	Date	FR Cite
Withdrawn	08/21/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Additional Information: The base funding of ETA immigration programs has been reduced by 30 percent since FY 1995. The fee proceeds would be used to offset the costs of administering the alien labor certification program at the State and Regional levels. ETA has worked with the States and Regional Offices and reduced the number of queued cases from 92,000 to 66,000 at the State level. The number of cases on the Regional level is 21,000. However, there was a one time reinstatement of section 245(i) as part of the LIFE legislation and this increased the queued permanent cases by 235,000 applications over the 60,000 permanent applications received in FY 2001. The regular appropriation, plus the user fees, will be necessary to work off the cases in the pipeline and become current.

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210

Phone: 202 693-2942

Fax: 202 693-2760

Email: dziegler@doleta.gov

RIN: 1205-AB14

2031. WELFARE-TO-WORK (WTW) GRANTS

Priority: Other Significant

Legal Authority: 42 USC 603(a)(5)(c)(ix); PL 106-113, Division B, sec 1000(a)(4)

CFR Citation: 20 CFR 645

Legal Deadline: None

Abstract: The Employment and Training Administration published interim final regulations on November 18, 1997, implementing the Welfare-to-Work Grants Program. The Personal Responsibility and Work Opportunity Reconciliation Act reformed the

Nation's welfare laws, when enacted in August 1996, by creating a new system of block grants to the States for Temporary Assistance for Needy Families (TANF). Moving people from welfare to work is one of the primary goals of Federal welfare policy. Section 5001 of the Balanced Budget Act of 1997 authorized the Department of Labor to provide Welfare-to-Work Grants to States and local communities to create additional job opportunities for the hardest-to-employ recipients of TANF and certain noncustodial parents. The Welfare-to-Work Grants were provided to the States through the use of a formula, and in a competitive process to local communities. A small amount of total grant funds were set aside for special purposes: one percent for Indian tribes; and 0.8 percent for evaluation.

Guidance and regulations reflect minimal amplification of the law and provide further information or clarification as needed to make the program operational. Existing regulations and systems are used wherever possible. Reporting requirements will assure program integrity and provide timely information for tracking performance. Leveraging of non-Federal resources at the State and local level is encouraged.

These funds have allowed States and local communities to help move eligible individuals into jobs by: job creation through public or private sector wage subsidies; on-the-job training; short-term vocational educational training and job training; contracts with public or private providers of job readiness, job placement, and post-employment services; job vouchers for similar services; community service or work experience; or job retention and supportive services (if such services are not otherwise available).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/18/97	62 FR 61587
Interim Final Rule	01/11/01	66 FR 2690
Final Rule	01/11/01	66 FR 2689
Interim Final Rule	02/12/01	66 FR 9763
Comment Period Extended to 4/11/01		
Effective Date of Final Rule Delayed Until 4/13/01	02/12/01	66 FR 9763
Final Rule Effective	02/12/01	

DOL—ETA

Completed Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	03/12/01	
Combined with 1205- AB16	09/25/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal

Additional Information: As a result of the interim final rule published on January 11, 2001, the Department received comments from 14 entities resulting in about 60 discrete comments on the rule implementing the 1999 Amendments. After considering several options, ETA proposes to respond at a future point in time on the Indian and Native American Welfare-to-Work Interim Final Rule (RIN 1205-AB16). This rule would apply to the system through September 2004.

Agency Contact: Dennis Lieberman, Director, Division of Welfare to Work, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, N4671, FP Building, Washington, DC 20210
Phone: 202 693-3375

RIN: 1205-AB15

2032. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES; REFILING OF APPLICATIONS

Priority: Other Significant

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

CFR Citation: 20 CFR 656

Legal Deadline: None

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

This measure to reduce backlogs would result in a variety of desirable benefits, including a reduction in government resources necessary to process applications for alien employment

certification a reduction in processing time for both new application and those applications currently in the queue, and would facilitate the development and implementation of a new, more efficient system for processing labor certification applications for permanent employment in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/00	65 FR 46082
NPRM Comment Period End	08/25/00	
Final Action	08/03/01	66 FR 40584
Final Action Effective	09/04/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dale Ziegler, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210

Phone: 202 693-2942

Fax: 202 693-2760

Email: dziegler@doleta.gov

RIN: 1205-AB25

Department of Labor (DOL)

Prerule Stage

Pension and Welfare Benefits Administration (PWBA)

2033. BONDING RULES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (SECTION 610 REVIEW)

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

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: PWBA is conducting a review of the temporary bonding rules under section 412 of ERISA (29 CFR part 2580) in accordance with the requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rules; the nature of complaints or comments received from the public concerning the rules; the complexity of the rules; the extent to which the rules overlap, duplicate or conflict with other

Federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in industries affected by the rules.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/00	
End Review	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

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

Phone: 202 693-8500

RIN: 1210-AA82

2034. REQUESTS FOR ENFORCEMENT PURSUANT TO SECTION 502(B)(2) (SECTION 610 REVIEW)

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 2560.502-1

Legal Deadline: None

Abstract: PWBA is conducting a review of its regulation (29 CFR 2560.502-1) relating to requests for enforcement pursuant to section 502(b)(1) of ERISA (formerly ERISA) section 502(b)(2)) of ERISA in accordance with the requirements of section 610 of the

DOL—PWBA

Prerule Stage

Regulatory Flexibility Act. The review will cover the continued need for the rules; the nature of complaints or comments received from the public concerning the rules; the complexity of the rule; the extent to which the rules overlap, duplicate or conflict with other Federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have changed in industries affected by the rules.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/00	
End Review	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA83

2035. CIVIL PENALTIES UNDER ERISA SECTION 502(C)(2) (SECTION 610 REVIEW)

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 2560.502(c)(2)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Begin Review	12/01/00	
End Review	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA84

2036. PROCEDURES FOR THE ASSESSMENT OF CIVIL PENALTIES UNDER ERISA SECTION 502(C)(2) (SECTION 610 REVIEW)

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

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

CFR Citation: 29 CFR 2570.60 et seq.

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Begin Review	12/01/00	
End Review	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Rudy Nuissl, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, N-5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA85

Department of Labor (DOL)

Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2037. RULEMAKING RELATING TO NOTICE REQUIREMENTS FOR CONTINUATION OF HEALTH CARE COVERAGE

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

RIN: 1210-AA60

2038. REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: This proposed regulation would provide an exemption from the bonding requirements of Section 412(a) of ERISA for certain broker-dealers and investment advisers who handle plan assets.

Timetable:

Action	Date	FR Cite
NPRM	02/00/02	

DOL—PWBA

Proposed Rule Stage

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Stacey L. DeWalt, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200

Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8500
RIN: 1210-AA80

Department of Labor (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2039. 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.

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
Notice Establishing Negotiated Rulemaking Advisory Committee	09/22/98	63 FR 50542
Second NPRM	10/27/00	65 FR 64498
Second NPRM Comment Period End	12/26/00	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

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

Agency Contact: Elizabeth A. Goodman, Pension Law Specialist, Office of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA48

2040. REGULATIONS IMPLEMENTING THE HEALTH CARE ACCESS, PORTABILITY AND RENEWABILITY PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

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

Unfunded Mandates: Undetermined

Legal Authority: PL 104-91, sec 101; 29 USC 1027; 29 USC 1059; 29 USC 1135; 29 USC 1171; 29 USC 1172; 29 USC 1177

CFR Citation: 29 CFR 2590

Legal Deadline: Other, Statutory, April 1, 1997, Interim Final Rule. Per section 734 of ERISA as added by section 101 of HIPAA.

Abstract: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) amended title I of ERISA by adding a new part 7, designed to improve health care access, portability and renewability. This rulemaking will provide regulatory guidance to implement these provisions.

Timetable:

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

Action	Date	FR Cite
Interim Final Rule Effective	06/07/97	
Interim Final Rule Comment Period End	07/07/97	
Request for Information	10/25/99	64 FR 57520
Comment Period End	01/25/00	
Final Rule	01/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Amy Turner, Director, Office of Health Plan Standards, Department of Labor, Pension and Welfare Benefits Administration, Room N5677, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-8335

RIN: 1210-AA54

2041. HEALTH CARE STANDARDS FOR MOTHERS AND NEWBORNS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1027, ERISA sec 107; 29 USC 1059, ERISA sec 209; 29 USC 1135, ERISA sec 505; 29 USC 1171 to 1173, ERISA sec 701 to 703; 29 USC 1181, ERISA sec 711; 29 USC 1182, ERISA sec 712; 29 USC 1191 to 1194, ERISA sec 731 to 734; PL 104-191, 101 Stat 1936 (HIPAA); PL 104-204, 110 Stat 2935 (NMHPA); Secretary of Labor's Order No. 1-87, 52 FR 13139, April 21, 1987

CFR Citation: 29 CFR 2590.711

Legal Deadline: None

Abstract: The Newborns' and Mothers' Health Protection Act of 1996 (NMHPA) was enacted on September 26, 1996 (PL 104-204). NMHPA amended the Public Health Service Act (PHSA) and the Employee Retirement Income Security Act of 1974, as amended, (ERISA) to provide protection for mothers and their newborn children with regard to the length of hospital

