



# Federal Register

---

**Monday,  
May 11, 2009**

---

**Part X**

**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 12 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 April 2009 and April 2010, as well as those completed during the past 6 months.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Franks, Director, Office of Regulatory Policy, 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.

In addition, beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

The Regulatory Flexibility Act, which became effective on January 1, 1981, 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**

- Methylene Chloride (RIN 1218-AC23)
- Bloodborne Pathogens (RIN 1218-AC34)

**Employee Benefits Security Administration**

- Plan Assets-Participant Contributions Regulations (RIN 1210-AB11)

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.

For this edition of the Department of Labor's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

**Hilda Solis**  
*Secretary of Labor.*

**Employment Standards Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
231	Form LM-30, Labor Organization Officer and Employee Report .....	1215-AB74

## DOL

## Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
232	Labor Organization Annual Financial Reports .....	1215-AB62

## Employee Benefits Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
233	Plan Assets—Participant Contributions Regulation ( <b>Section 610 Review</b> ) .....	1210-AB11

## Employee Benefits Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
234	Amendment of Regulation Relating to Definition of Plan Assets—Participant Contributions .....	1210-AB02

## Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
235	Explosives and Blasting ( <b>Section 610 Review</b> ) .....	1219-AB62

## Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
236	Occupational Exposure to Crystalline Silica .....	1218-AB70
237	Occupational Exposure to Beryllium .....	1218-AB76
238	Methylene Chloride ( <b>Section 610 Review</b> ) .....	1218-AC23
239	Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl .....	1218-AC33

## Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
240	Confined Spaces in Construction .....	1218-AB47
241	Electric Power Transmission and Distribution; Electrical Protective Equipment .....	1218-AB67
242	Cranes and Derricks in Construction .....	1218-AC01

## Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
243	Bloodborne Pathogens (610 Review) ( <b>Section 610 Review</b> ) .....	1218-AC34

**Department of Labor (DOL)**

**Proposed Rule Stage**

**Employment Standards Administration (ESA)**

**231. • FORM LM-30, LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT**

**Legal Authority:** 29 USC 432; 29 USC 438

**Abstract:** The Department intends to review questions of law and policy within the recently published changes to the Form LM-30. The Form LM-30 (Labor Organization Officer and Employee Report) is required by the LMRDA. The purpose of the Form,

among others, is to identify potential conflicts of interest between the labor organization officials and their labor organization.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Andrew R. Davis, Chief, Division of Interpretations and

Standards, Office of Labor-Management Standards, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., FP Building, Room N-5609, Washington, DC 20210

Phone: 202 693-0123  
TDD Phone: 202 693-1340  
Fax: 800 877-8339  
Email: davis.andrew@dol.gov

**RIN:** 1215-AB74

**Department of Labor (DOL)**

**Final Rule Stage**

**Employment Standards Administration (ESA)**

**232. LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS**

**Legal Authority:** 29 USC 431(b); 29 USC 438

**Abstract:** The Department of Labor's Employment Standards Administration published a final rule on January 21, 2009, which modified the annual financial disclosure report Form LM-2 and established standards and procedures by which the Office of Labor Management Standards, pursuant to section 208 of the Labor Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 438, may revoke the authorization of a labor organization to file a simplified annual financial disclosure report, Form LM-3, and instead require it to file the more detailed Form LM-2.

Through notice and comment rulemaking the Department extended the effective date of the January 21, 2009 Final Rule to April 21, 2009. The effective date and applicability date of the January 21, 2009 Final Rule were further extended through notice and comment rulemaking to October 19, 2009 and January 1, 2010, respectively. The Department has proposed

withdrawing the January 21, 2009 Final Rule.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/08	73 FR 27346
NPRM Extension of Comment Period End	06/19/08	73 FR 34913
NPRM Comment Period End	06/26/08	
NPRM Comment Period Extended	07/11/08	73 FR 3491
Final Rule	01/21/09	74 FR 3678
NPRM Effective Date Extension (60 Days); Request Comment on Legal & Policy Questions of Final Rule	02/03/09	74 FR 5899
NPRM Extension Comment Period End	02/13/09	
Final Action Effective	02/20/09	74 FR 3678
Final Rule; Delaying Effective Date for 60 Days	02/20/09	74 FR 7814
Legal and Policy Questions Relating to January 2009 Final Rule Comment Period End	03/05/09	

Action	Date	FR Cite
NPRM Effective and Applicability Date Extension (180 Days)	03/19/09	74 FR 1700
Final Rule; Delaying Effective Date and Applicability Date for 180 Days	04/21/09	74 FR 18132
Proposed Withdrawal of January 2009 Final Rule	04/21/09	74 FR 18172
Final Rule	10/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Denise Boucher, Director, Office of Policy, Reports and Disclosure, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., FP Building, Room N-5609, Washington, DC 20210  
Phone: 202 693-1185  
TDD Phone: 800 877-8399  
Fax: 202 693-1340  
Email: boucher.denise@dol.gov

**RIN:** 1215-AB62

**Department of Labor (DOL)**

**Prerule Stage**

**Employee Benefits Security Administration (EBSA)**

**233. PLAN ASSETS-PARTICIPANT CONTRIBUTIONS REGULATION (SECTION 610 REVIEW)**

**Legal Authority:** 29 USC 1135

**Abstract:** EBSA is conducting a review of the plan assets-participant contributions regulation in accordance

with the requirements of section 610 of the Regulatory Flexibility Act. 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 extent to which technology, economic conditions, or other factors have changed in industries affected by the rule.