DOL—PWBA

Final Rule Stage

stays following the birth of a child. NMHPA provisions are set forth in title XXVII of the PHSA and part 7 of subtitle B of title I of ERISA. This rulemaking will provide further guidance with regard to the provisions of the NMHPA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/27/98	63 FR 57546
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: LEGAL

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

Agency Contact: Amy Turner, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8335

RIN: 1210-AA63

2042. REPORTING REQUIREMENTS FOR MEWAS PROVIDING MEDICAL CARE BENEFITS

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: These interim final rules govern certain reporting requirements under title I of the Employee Retirement Income Security Act of 1974, as amended (ERISA) for multiple employer welfare arrangements (MEWAs) that provide benefits consisting of medical care. In part, the rules implement recent changes made to ERISA by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The rules also set forth elements that MEWAs would be required to file with the Department of Labor for the purpose of determining compliance with the portability nondiscrimination, renewability and other requirements of part 7 of subtitle

B of title I of ERISA including the requirements of the Mental Health Parity Act of 1996 and the Newborns' and Mothers' Protection Act of 1996. The rules provide guidance with respect to section 502(c)(5) of ERISA which authorizes the Secretary of Labor to assess a civil penalty of up to \$1,000 a day for failure to comply with the new reporting requirements.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Amy Turner, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8335

RIN: 1210-AA64

2043. ELIMINATION OF FILING REQUIREMENTS FOR SUMMARY PLAN DESCRIPTIONS

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: This rulemaking will remove from the CFR certain regulations that have been superseded by amendments to title I of ERISA effected by the Taxpayer Relief Act of 1997 (PL 105-34) that eliminate the requirement for plan administrators to file summary plan descriptions (SPDs), summaries of material modifications (SMMs), and updated SPDs with the Department of Labor. Under the amendments plan administrators must continue to furnish participants and beneficiaries with copies of these documents. Separate rulemakings (RINs 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	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Lisa M. Fields, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5625, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA66

2044. REQUIREMENT TO FURNISH PLAN DOCUMENTS UPON REQUEST BY THE SECRETARY OF LABOR

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 2520.104a-8

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42797
NPRM Comment Period End	10/04/99	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Lisa M. Fields, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5625, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA67

DOL—PWBA

Final Rule Stage

2045. CIVIL PENALTY FOR FAILURE TO FURNISH CERTAIN PLAN DOCUMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-34, sec 1503; 29 USC 1135; 29 USC 1132**CFR Citation:** 29 CFR 2560; 29 CFR 2570**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42797
NPRM Comment Period End	10/04/99	
Final Action	12/00/01	

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

Agency Contact: Lisa M. Fields, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5625, 200 Constitution Avenue NW., FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA68**2046. ELECTRONIC DISCLOSURE OF EMPLOYEE BENEFIT PLAN INFORMATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 29 USC 1024; 29 USC 1135; PL 105-34, Taxpayer Relief Act;

Secretary of Labor's Order No. 1-87, April 21, 1987

CFR Citation: 29 CFR 2520.104b**Legal Deadline:** NPRM, Statutory, December 31, 1998.

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

Timetable:

Action	Date	FR Cite
NPRM	01/28/99	64 FR 4506
NPRM Comment Period End	03/29/99	
Final Action	03/00/02	

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

Agency Contact: Eric A. Raps, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room N5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AA71**2047. RULEMAKING RELATING TO THE WOMEN'S HEALTH AND CANCER RIGHTS ACT OF 1998****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 29 USC 1185; PL 105-277; 112 Stat 2681; 29 USC 1135; 29 USC 1194**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Women's Health and Cancer Rights Act of 1998 (WHCRA) was enacted on October 21, 1998 (P.L. 105-277). WHCRA amended the Employee Retirement Income Security Act of 1974 (ERISA) and the Public Health Service Act (PHS Act) to provide protection for patients who

elect breast reconstruction in connection with a mastectomy. The WHCRA provisions are set forth in part 7 of subtitle B of title I of ERISA and in title XXVII of the PHS Act. These interim rules will provide guidance with respect to the WHCRA provisions.

Timetable:

Action	Date	FR Cite
Request for Information (RFI)	05/28/99	64 FR 29186
RFI Comment Period End	06/28/99	
Interim Final Rule	07/00/02	

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

Undetermined

Agency Contact: Elena Hornsby, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8335

RIN: 1210-AA75**2048. VOLUNTARY FIDUCIARY CORRECTION PROGRAM (VFC PROGRAM)****Regulatory Plan:** This entry is Seq. No. 88 in part II of this issue of the **Federal Register**.**RIN:** 1210-AA76**2049. PROHIBITING DISCRIMINATION AGAINST PARTICIPANTS AND BENEFICIARIES BASED ON HEALTH STATUS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 29 USC 1027; 52 FR 13139, April 21, 1987; 29 USC 1059; 29 USC 1135; 29 USC 1171; 29 USC 1167; 29 USC 1194; PL 104-191 sec 101; 29 USC 1181, 101 Stat 1936; Secretary of Labor's Order No. 1-37**CFR Citation:** 29 CFR 2590.702**Legal Deadline:** None

Abstract: Section 702 of the Employee Retirement Income Security Act of 1974, amended by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), establishes that a group health plan or a health insurance issuer may not establish rules for eligibility (including continued eligibility) of any individual to enroll under the terms of

DOL—PWBA

Final Rule Stage

the plan based on any health status-related factor. These provisions are also contained in the Internal Revenue Code under the jurisdiction of the Department of the Treasury, and the Public Health Service Act under the jurisdiction of the Department of Health and Human Services.

On April 8, 1997, the Department, in conjunction with the Departments of the Treasury and Health and Human Services (collectively, the Departments) published interim final regulations implementing the nondiscrimination provisions of HIPAA. These regulations can be found at 26 CFR 54.9802-1 (Treasury), 29 CFR 2590.702 (Labor), and 45 CFR 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 contains additional regulatory interim guidance under HIPAA's nondiscrimination provisions.

In addition, the rulemaking contains proposed guidance on bona fide wellness programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/97	62 FR 16894
Interim Final Rule Comment Period End	07/07/97	
NPRM: Wellness	01/08/01	66 FR 1421
Second Interim Final Rule	01/08/01	66 FR 1378
NPRM Comment Period End	04/09/01	
Interim Final Rule Comment Period End	04/09/01	
Final Rule	07/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Additional Information: This item has been split off from RIN 1210-AA54 in

order to provide focused guidance on section 702 of ERISA, which prohibits discrimination against participants and beneficiaries by group health plans and health insurance issuers based on health status.

Agency Contact: Amy Turner, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room C5331, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8335

RIN: 1210-AA77

2050. • DELINQUENT FILER VOLUNTARY COMPLIANCE PROGRAM (DFVC PROGRAM)

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

RIN: 1210-AA86

Department of Labor (DOL)

Long-Term Actions

Pension and Welfare Benefits Administration (PWBA)

2051. 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: 202 693-5600

RIN: 1210-AA15

2052. 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(1)-1 (Substantive)

Legal Deadline: None

Abstract: Section 502(1) 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(1) 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(1): "applicable recovery amount," "breach of fiduciary responsibility or violation," "settlement agreement," and "court order."

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Vicki Shteir-Dunn, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, Room N4638, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-5600

RIN: 1210-AA37

DOL—PWBA

Long-Term Actions

2053. 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 provides guidance with regard to the provisions of the MHPA.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Agency Contact: Mark Connor, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, Room BN5669, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-8335

RIN: 1210-AA62

Department of Labor (DOL)

Pension and Welfare Benefits Administration (PWBA)

Completed Actions

2054. 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:

Action	Date	FR Cite
Withdrawn	08/31/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: No further action is contemplated by the Agency on this item at this time.

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: 202 693-8500

RIN: 1210-AA65

2055. 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
Withdrawn	08/31/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: No further action is contemplated by the Agency on this item at this time.

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: 202 693-8500

RIN: 1210-AA74

2056. • DELAY OF APPLICABILITY DATE FOR CLAIMS REGULATION UNDER ERISA

Priority: Substantive, Nonsignificant

Legal Authority: ERISA Section 502; ERISA Section 505; 29 USC 1132; 29 USC 1135; Secretary's Order 1-87, 52 FR 13139, April 21, 1987; Section 2560.502-1; Section 2560.502i-1; Section 2560.503-1

CFR Citation: 29 CFR 2560.503.1

Legal Deadline: None

Abstract: This action delays for at least six months and not more than one year the applicability date for the regulation governing minimum requirements for benefit claims procedures of group health plans covered by Title I of the Employee Retirement Income Security Act. As published on November 21, 2000, the benefit claims procedure would be applicable to claims filed on or after January 1, 2002. The current action amends the regulation so that it will apply to group health claims filed on or after the first day of the first plan year beginning on or after July 1, 2002, but in no event later than January 1, 2003.

DOL—PWBA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	07/09/01	66 FR 35886
Final Action Effective	07/09/01	

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: 202 693-8500

RIN: 1210-AA89

Department of Labor (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

2057. OCCUPATIONAL EXPOSURE TO
COAL MINE DUST (LOWERING
CONCENTRATION LIMIT)

Priority: Other Significant

Legal Authority: 30 USC 811

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

Legal Deadline: None

Abstract: MSHA is considering
rulemaking to lower the respirable coal
mine dust concentration limit because
miners continue to be at risk ofdeveloping dust-induced occupational
lung disease.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/02	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: David L. Meyer,
Director, Office of Standards,
Department of Labor, Mine Safety andHealth Administration, Room 631, 4015
Wilson Boulevard, Arlington, VA 22203
Phone: 703 235-1910

Fax: 703 235-5551

Email: meyer-david@msha.gov

RIN: 1219-AB08

2058. ASBESTOS EXPOSURE LIMIT

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

RIN: 1219-AB24

Department of Labor (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

2059. BELT ENTRY USE AS INTAKE
AIRCOURSE TO VENTILATE
WORKING SECTIONS

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC
957; 30 USC 961CFR Citation: 30 CFR 75; 30 CFR 12;
30 CFR 48

Legal Deadline: None

Abstract: Currently, mine operators
must apply to MSHA for a modification
of the existing regulations if they want
to use belt entries for ventilation
purposes. MSHA's current regulations
prohibit belt entries from being used
to ventilate areas where coal is being
mined. The intent was to prevent
smoke from a conveyor belt fire from
traveling to a miner's workplace.
Improved technology, including
sophisticated monitoring devices, such
as atmospheric monitoring systems
(AMS), makes it possible to use belt
entries safely to ventilate these areas
in mines, provided certain conditions
are met. An AMS is a network
consisting of hardware and software
capable of measuring atmospheric
parameters, such as carbon monoxide
and oxygen concentrations; transmitting
these measurements to the surface;providing local and remote alarms;
manipulating and cataloging
atmospheric data; and providing
reports.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis
Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: In 1985 MSHA
published a "pre-proposal" that
included a belt air provision as part
of the revisions to the ventilation
regulations. In 1988 MSHA published
a proposed rule that would have
allowed belt air to ventilate the area
where coal is being mined. Also in
1988, MSHA held six hearings to
receive public comment on the
proposed rule. Several thousand miners
attended the hearings to voice their
opposition to the belt air provision. As
a result, in 1989 MSHA formed the Belt
Air Ventilation Review Committee to
review the use of belt air. The
Committee concluded that the use of
belt air could be allowed, provided
environmental sensors are used todetect belt fires. Another hearing took
place in 1990 to solicit further
comment on the use of belt air. In 1991,
the Secretary of Labor formed a Federal
Advisory Committee on the use of belt
air. MSHA published final ventilation
rules in 1992 that omitted the use of
belt air, deferring further action until
the Advisory Committee
recommendations were completed. In
December 1992, the Advisory
Committee published a report that
concluded that belt air can be used to
safely ventilate areas where coal is
being mined, provided certain
conditions are met.Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AA76

2060. INDEPENDENT LABORATORY
TESTING

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 957

DOL—MSHA

Proposed Rule Stage

CFR Citation: 30 CFR 6; 30 CFR 29; 30 CFR 33; 30 CFR 35; 30 CFR 18; 30 CFR 19; 30 CFR 20; 30 CFR 7; 30 CFR 22; 30 CFR 23; 30 CFR 27; 30 CFR 28; 30 CFR 36

Legal Deadline: None

Abstract: This rulemaking will revise text in the CFR to reduce burden or duplication, and streamline requirements. Our current regulations set out approval requirements for MSHA testing and evaluation for approval of certain products used in gassy underground mines. The rule as proposed would allow us to accept testing and evaluation 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. We are considering reproposing the rule to assure that the proposed changes are appropriate.

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AA87

2061. IMPROVING AND ELIMINATING REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 1 to 199

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM - Phase 5 Miscellaneous Technology Improvements (Methane Monitors on Roof-Bolting Machines)	09/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AA98

2062. MINE RESCUE TEAMS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 49

Legal Deadline: None

Abstract: We are assessing our current regulations to identify areas where we might increase flexibility and encourage underground mine operators to provide mine rescue and recovery capability at their mines. We hope to increase the number of mine rescue teams available to assist miners in life threatening emergencies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AB20

Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

Final Rule Stage

2063. HAZARD COMMUNICATION

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 47

Legal Deadline: None

Abstract: Today's complex mining environment exposes miners to many hazards, such as wastes being burned as fuel supplements at cement kilns

and other chemicals brought onto mine property.

On October 3, 2000, MSHA published an interim final Hazard Communication (HazCom) rule and opened a short additional comment period which closed on November 17, 2000.

The purpose of this standard is to reduce chemically related injuries and illnesses among miners by increasing

their knowledge and awareness of chemical hazards. It ensures that miners have the same protections that have been available to workers under OSHA's jurisdiction since 1987. MSHA's rule is consistent with OSHA's HazCom rule to the extent appropriate.

The interim final rule would have become effective on October 3, 2001. MSHA reopened the record and held public hearings to provide an

DOL—MSHA

Final Rule Stage

additional opportunity for comment on any issue relevant to the rulemaking.

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
Interim Final Rule	10/03/00	65 FR 59048
Interim Final Rule Comment Period End	11/17/00	
Public Hearing and Extension of Comment Period to 12/19/00	12/11/00	65 FR 77292
Delay Effective Date of Interim Final Rule; Reopening of Record; Public Hearings; Close of Record	08/28/01	66 FR 45167
Final Action	04/00/02	
Interim Final Rule Effective	06/30/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: David L. Meyer, 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: meyer-david@msha.gov

RIN: 1219-AA47

2064. ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES AND HIGH-VOLTAGE LONGWALL EQUIPMENT STANDARDS FOR UNDERGROUND COAL MINES

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 75

Legal Deadline: None

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

area. Highly productive longwall mining systems are now in widespread use in the mining industry. They use safe high-voltage electrical equipment and associated cables. Mine operators, however, currently must apply to us for a modification from the existing regulations if they want to use this high-voltage equipment. The proposed rule would eliminate the need for a modification to use this equipment and would establish safety requirements for the design, construction, installation, use, and maintenance of high-voltage longwall equipment and associated cables.

Timetable:

Action	Date	FR Cite
NPRM	08/27/92	57 FR 39036
Extension of Comment Period to 11/13/1992	10/23/92	57 FR 48350
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	12/28/99	64 FR 72620
Comment Period End	02/28/00	
Final Rule	09/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The first high-voltage longwall system started operating in 1985. Since that time we have issued approximately 130 system design approvals for high-voltage longwall equipment. Over the last 16 years, no electrical-type fatalities or serious injuries occurred to miners because of high-voltage equipment used in accordance with over 100 granted high-voltage petitions for modification (petitions). Because of this new improved high-voltage technology, the designed safety benefits and the observed use experience, MSHA is revising its existing 30 CFR part 18 electric motor-driven mine equipment and accessories approval requirements by adding specific design requirements for high-voltage longwall equipment in underground mines.

Agency Contact: David L. Meyer, 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: meyer-david@msha.gov

RIN: 1219-AA75

2065. VERIFICATION OF UNDERGROUND COAL MINE OPERATORS' DUST CONTROL PLANS AND COMPLIANCE SAMPLING FOR RESPIRABLE DUST

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

RIN: 1219-AB14

2066. DETERMINATION OF CONCENTRATION OF RESPIRABLE COAL MINE DUST

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

RIN: 1219-AB18

2067. • DIESEL PARTICULATE EXPOSURE OF UNDERGROUND METAL AND NONMETAL MINERS

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 813

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: This proposed rule addresses two provisions of the Mine Safety and Health Administration's final rule pertaining to "Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners," published in the Federal Register on January 19, 2001 (66 FR 5706, RIN 1219-AB11). The final rule was scheduled to become effective on March 20, 2001, but MSHA delayed the effective date of the rule until May 21, 2001 in accordance with a January 20, 2001 memorandum from the President's Chief of Staff. On May 21, 2001, MSHA delayed the effective date of the final rule until July 5, 2001. The final rule was challenged by mining industry trade associations, several mining companies and the United Steelworkers of America. This proposed rule addresses two provisions: section 57.5066(b) (regarding the tagging provision of the maintenance standard) and section 57.5067(b) (regarding the definition of "introduced" in the engine standard). The proposal gives notice of MSHA's intent to revise these two provisions and requests comments from the mining community. The Agency also held a public hearing to

DOL—MSHA

Final Rule Stage

receive further input from the public. The requirements of the proposed rule will work in tandem with the provisions that were effective on July 5, 2001. (66 FR 35518)

Timetable:

Action	Date	FR Cite
NPRM	07/05/01	66 FR 35521
NPRM Comment Period End	08/06/01	
Public Hearing	08/16/01	

Action	Date	FR Cite
Post-hearing Comment Period End and Close of Record	08/21/01	66 FR 35521
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** This rulemaking is related to RIN: 1219-

AB11 which was effective on July 5, 2001 (66 FR 35518).