## DOL—EBSA

Prerule Stage

**Timetable:**

Action	Date	FR Cite
Begin Review	03/01/06	
End Review	12/00/09	

**Regulatory Flexibility Analysis****Required:** Undetermined

**Agency Contact:** Melissa R. Dennis, Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution

Avenue NW., FP Building, Room N-5655, Washington, DC 20210  
Phone: 202 693-8500  
Fax: 202 219-7291

**RIN:** 1210-AB11

## Department of Labor (DOL)

Final Rule Stage

## Employee Benefits Security Administration (EBSA)

**234. AMENDMENT OF REGULATION RELATING TO DEFINITION OF PLAN ASSETS—PARTICIPANT CONTRIBUTIONS****Legal Authority:** 29 USC 1135

**Abstract:** This rulemaking will amend the regulation that defines when participant moneys paid to or withheld by an employer for contribution to an employee benefit plan constitute “plan assets” for purposes of title I of ERISA and the related prohibited transaction provisions of the Internal Revenue Code. The regulation contains an

amendment to the current regulation that will establish a safe harbor period of a specified number of business days during which certain moneys that a participant pays to, or has withheld by, an employer for contribution to a plan would not constitute “plan assets.”

**Timetable:**

Action	Date	FR Cite
NPRM	02/29/08	73 FR 11072
NPRM Comment Period End	04/29/08	
Final Action	09/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210  
Phone: 202 693-8510  
Fax: 202 219-7291

**RIN:** 1210-AB02

## Department of Labor (DOL)

Prerule Stage

## Mine Safety and Health Administration (MSHA)

**235. EXPLOSIVES AND BLASTING (SECTION 610 REVIEW)****Legal Authority:** 30 USC 811

**Abstract:** MSHA will review the existing coal and metal and nonmetal standards for explosives and blasting in view of advances in technology and consistency. The next action will be an advance notice of proposed rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/00/09	

**Regulatory Flexibility Analysis****Required:** Undetermined

**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department

of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939  
Phone: 202 693-9440  
Fax: 202 693-9441  
Email: silvey.patricia@dol.gov

**RIN:** 1219-AB62

## Department of Labor (DOL)

Prerule Stage

## Occupational Safety and Health Administration (OSHA)

**236. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA****Legal Authority:** 29 USC 655(b); 29 USC 657

**Abstract:** Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of

silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula recommended by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1971 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and maritime (derived from ACGIH's 1962 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable crystalline silica.

Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. The American Society for Testing and Materials (ASTM) has published a recommended standard for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL-CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure

## DOL—OSHA

## Prerule Stage

monitoring, training, and medical surveillance.

**Timetable:**

Action	Date	FR Cite
Completed SBREFA Report	12/19/03	
Initiate Peer Review of Health Effects and Risk Assessment	06/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210  
Phone: 202 693-1950  
Fax: 202 693-1678  
Email: dougherty.dorothy@dol.gov

**RIN:** 1218-AB70

**237. OCCUPATIONAL EXPOSURE TO BERYLLIUM**

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

**Abstract:** In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by the Paper Allied-Industrial, Chemical, and Energy Workers Union, Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage.

On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected work sites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008.

**Timetable:**

Action	Date	FR Cite
Request for Information	11/26/02	67 FR 70707
SBREFA Report Completed	01/23/08	
Initiate Peer Review of Health Effects and Risk Assessment	12/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210  
Phone: 202 693-1950  
Fax: 202 693-1678  
Email: dougherty.dorothy@dol.gov

**RIN:** 1218-AB76

**238. METHYLENE CHLORIDE (SECTION 610 REVIEW)**

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

**Abstract:** OSHA will undertake a review of the Methylene Chloride Standard (29 CFR 1910.1052) 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; 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 evaluated.

**Timetable:**

Action	Date	FR Cite
Begin Review	12/01/06	
Request for Comments	07/10/07	72 FR 37501
Comment Period End	10/09/07	
Reopen Comment Period	01/08/08	73 FR 1299
Comment Period End	03/10/08	
End Review	09/00/09	

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** John Smith, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3641, Washington, DC 20210  
Phone: 202 693-2400

Fax: 202 693-1641  
Email: smith.john@dol.gov

**RIN:** 1218-AC23

**239. OCCUPATIONAL EXPOSURE TO DIACETYL AND FOOD FLAVORINGS CONTAINING DIACETYL**

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

**Abstract:** On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Diacetyl and a number of other volatile organic compounds are used to manufacture artificial butter food flavorings. These food flavorings are used by various food manufacturers in a multitude of food products including microwave popcorn, certain bakery goods, and some snack foods. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking. Evidence from NIOSH and other sources indicated that employee exposure to diacetyl and food flavorings containing diacetyl is associated with bronchiolitis obliterans, a debilitating and potentially fatal disease of the small airways in the lung. Severe obstructive airway disease has been observed in the microwave popcorn industry and in food flavoring manufacturing plants. Experimental evidence has shown that inhalation exposure to artificial butter flavoring vapors and diacetyl damaged tissue lining, the nose, and airways of rats and mice. OSHA published an Advanced Notice of Proposed Rulemaking (ANPRM) on January 21, 2009, but withdrew the ANPRM on March 17, 2009, in order to facilitate timely development of a standard.