Agency Contact: David L. Meyer, 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: meyer-david@msha.gov

RIN: 1219-AB28

Department of Labor (DOL)

Long-Term Actions

Mine Safety and Health Administration (MSHA)

2068. AIR QUALITY, CHEMICAL SUBSTANCES, AND RESPIRATORY PROTECTION STANDARDS**Priority:** Other Significant**Unfunded Mandates:** This action may affect State, local or tribal governments.**Legal Authority:** 30 USC 811; 30 USC 813**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 58; 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90**Legal Deadline:** None

Abstract: Our current regulations for exposure to hazardous airborne contaminants are over 25 years old. They do not fully protect today's miners, who are potentially exposed to an array of toxic chemicals, and other hazards. Examples of these include lead, cyanide, arsenic benzene, asbestos and other well documented hazards. We will propose provisions of the air quality rule in phases based on our assessment of priority needs.

Timetable:

Action	Date	FR Cite
ANPRM	07/06/83	48 FR 31171
ANPRM	11/19/85	50 FR 47702
NPRM	08/29/89	54 FR 35760
NPRM Comment Period End	08/30/91	56 FR 29201
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State, Local, Tribal, Federal

Agency Contact: David L. Meyer, 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: meyer-david@msha.gov

RIN: 1219-AA48**2069. REQUIREMENTS FOR APPROVAL OF FLAME-RESISTANT CONVEYOR BELTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 957; 30 USC 811**CFR Citation:** 30 CFR 14; 30 CFR 18; 30 CFR 75**Legal Deadline:** None

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

would also require purchase of the improved belts after one year.

Timetable:

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61524
Extension of Comment Period to 3/26/93	02/11/93	58 FR 8028
Reopen Record and Notice of Public Hearing	03/31/95	60 FR 16589
Record Closed	06/05/95	60 FR 16558
Record Reopened	10/31/95	60 FR 55353
Extension of Comment Period to 2/5/1996	12/20/95	60 FR 65509
Record Reopened	12/28/99	64 FR 72617
Next Action	Undetermined	

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

Agency Contact: David L. Meyer, 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: meyer-david@msha.gov

RIN: 1219-AA92

Department of Labor (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

2070. 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: MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.

DOL—MSHA

Completed Actions

Timetable:

Action	Date	FR Cite
ANPRM	12/30/91	56 FR 67364
ANPRM Comment Period End	05/01/92	57 FR 8102
Withdrawn	08/16/01	

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

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AA54**2071. METAL/NONMETAL
IMPOUNDMENTS****Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 56; 30 CFR 57**Legal Deadline:** None

Abstract: MSHA is withdrawing this
entry from the agenda in light of
resource constraints and changing
safety and health regulatory priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

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

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AA83**2072. 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: MSHA is withdrawing this
entry from the agenda in light of

resource constraints and changing
safety and health regulatory priorities.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/98	63 FR 40800
Withdrawn	09/24/01	

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

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AA93**2073. SAFETY STANDARD REVISIONS
FOR UNDERGROUND ANTHRACITE
MINES****Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 75**Legal Deadline:** None

Abstract: MSHA is withdrawing this
entry from the agenda in light of
resource constraints and changing
safety and health regulatory priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	08/16/01	

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

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AA96**2074. ELECTRICAL GROUNDING
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: MSHA is withdrawing this
entry from the agenda in light of

resource constraints and changing
safety and health regulatory priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

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

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AB01**2075. TRAINING AND RETRAINING OF
MINERS****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: MSHA is withdrawing this
entry from the agenda in light of
resource constraints and changing
safety and health regulatory priorities.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
End Review	10/01/98	
Withdrawn	09/24/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** State,
Local, Tribal

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

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AB02

DOL—MSHA

Completed Actions

2076. RESPIRABLE CRYSTALLINE SILICA STANDARD**Priority:** Other Significant**Legal Authority:** 30 USC 811; 30 USC 813**CFR Citation:** 30 CFR 70.101 et seq; 30 CFR 90.101 et seq; 30 CFR 71.101 et seq; 30 CFR 72.101 et seq**Legal Deadline:** None**Abstract:** MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** David L. Meyer, 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: meyer-david@msha.gov**RIN:** 1219-AB12**2077. SAFETY STANDARDS FOR SELF-CONTAINED SELF-RESCUE DEVICES IN COAL AND METAL/NONMETAL UNDERGROUND MINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811; 30 USC 825**CFR Citation:** 30 CFR 48; 30 CFR 57; 30 CFR 75**Legal Deadline:** None**Abstract:** MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.**Timetable:**

Action	Date	FR Cite
ANPRM	07/07/99	64 FR 36632
Withdrawn	09/24/01	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** This rulemaking replaces 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: David L. Meyer, 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: meyer-david@msha.gov**RIN:** 1219-AB19**2078. VERIFICATION OF SURFACE COAL MINE DUST CONTROL PLANS****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** 30 CFR 71**Legal Deadline:** None**Abstract:** MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.**Timetable:**

Action	Date	FR Cite
Withdrawn	08/16/01	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** David L. Meyer, 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: meyer-david@msha.gov**RIN:** 1219-AB21**2079. SURGE AND STORAGE PILES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 77.209**Legal Deadline:** None**Abstract:** MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** David L. Meyer, 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: meyer-david@msha.gov**RIN:** 1219-AB22**2080. ESCAPEWAYS AND REFUGES****Priority:** Other Significant**Legal Authority:** 5 USC 811**CFR Citation:** 30 CFR 57.11050**Legal Deadline:** None**Abstract:** MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** David L. Meyer, 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: meyer-david@msha.gov**RIN:** 1219-AB23**2081. ACCIDENT INVESTIGATION HEARING PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 957**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.**Timetable:**

Action	Date	FR Cite
Withdrawn	08/16/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

DOL—MSHA

Completed Actions

Government Levels Affected:

Undetermined

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AB26

**2082. CONTINUOUS MONITORING OF
RESPIRABLE COAL MINE DUST IN
UNDERGROUND COAL MINES****Priority:** Other Significant**Legal Authority:** 30 USC 811; 30 USC
813(h)**CFR Citation:** 30 CFR 70; 30 CFR 72;
30 CFR 75; 30 CFR 90**Legal Deadline:** None

Abstract: MSHA is withdrawing this
entry from the agenda in light of
resource constraints and changing
safety and health regulatory priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

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

Agency Contact: David L. Meyer,
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: meyer-david@msha.gov

RIN: 1219-AB27

Department of Labor (DOL)

Proposed Rule Stage

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

**2083. 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 any program or activity

receiving Federal financial assistance.
The Department last published a final
rule implementing section 504 on
October 7, 1980. Since that time,
section 504 has been amended several
times, generally to update terminology
and provide new definitions. The
Department is undertaking this
rulemaking to update 29 CFR part 32
to incorporate those changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

**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
TDD Phone: 202 693-6515
Fax: 202 219-5658
Email: lockhart-annabelle@dol.gov

RIN: 1291-AA28

Department of Labor (DOL)

Final Rule Stage

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

**2084. 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:** 29 CFR 35

Legal Deadline: NPRM, Statutory,
September 10, 1979, Deadline 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
188 of the Workforce Investment Act
of 1998 and the implementing
regulations at 29 CFR 37.

Timetable:

Action	Date	FR Cite
NPRM	12/29/98	63 FR 71714
NPRM Comment Period End	03/01/99	
Final Action	01/00/02	

DOL—OASAM

Final Rule Stage

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
 TDD Phone: 202 693-6515
 Fax: 202 219-5658
 Email: lockhart-annabelle@dol.gov

RIN: 1291-AA21

2085. IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY REQUIREMENTS OF THE WORKFORCE INVESTMENT ACT OF 1998
Priority: Substantive, Nonsignificant**Legal Authority:** 29 USC 2938 Workforce Investment Act**CFR Citation:** 29 CFR 37**Legal Deadline:** Final, Statutory, August 7, 1999.

Abstract: The Workforce Investment Act of 1998 (WIA) was signed into law by President Clinton on August 7, 1998. Section 188 prohibits discrimination by recipients of financial assistance under Title I of WIA on the grounds of race, color, national origin, sex, age, disability, religion, political affiliation or belief, and for beneficiaries only, 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 are processed in a manner that avoids duplication of effort.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/12/99	64 FR 61692
Interim Final Rule Comment Period End	12/13/99	
Final Rule	04/00/02	

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
 TDD Phone: 202 693-6515
 Fax: 202 219-5658
 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)****2086. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS****Priority:** Info./Admin./Other**Legal Authority:** 31 USC 7501 Single Audit Act Amendments of 1996; OMB Circular A-110; OMB Circular A-133**CFR Citation:** 29 CFR 99**Legal Deadline:** None

Abstract: This action adds a new title 29 CFR 99 "Audits of States, Local Governments, and Non-Profit Organizations" as a new regulation which codifies the revised Office of Management and Budget (OMB) Circular A-133 in its entirety. The Single Audit Act Amendments of 1996 (Public Law 104-156, 110 Stat. 136) and the June 24, 1997, revision of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," required agencies to adopt in codified regulations the standards in the revised OMB Circular A-133 by August 29, 1997, so that they will apply to audits of fiscal years beginning after June 30, 1996. The revised OMB Circular A-133 co-located audit requirements for States, local

governments, and nonprofit organizations. As a consequence, the OMB rescinded OMB Circular A-128, "Audits of States and Local Governments." On August 29, 1997, the Department of Labor amended its grants common rules at 29 CFR 95 and 29 CFR 97 in accordance with OMB guidance.

Timetable:

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

Additional Information: The interim rule is in effect. The Final rule is expected in the first quarter of 2002.

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**2087. AUDIT REQUIREMENTS FOR GRANTS, CONTRACTS, AND OTHER AGREEMENTS****Priority:** Info./Admin./Other**Legal Authority:** 31 USC 7500 et seq; OMB Circular A-133**CFR Citation:** 29 CFR 96**Legal Deadline:** None

Abstract: This interim final rule revises title 29 of the Code of Federal Regulations (CFR) part 96 "Audit Requirements for Grants, Contracts, and Other Agreements" to consolidate

DOL—OASAM

Long-Term Actions

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 Rule	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.

Additional Information: The interim final rule is in effect. The final rule is expected the first quarter of fiscal year 2002.

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

2088. GRANTS AND AGREEMENTS

Priority: Other Significant

Legal Authority: PL 105-277

CFR Citation: 29 CFR 95

Legal Deadline: None

Abstract: The Department is joining with other Federal agencies to establish revised regulations for Grants. Congress included a two-sentence provision in OMB's appropriation for fiscal year 1999, contained in Public Law 105-277, directing OMB to revise section 95.36 of Circular A-110 "to require Federal awarding agencies to ensure that all data produced under an award will be made available to public through the procedures established under the Freedom of Information Act." Circular A-110 applies to grants and cooperative agreements with institutions of higher education, hospitals, and nonprofit

institutions, from all Federal agencies. OMB finalized the revision on September 30, 1999 (64 FR 54926). This interim final rule amends the agencies' codification of Circular A-110 so they reflect OMB's recent action.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: HHS is the lead agency and will coordinate the next action with OMB.

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-AA30

2089. EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND IMPLEMENTATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 31; 29 CFR 32

Legal Deadline: None

Abstract: This proposal would incorporate into 29 CFR parts 31 and 32 the term "program or activity" and the definition of that term as it was defined in the Civil Rights Restoration Act of 1987. Part 31 effectuates title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in programs or activities that receive financial assistance from the Department of Labor. Part 32 implements section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of

disability in programs or activities that receive financial assistance from the Department of Labor.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: 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
TDD Phone: 202 693-6515
Fax: 202 219-5658
Email: lockhart-annabelle@dol.gov

RIN: 1291-AA31

2090. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG FREE WORKPLACE (GRANTS) 29 CFR 98

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 40 USC 486(c); 41 USC 701

CFR Citation: 29 CFR 94; 29 CFR 98

Legal Deadline: None

Abstract: This document proposed substantive changes and amendments to the Governmentwide nonprocurement common rule for debarment and suspension and the governmentwide rule implementing the Drug-Free Workplace Act of 1988. The most significant changes are: (1) This proposed common rule on debarment and suspension would limit the mandatory lower tier application of an exclusion to the first procurement level under a nonprocurement covered transaction; (2) This proposed common rule on debarment and suspension would set the dollar threshold on prohibited lower-tier procurement transactions with excluded persons at \$25,000; (3) Both this proposed rule on debarment and suspension and the proposed rule on drug-free workplace

DOL—OASAM

Long-Term Actions

requirements would eliminate the mandate for agencies and participants to obtain written certifications from awardees or persons with whom they propose to enter into covered transactions. The proposed rules will allow agencies and participants the flexibility to use other means if they so choose, such as award conditions or electronic access to the GSA List on the internet, to enforce compliance with the rules; and (4) The proposed rule on drug-free workplace requirements would be separated from

this proposed rule on debarment and suspension. The drug-free workplace requirements currently are in subpart F of the Debarment and Suspension Nonprocurement Common Rule.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Additional Information: OMB is waiting for other agencies participating in the common rule to submit their packages.

Agency Contact: Jeffrey D Saylor, Procurement Analyst, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Room N5425, FP Building
Phone: 202 219-9174
Fax: 202 219-9440
Email: saylor-jeffrey@dol.gov

RIN: 1291-AA33

Department of Labor (DOL)

Completed Actions

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

2091. 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: The Department of Labor Acquisition Regulations (DOLAR) are organized following the FAR format, i.e. fifty-three chapters covering specific topics. However, the DOLAR has not been updated since 1986. Since that time numerous procurement reforms have taken place and the organizations within the Department of Labor have changed, leaving the DOLAR obsolete in many areas, particularly in the area of e-procurement.

The existing DOLAR proposed rules will be modified to:

—Remove obsolete references to policies, procedures, and offices.

—Incorporate electronic links to primary sources of reference such as the FAR, U.S. Code, and the Code of Federal Regulations in order to allow the DOLAR to be used by procurement professionals and others as a reference tool.

—Incorporate Office of Federal Procurement Policy Letters, Executive Orders and other federal acquisition initiatives into Department of Labor practices.

—Establish procedures that follow current established best practices.

—Restate procedures that have not changed and are still in effect.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

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

Department of Labor (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

2092. 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
Initiate Work for a SBREFA Panel	08/00/02	

DOL—OSHA

Prerule Stage

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**2093. 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 2001.

Timetable:

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

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

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-1950

Fax: 202 693-1678

RIN: 1218-AB60**2094. ELECTRIC POWER TRANSMISSION AND DISTRIBUTION; ELECTRICAL PROTECTIVE EQUIPMENT IN THE CONSTRUCTION INDUSTRY****Priority:** Other 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 1910.136; 29 CFR 1910.137; 29 CFR 1910.269; 29 CFR 1926.97; 29 CFR Part 1910, Subpart S; 29 CFR 1926, Subpart V**Legal Deadline:** None

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 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 nearly 30 years old. OSHA is developing a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. In addition, OSHA intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction.

Timetable:

Action	Date	FR Cite
Convene SBREFA Panel	04/00/02	

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

Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB67**2095. GRAIN HANDLING FACILITIES (SECTION 610 REVIEW)****Priority:** Other Significant**Legal Authority:** 29 USC 655(b); 5 USC 553; 5 USC 610**CFR Citation:** 29 CFR 1910.272**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	01/00/02	

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: 202 693-2043
Fax: 202 693-1641
Email: john.martonik@osha.gov

RIN: 1218-AB73**2096. OCCUPATIONAL EXPOSURE TO BERYLLIUM****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 655(b); 29 USC 657**CFR Citation:** 29 CFR 1910**Legal Deadline:** None

Abstract: OSHA intends to issue a Request for Information and to undertake and support extensive research to elucidate the mechanisms

DOL—OSHA

Prerule Stage

of disease underlying Chronic Beryllium Disease or beryllium sensitization and to identify the best ways of reducing employee exposure to beryllium. OSHA will also be identifying processes, industries, and kind of businesses that involve the use of beryllium. This information is necessary if OSHA is to develop a rule to reduce worker exposure to dust or fumes from beryllium metal, metal oxides, or alloys, all of which may cause serious and sometimes fatal lung disease (chronic beryllium disease (CBD), lung cancer, and skin disease). In 1999, OSHA was petitioned to issue an emergency temporary standard by the Paper, Allied-Industrial, Chemical, and Energy Workers Union (PACE) and others. The Agency denied this petition but stated its intent to work on a standard to be issued under section 6(b)(5) of the Act to protect workers from beryllium-related disease. Before OSHA can do so, however, it needs a substantial amount of information on beryllium's toxicity, risks, and patterns of use. The Request for Information will be designed to obtain this information.

Timetable:

Action	Date	FR Cite
Request for Information	09/00/02	

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

2097. HEARING LOSS PREVENTION IN CONSTRUCTION WORKERS

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1926.52

Legal Deadline: None

Abstract: OSHA issued a section 6(b)(5) health standard mandating a comprehensive hearing conservation program for noise exposed workers in general industry in 1983. However, a number of recent studies have shown that a large number of construction workers experience work-related hearing loss. In addition, 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 2002, and to initiate stakeholder meetings 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	06/00/02	

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-AB89

2098. • CRANES, DERRICKS, HOISTS, ELEVATORS, AND CONVEYORS

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

Legal Authority: 29 USC 651(b); 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: Subpart N addresses hazards associated with various types of hoisting equipment used at construction sites. Such equipment includes cranes, derricks, hoists, elevators and conveyors. The existing rule, which dates back to 1971, is based in part on industry consensus standards from 1958, 1968 and 1969. There have been considerable technological changes since those consensus

standards were developed. Industry consensus standards for derricks and for crawler, truck and locomotive cranes were updated as recently as 1995. A number of industry stakeholders have asked OSHA to update Subpart N.

OSHA's Subpart N is now 30 years old, and is based in part on industry consensus standards as much as 42 years old. No changes have been made to the OSHA standard since 1971. Significant changes have occurred in the industry since the OSHA standard was promulgated.

A cross-section of the industry has stated that there is a need to update Subpart N. OSHA has determined that the existing rule needs to be revised.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Negotiated Rulemaking Committee	12/00/01	

Regulatory Flexibility Analysis Required: No

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-AC01

2099. • EXCAVATIONS (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 5 USC 610; 29 USC 651 et seq

CFR Citation: 29 CFR 1926.650 to 1926.652

Legal Deadline: None

Abstract: OSHA will undertake a review of the Agency's trenching and excavations standard (29 CFR 1926.650 to 1926.652) in accordance with the requirements of the Regulatory Flexibility Act and Section 5 of Executive Order 12866. The review will consider the continued need for the rule, the impacts of the rule, public

DOL—OSHA

Prerule Stage

comments the rule, the complexity of the rule, and whether the rule overlaps, duplicates, or conflicts with other regulations, among other things.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

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: 202 693-2043
Fax: 202 693-1641
Email: john.martonik@osha.gov

RIN: 1218-AC02

2100. • PRESENCE SENSING DEVICE INITIATION OF MECHANICAL POWER PRESSES (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 610; 29 USC 651 et seq

CFR Citation: 29 CFR 1910.217(h), app A,B,C

Legal Deadline: None

Abstract: OSHA will undertake a review of the Agency's Presence Sensing Device Initiation of Mechanical Power Presses rule (29 CFR 1910.217) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider among other things, the need for the rule, the impacts of the rule, public comments on the rule, the complexity of the rule, and whether the rule overlaps,

duplicates, or conflicts with other regulations.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

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: 202 693-2043
Fax: 202 693-1641
Email: john.martonik@osha.gov

RIN: 1218-AC03

Department of Labor (DOL)

Proposed Rule Stage

Occupational Safety and Health Administration (OSHA)

2101. ASSIGNED PROTECTION FACTORS: AMENDMENTS TO THE FINAL RULE ON RESPIRATORY PROTECTION

Regulatory Plan: This entry is Seq. No. 93 in part II of this issue of the **Federal Register**.

RIN: 1218-AA05

2102. OCCUPATIONAL EXPOSURE TO TUBERCULOSIS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1035

Legal Deadline: None

Abstract: In 1993, the Labor Coalition to Fight TB in the Workplace petitioned the Occupational Safety and Health Administration (OSHA) to develop an occupational health standard to protect workers who care for or oversee patients or others with active tuberculosis (TB) against the transmission of TB. After reviewing the available information, OSHA preliminarily concluded that a significant risk of occupational transmission of TB exists for some

workers in some work settings and began rulemaking on a proposed standard. Examples of workers at risk of contracting TB as a result of their work are health care workers, detention facility personnel, and homeless shelter employees. On October 17, 1997, OSHA published its proposed standard for occupational exposure to TB (62 FR 54160). The proposed standard would require employers to protect TB-exposed workers using infection control measures that have been shown to be highly effective in reducing or eliminating work-related TB infections. Such measures include procedures for the early identification of individuals with infectious TB, isolation of individuals with infectious TB using appropriate ventilation, use of respiratory protection in certain situations, and skin testing and training of employees.

After the close of the written comment period for the proposed standard, informal public hearings were held in Washington, DC, Los Angeles, CA, New York City, NY, and Chicago, IL. The post-hearing comment period closed on October 5, 1998. On June 17, 1999 OSHA reopened the rulemaking record for 90 days to submit the Agency's report on homeless shelters and certain other documents that became available

to the Agency after the close of the post-hearing comment period. During this limited reopening of the rulemaking record, OSHA also requested interested parties to submit comments and data on the Agency's preliminary risk assessment in order to obtain the best, most recent data for providing the most accurate estimates of the occupational risk of tuberculosis. At the request of Congress, the Institute of Medicine of the National Academy of Sciences (IOM) conducted a study of OSHA's proposal and the need for a TB standard. That study was completed in January 2001, and concluded that OSHA should move forward with a standard modeled after the CDC guidelines and tailored to the extent of TB risk present in the community. The IOM study concluded that an OSHA standard was needed to maintain national TB rates among health care and other employees at their current levels and to prevent future outbreaks of multi-drug resistant and other forms of TB among these workers. OSHA intends to reopen the record to obtain comment on the IOM study and the peer reviewers' comment on the risk assessment.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
SBREFA Panel	09/10/96	
NPRM	10/17/97	62 FR 54160
NPRM Comment Period End	02/17/98	62 FR 65388
Post Hearing Comment End	10/05/98	
Record Reopening	06/17/99	64 FR 32447
Second Reopening Comment Period End	06/28/99	64 FR 34625
Reopening Comment Period End	08/02/99	
Reopening of the Comment Period	01/00/02	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local, Tribal, Federal

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-AB46**2103. GENERAL WORKING CONDITIONS FOR SHIPYARD EMPLOYMENT****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**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	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB50**2104. FIRE PROTECTION IN SHIPYARD EMPLOYMENT (PART 1915, SUBPART P) (SHIPYARDS: FIRE SAFETY)****Regulatory Plan:** This entry is Seq. No. 94 in part II of this issue of the **Federal Register**.**RIN:** 1218-AB51**2105. STANDARDS IMPROVEMENT (MISCELLANEOUS CHANGES) FOR GENERAL INDUSTRY, MARINE TERMINALS, AND CONSTRUCTION STANDARDS (PHASE II)****Regulatory Plan:** This entry is Seq. No. 95 in part II of this issue of the **Federal Register**.**RIN:** 1218-AB81**2106. CHANGES TO STATE PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 667**CFR Citation:** 29 CFR 1953**Legal Deadline:** None

Abstract: Section 18 of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 667, provides that States that wish to assume responsibility for developing and enforcing their own occupational safety and health standards relating to any occupational safety or health issue may do so by submitting and obtaining Federal approval of a State plan. A State plan consists of the laws, standards and other regulations, and procedures under which the State operates its occupational safety and

health program. From time to time after initial plan approval, States may make changes to their plans as a result of legislative, regulatory or administrative actions. If the State makes a change to its plan which differs from the Federal program, the State must notify OSHA of the change to its plan which differs from the Federal program (referred to as a plan supplement). OSHA then reviews the changes; if they meet the approval criteria OSHA publishes a notice announcing the approval of the change; if the change does not meet the criteria OSHA initiates procedures to reject the change.

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

Timetable:

Action	Date	FR Cite
NPRM	11/06/01	66 FR 56043
NPRM Comment Period End and Request for Hearings	01/07/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Federalism:** This action may have federalism implications as defined in EO 13132.

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

Phone: 202 693-2200

Fax: 202 693-1671

Email: paula.white@osha.gov

RIN: 1218-AB91

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

Final Rule Stage

2107. UPDATE AND REVISION OF THE EXIT ROUTES STANDARD

Regulatory Plan: This entry is Seq. No. 96 in part II of this issue of the **Federal Register**.

RIN: 1218-AB82

2108. SIGNS, SIGNALS, AND BARRICADES

Regulatory Plan: This entry is Seq. No. 97 in part II of this issue of the **Federal Register**.

RIN: 1218-AB88

2109. PROCEDURES FOR HANDLING OF DISCRIMINATION COMPLAINTS UNDER THE AVIATION INVESTMENT AND REFORM ACT

Priority: Info./Admin./Other

Legal Authority: PL 106-181, Wendell H. Ford Aviation Investment and Reform Act, sec 519; 49 USC 42121

CFR Citation: 29 CFR 1979

Legal Deadline: None

Abstract: On March 8, 2000, Congress enacted the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, commonly known as the Air Act. Section 519 of the Act (49 USC 42121) prohibits air carriers or air carrier contractors or subcontractors from discharging or otherwise discriminating against employees for exercising specified rights under the Act. The Act further provides that the Secretary of Labor investigate employee claims of discrimination and ultimately issue a determination and order after an opportunity for either party to request a hearing on the record. Procedural rules are needed for filing, investigating, litigating, and adjudicating complaints filed pursuant to the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Robert Spear, Director, Office of Investigative Assistance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Washington, DC 20210
 Phone: 202 693-2187
 Fax: 202 693-1681
 Email: john.spear@osha-no.osha.gov

RIN: 1218-AB99

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

Long-Term Actions

2110. 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.

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 or more empty 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 did not contain adequate information to allow the Agency to address this issue, OSHA is working with national and international organizations and gathering additional information on the safety of VTLs. The Agency plans to reopen the record for comment before proceeding with a final rule.

Timetable:

Action	Date	FR Cite
NPRM on Longshoring/Marine Terminals	06/06/94	59 FR 28594
NPRM Comment Period End	09/23/94	
Final Rule on Longshoring/Marine Terminals	07/25/97	62 FR 40142
Public Meeting on VTLs - 1/27/1998	10/09/97	62 FR 52671
Reopening of Record	10/00/02	
Final Rule	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
 Phone: 202 693-2222
 Fax: 202 693-1663

RIN: 1218-AA56

2111. SCAFFOLDS IN SHIPYARDS (PART 1915 — SUBPART N)

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

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. A proposal on scaffolds was issued in November 1988 (53 FR 48092). The next action in this rulemaking is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Reopened Record	04/12/94	59 FR 17290
Comment Period End	06/13/94	
Next Action	Undetermined	

DOL—OSHA

Long-Term Actions

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Marthe B. Kent,

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

Phone: 202 693-2222

Fax: 202 693-1663

RIN: 1218-AA68

2112. 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

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. A proposal on access and egress was issued in November 1988 (53 FR 48092). The next action in this rulemaking is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130
NPRM Comment Period End	02/27/89	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Marthe B. Kent,

Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200

Constitution Avenue NW, FP Building,

Washington, DC 20210

Phone: 202 693-2222

Fax: 202 693-1663

RIN: 1218-AA70

2113. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL, AND THEIR ACETATES: PROTECTING REPRODUCTIVE HEALTH

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910.1000; 29 CFR 1910.1031

Legal Deadline: None

Abstract: OSHA published an advance notice of proposed rulemaking (ANPRM) on April 2, 1987 (52 FR 10586). OSHA used the information received in response to the ANPRM, as well as other information and analysis, and published a proposal on March 23, 1993 (58 FR 15526), that would reduce the permissible exposure limits for four glycol ethers and provide protection for approximately 46,000 workers exposed to these substances. The next action in this rulemaking is undetermined.

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	

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-AA84

2114. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b); PL 101-549 (November 15, 1990); 5 USC 552(a); 5 USC 553

CFR Citation: 29 CFR 1910.121

Legal Deadline: None

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

On December 22, 1987, as part of an omnibus budget reconciliation bill (PL 100-202), Congress amended section 126(d)(3) of SARA to include accreditation of training programs for hazardous waste operations. OSHA issued a proposal on January 26, 1990 (55 FR 2776) addressing this issue. OSHA received public comments following the issuance of the proposal. OSHA also reopened the record in June 1992 to allow additional public comment on an effectiveness of training study that the Agency had conducted. Since that time, OSHA has developed nonmandatory guidelines to address training criteria for hazardous waste workers, and these have been widely adopted. In addition, the private sector has since established training accreditation procedures. At this time, the next action in this rulemaking is undetermined.

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,

Director, Directorate of Safety

DOL—OSHA

Long-Term Actions

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: 202 693-1663

RIN: 1218-AB27

2115. INDOOR AIR QUALITY IN THE WORKPLACE

Priority: Economically Significant. Major under 5 USC 801.

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: The health of American workers may be affected by indoor air pollution in the workplace. After reviewing and analyzing available information, OSHA published a proposed indoor air quality 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. As proposed, the provisions for indoor air quality would apply to 70 million workers and more than 4.5 million nonindustrial indoor work environments, including schools and training centers, offices, commercial establishments, health care facilities, cafeterias and factory break rooms. The proposed environmental tobacco smoke provisions would apply to all 6 million industrial and nonindustrial work environments under OSHA's jurisdiction.

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

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

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AB37

2116. INJURY AND ILLNESS PREVENTION

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1900.1

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration (OSHA), many States, members of the safety and health community, insurance companies, professional organizations, companies participating in the Agency's Voluntary Protection Programs, and many proactive employers in all industries recognize the value of worksite-specific injury and illness prevention programs in reducing and preventing job-related injuries, illnesses, and fatalities. The reductions in job-related injuries and illnesses, workers' compensation costs, and absenteeism that occur after employers implement such programs dramatically demonstrate their effectiveness. OSHA has decided to develop an injury and illness prevention rule because occupational injuries, illnesses, and fatalities are continuing to occur at an unacceptably high rate. For example, an average of about 16 workers were killed each day in 1999. This number does not include an estimated 137 daily deaths associated with job-related chronic illnesses. The Agency is currently evaluating the appropriate scope and form of the proposed rule, as well as the hazards the rule will address, and

is considering a number of regulatory and non-regulatory alternatives.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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

Agency Contact: Marthe B. Kent, Director, Directorate of Safety 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: 202 693-1663

RIN: 1218-AB41

2117. OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM (PREVENTING OCCUPATIONAL ILLNESS: CHROMIUM)

Priority: Economically Significant. Major under 5 USC 801.

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

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

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: In July 1993, the Occupational Safety and Health Administration (OSHA) was petitioned for an emergency temporary standard (ETS) to reduce the permissible exposure limit (PEL) for occupational exposures to hexavalent chromium. The Oil, Chemical, and Atomic Workers International Union (OCAW) and Public Citizen's Health Research Group (HRG) petitioned OSHA to promulgate an ETS to lower the PEL for hexavalent 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).

DOL—OSHA

Long-Term Actions

The amount of chromium (VI) in the anhydride 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 hexavalent 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)(5) rulemaking.

The major illnesses associated with occupational exposure to hexavalent chromium are lung cancer and dermatoses. OSHA estimates that approximately one million workers are exposed to hexavalent chromium on a regular basis in all industries. The major uses of hexavalent chromium are: as a structural and anti-corrosive element in the production of stainless steel, ferrochromium, iron and steel, and in electroplating, welding and painting. Work on a proposed rule continues.

Timetable:

Action	Date	FR Cite
NPRM	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-AB45

2118. FALL PROTECTION IN THE CONSTRUCTION INDUSTRY

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA issued an ANPRM to gather information on fall protection issues regarding certain construction processes such as residential home building, precast concrete operations and post frame construction. The issues

relate to the fall protection rules as they now apply to roofing work, residential construction operations, climbing reinforcement steel and vendors delivering materials to construction projects. These issues have arisen since OSHA revised the fall protection standard in August 1994. The comment period on the ANPRM closed January 24, 2000. OSHA is now evaluating comments to determine whether further action is required.

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

Phone: 202 693-2020

Fax: 202 693-1689

Email: bswanson@dol.gov

RIN: 1218-AB62

2119. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

Priority: Economically Significant. Major under 5 USC 801.

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 1917; 29 CFR 1918

Legal Deadline: None

Abstract: OSHA is considering a negotiated or other consensus-based rulemaking to address the hazards posed by silica. 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

indicate a statistically significant increase in lung cancer among silica-exposed workers. Exposure studies and OSHA enforcement data indicate that some workers are still exposed to very high levels of silica. OSHA plans in this rulemaking to modernize and standardize the Agency's current PELs for silica so that they will be consistent across all sectors.

Timetable:

Action	Date	FR Cite
Convene SBREFA Panel or Initiate Consensus-Based Process	10/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected:

Undetermined

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

Phone: 202 693-1950

Fax: 202 693-1678

RIN: 1218-AB70

2120. EMPLOYER PAYMENT FOR PERSONAL PROTECTIVE EQUIPMENT

Priority: Other Significant

Legal Authority: 29 USC 655(b); 29 USC 657; 33 USC 941; 40 USC 333

CFR Citation: 29 CFR 1910.132; 29 CFR 1915.152; 29 CFR 1917.96; 29 CFR 1918.106; 29 CFR 1926.95

Legal Deadline: None

Abstract: Generally, OSHA standards require that protective equipment (including personal protective equipment (PPE)) be provided and used when necessary to protect employees from hazards that can cause them injury, illness, or physical harm. In this discussion, OSHA uses the abbreviation "PPE" to cover both personal protective equipment and other protective equipment. The Agency has proposed to revise its PPE standards to clarify who is required to pay for required PPE and under what circumstances. OSHA is considering its options and reviewing the record and has not determined its next course of action.

DOL—OSHA

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	03/30/99	64 FR 15401
NPRM Comment Period End	06/14/99	
Informal Public Hearing End	08/13/99	
Next Action Undetermined		

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

Agency Contact: Marthe B. Kent, Director, Directorate of Safety 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: 202 693-1663

RIN: 1218-AB77

2121. 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**Legal Authority:** 29 USC 655 (b)**CFR Citation:** 29 CFR 1910, subparts D and I**Legal Deadline:** None

Abstract: In 1990, OSHA proposed (55 FR 13360) a rule addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. Since that time, new technologies and procedures have become available to protect employees from these hazards. The Agency has been working to update these rules to reflect current technology and intends to issue a new proposal in the near future.

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
NPRM (Subparts D and I)	12/00/02	

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

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB80

2122. REVISION AND UPDATE OF SUBPART S—ELECTRICAL STANDARDS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 29 USC 655(b)**CFR Citation:** 29 CFR 1910, subpart S**Legal Deadline:** None

Abstract: The Occupational Safety and Health Administration (OSHA) is planning to revise and update its 29 CFR 1910 Subpart S-Electrical Standard and will rely heavily in that process on the materials involved in the development of the 2000 Edition of the National Fire Protection Association's (NFPA's) 70 E standard for Electrical Safety Requirements for Employee Workplaces. This revision will provide the first update of Subpart S-Electrical since the standard was originally published in 1981. It will thus allow the latest technological developments to be considered; several of these state-of-the-art safety developments will be addressed by OSHA for the first time. The update of Subpart S-Electrical will also at a future time permit the completion of standards covering safety-related maintenance requirements and safety requirements for special equipment.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/02	

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

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of

Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB95

2123. COMMERCIAL DIVING OPERATIONS: REVISION

Priority: Substantive, Nonsignificant**Legal Authority:** 29 USC 655**CFR Citation:** 29 CFR 1910.423**Legal Deadline:** None

Abstract: OSHA's Commercial Diving Operations standard (29 CFR 1910.401 to 1910.441) was published in 1977. In the intervening years, major changes in the technology of diving systems and equipment have occurred. In December 1999, OSHA granted a permanent variance to Dixie Divers, Inc. permitting recreational diving instructors employed by that company to comply with the provisions of the variance rather than with paragraphs (b)(2) and (c)(3)(iii) of 1910.423 and paragraph (b)(1) of 1910.426. Since OSHA granted the variance, other employers of recreational diving instructors have asked OSHA to clarify the applicability of the variance to their operations. OSHA intends to issue a notice of proposed rulemaking to obtain data on the appropriateness of amending the commercial diving operations standard to reflect the alternative specified in the permanent variance granted to Dixie Divers, Inc.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

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

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB97

Department of Labor (DOL)

Completed Actions

Occupational Safety and Health Administration (OSHA)

2124. PERMISSIBLE EXPOSURE LIMITS (PELS) FOR AIR CONTAMINANTS

Priority: Economically Significant. Major under 5 USC 801.

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

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

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

Legal Deadline: None

Abstract: OSHA enforces hundreds of permissible exposure limits (PELs) for toxic air contaminants found in U.S. workplaces. OSHA adopted most of the air contaminant limits in 1971 from recommendations issued under Federal rules, the American National Standards Institute, and other consensus organizations. These PELs thus reflect the results of research conducted before that time. Since then, much new information has become available. OSHA has not yet determined the best way to proceed with the permissible exposure limit update process. The Agency wishes both to expand the circle of stakeholders engaged in the update process and to obtain their input earlier in the process. Accordingly and in light of resource constraints, OSHA is withdrawing this entry from the regulatory agenda at this time.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

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-AB54

2125. 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 concluded that workers exposed to these fluids are at risk of developing respiratory diseases, including hypersensitivity pneumonitis, occupational asthma, and lung cancer and dermatoses. The Committee divided on the appropriate response; a majority favored rulemaking while others concluded that rulemaking was inappropriate at this time because of the complexity of the issue. The Committee submitted its report to OSHA in July, 1999. OSHA has decided to make the Committee's report available to the public on the Agency's web page. In addition, working with stakeholders and members of the Advisory Committee, OSHA has developed a Best Practices Guide for metalworking fluid users and will also make this available on the web. OSHA believes that the availability of this comprehensive and authoritative outreach material will greatly reduce the health hazards machinists and others exposed to these fluids may face. Accordingly, and in light of resource constraints, OSHA is withdrawing this entry from the agenda at this time.

Timetable:

Action	Date	FR Cite
Withdrawn	08/31/01	

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-AB58

2126. UPDATE AND REVISION OF THE FLAMMABLE AND COMBUSTIBLE LIQUIDS STANDARD

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1910.106

Legal Deadline: None

Abstract: OSHA identified this standard for revision as part of an initiative to update the Agency's 30-year old safety standards. OSHA may propose a revision and update of the standards contained in 29 CFR 1910.106 addressing flammable and combustible liquids storage in the near future; however, due to resource constraints, this entry is being withdrawn from the agenda at this time.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB61

2127. 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

DOL—OSHA

Completed Actions

CFR Citation: 29 CFR 1910.119

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB63

2128. REVISION AND UPDATE OF THE MECHANICAL POWER-TRANSMISSION APPARATUS STANDARD

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1910.219

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB66

2129. 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: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

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

2130. 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: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: 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-AB69

2131. CONTROL OF HAZARDOUS ENERGY (LOCKOUT) IN CONSTRUCTION (PART 1926) (PREVENTING CONSTRUCTION INJURIES/FATALITIES: LOCKOUT)

Priority: Economically Significant

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

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis

Required: Undetermined

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-AB71

2132. CONSOLIDATION OF RECORDS MAINTENANCE REQUIREMENTS IN OSHA STANDARDS

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

Unfunded Mandates: Undetermined

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 withdrawing this entry from the agenda at this time due

DOL—OSHA

Completed Actions

to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB78

2133. 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 is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	08/31/01	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB83

2134. UPDATE AND REVISION OF THE SPRAY APPLICATIONS STANDARD

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) and 1910.94(d)

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB84

2135. 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 is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

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

2136. SANITATION IN THE CONSTRUCTION INDUSTRY

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 651(b); 29 USC 655(b); 40 USC 333; 40 USC 327

CFR Citation: 29 CFR 1926.51

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

Regulatory Flexibility Analysis

Required: No

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

2137. UPDATE OF REVISION OF THE WOODWORKING MACHINERY STANDARD

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

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.213

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

DOL—OSHA

Completed Actions

Timetable:

Action	Date	FR Cite
Withdrawn	09/24/01	

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

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AB92

2138. ERGONOMICS PROGRAMS IN CONSTRUCTION (PART 1926): PREVENTING WORK-RELATED MUSCULOSKELETAL DISORDERS AMONG CONSTRUCTION WORKERS

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

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

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA is withdrawing this agenda entry because the agency is currently evaluating its options for developing a comprehensive approach to the ergonomics issue. If OSHA decides in the future to address ergonomic injuries in the construction industry through rulemaking, it will include notice of that fact in a future regulatory agenda.

Timetable:

Action	Date	FR Cite
Withdrawn	08/21/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses

Government Levels Affected: Undetermined

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health

Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AB94

2139. OCCUPATIONAL HEALTH RISKS IN THE MANUFACTURE AND ASSEMBLY OF SEMICONDUCTORS

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	08/31/01	

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

Agency Contact: Marthe B. Kent, Acting Director, Directorate of Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3718, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-1950
Fax: 202 693-1678

RIN: 1218-AB96

2140. • OCCUPATIONAL INJURY AND ILLNESS RECORDING AND REPORTING REQUIREMENTS

Priority: Other Significant

Legal Authority: 29 USC 657; 5 USC 553

CFR Citation: 29 CFR 1904

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration (OSHA) issued a

final rule on Occupational Injury and Illness Recording and Reporting Requirements (66 FR 5916, January 19, 2001), which is scheduled to become effective on January 1, 2002. Following a careful review conducted pursuant to White House Chief of Staff Andrew Card's memorandum (66 FR 7702), the Agency has determined that all but two provisions of the final rule will take effect as scheduled (66 FR 35113, July 3, 2001). The record on this proposal closed on September 4, 2001. OSHA intends to publish a final rule reflecting the effective dates for sections 1904.10 and 1904.12 in the near future.

OSHA will reconsider these two provisions in the final rule for recording occupational hearing loss based on the occurrence of a Standard Threshold Shift (STS) in hearing acuity (section 1904.10), defining "musculoskeletal disorders" and checking the column on the OSHA 300 Log identifying a recordable case as an MSD (section 1904.12). OSHA also proposed to delay the effective date of sections 1904.10 and 1904.12 until January 1, 2003 to allow time for such regulatory reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35113
NPRM Comment Period End	09/04/01	
Final Action	10/12/01	66 FR 52031
Final Action Effective	01/01/02	

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

Agency Contact: Marthe B. Kent, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, FP Building, Washington, DC 20210
Phone: 202 693-2222
Fax: 202 693-1663

RIN: 1218-AC00

Department of Labor (DOL)

Proposed Rule Stage

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

2141. • ANNUAL REPORT FOR FEDERAL CONTRACTORS (2002 REVISIONS)

Priority: Other Significant

Legal Authority: PL 106-419 Veterans Benefits and Health Care Improvement Act of 2000

CFR Citation: 41 CFR 61-250

Legal Deadline: None

Abstract: The Veterans' Employment and Training Service (VETS) is proposing to issue a notice of proposed rulemaking (NPRM) to implement changes required by the Veterans'

Benefits and Health Care Improvement Act of 2000. The Act adds an additional category of veterans, "recently separated veterans," to the list of protected veterans under the Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA). This proposal will assist VETS in meeting the statutory requirement of annually collecting the VETS-100 Report.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Norm Lance, Chief, Investigations and Compliance, VETS, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, S-1316, 200 Constitution Avenue, NW, Washington, DC 20210

Phone: 202 693-4731

Fax: 202 693-4755

RIN: 1293-AA08

Department of Labor (DOL)

Final Rule Stage

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

2142. ANNUAL REPORT FOR FEDERAL CONTRACTORS

Priority: Other Significant

Legal Authority: PL 105-339 Veterans Employment Opportunities Act of 1998

CFR Citation: 41 CFR 61-250

Legal Deadline: None

Abstract: The Veterans' Employment and Training Service (VETS) issued a final rule implementing changes required by the Veterans' Employment Opportunities Act of 1998. The Act requires most Federal contractors and subcontractors with contracts in the amount of \$25,000 or more to report their efforts toward hiring and employment of qualified veterans. The Act adds an additional category of veterans, "other veterans who have served on active duty during a war or in a campaign or expedition for which a campaign badge has been

authorized," to the list of protected veterans under the Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA). The Act also adds the requirement that covered contractors and subcontractors report their minimum and maximum number of employees. This rule will assist VETS in meeting the statutory requirement of annually collecting the VETS-100 Report. After publication VETS learned that the final rule may inadvertently increase recordkeeping burden on some contractors. Accordingly, an interim final rule will be published permitting contractors flexibility in how they determine the maximum and minimum number of employees reported.

Timetable:

Action	Date	FR Cite
NPRM	10/05/00	65 FR 59683

Action	Date	FR Cite
NPRM Comment Period End	12/06/00	
Final Rule	10/11/01	66 FR 51997
Final Rule Effective	11/13/01	
Interim Final Rule	12/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Norm Lance, Chief, Investigations and Compliance, VETS, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, S-1316, 200 Constitution Avenue, NW, Washington, DC 20210

Phone: 202 693-4731

Fax: 202 693-4755

RIN: 1293-AA07

[FR Doc. 01-25308 Filed 11-30-01; 8:45 am]

BILLING CODE 4510-23-S