**Timetable:**

Action	Date	FR Cite
Stakeholder Meeting	10/17/07	72 FR 54619
ANPRM	01/21/09	74 FR 3937
ANPRM Withdrawn	03/17/09	74 FR 11329
ANPRM Comment Period End	04/21/09	
Complete SBREFA Report	07/00/09	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Dorothy Dougherty, Director, Directorate of Standards and

## DOL—OSHA

## Prerule Stage

Guidance, Department of Labor,  
Occupational Safety and Health  
Administration, 200 Constitution

Avenue NW., FP Building, Room  
N-3718, Washington, DC 20210  
Phone: 202 693-1950

Fax: 202 693-1678  
Email: dougherty.dorothy@dol.gov  
RIN: 1218-AC33

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

## Proposed Rule Stage

**240. CONFINED SPACES IN  
CONSTRUCTION**

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

**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.

**Timetable:**

Action	Date	FR Cite
SBREFA Panel Report	11/24/03	
NPRM	11/28/07	72 FR 67351
NPRM Comment Period End	01/28/08	
NPRM Comment Period Extended	02/28/08	73 FR 3893
Public Hearing	07/22/08	
Close Record	10/23/08	
Analyze Comments	10/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Noah Connell, Deputy Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3468, Washington, DC 20210  
Phone: 202 693-2020  
Fax: 202 693-1689

**RIN:** 1218-AB47

**241. ELECTRIC POWER  
TRANSMISSION AND DISTRIBUTION;  
ELECTRICAL PROTECTIVE  
EQUIPMENT**

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

**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 over 35 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also 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. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations. OSHA published an NPRM on June 15, 2005. A public hearing was held March 6 to 14, 2006. OSHA reopened the record to gather additional information on minimum approach distances.

**Timetable:**

Action	Date	FR Cite
SBREFA Report	06/30/03	
NPRM	06/15/05	70 FR 34821
NPRM Comment Period End	10/13/05	
Comment Period Extended to 01/11/2006	10/12/05	70 FR 59290
Public Hearing To Be Held 03/06/2006	10/12/05	70 FR 59290
Post-Hearing Comment Period End	07/14/06	
Reopen Record	10/22/08	73 FR 62942
Comment Period End	11/21/08	
Close Record	11/21/08	
Second Reopening Record	06/00/09	
Comment Period End	09/00/09	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210  
Phone: 202 693-1950  
Fax: 202 693-1678  
Email: dougherty.dorothy@dol.gov

**RIN:** 1218-AB67

**242. CRANES AND DERRICKS IN  
CONSTRUCTION**

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

**Abstract:** A number of industry stakeholders asked OSHA to update the cranes and derricks portion of subpart N (29 CFR 1926.550), specifically requesting that negotiated rulemaking be used.

In 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee. A year later, in 2003, committee members were announced and the Cranes and Derricks Negotiated Rulemaking Committee was established and held its first meeting. In July 2004, the committee reached consensus on all issues resulting in a final consensus document.

**Timetable:**

Action	Date	FR Cite
Notice of Intent To Establish Negotiated Rulemaking	07/16/02	67 FR 46612
Comment Period End	09/16/02	
Request for Comments on Proposed Committee Members	02/27/03	68 FR 9036
Request for Comments Period End	03/31/03	68 FR 9036
Established Negotiated Rulemaking Committee	06/12/03	68 FR 35172

## DOL—OSHA

## Proposed Rule Stage

Action	Date	FR Cite	Action	Date	FR Cite	Agency Contact: Noah Connell, Deputy Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3468, Washington, DC 20210 Phone: 202 693-2020 Fax: 202 693-1689 RIN: 1218-AC01
Rulemaking Negotiations Completed	07/30/04		NPRM Comment Period End	01/22/09		
SBREFA Report	10/17/06		Public Hearing	03/20/09		
NPRM	10/09/08	73 FR 59714	Close Record	06/00/09		
NPRM Comment Period Extended	12/02/08	73 FR 73197	<b>Regulatory Flexibility Analysis Required: Yes</b>			

## Department of Labor (DOL)

## Long-Term Actions

## Occupational Safety and Health Administration (OSHA)

**243. BLOODBORNE PATHOGENS (610 REVIEW) (SECTION 610 REVIEW)**

**Legal Authority:** 29 USC 655(b); 5 USC 533; 5 USC 610

**Abstract:** OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) 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 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 evaluated.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** John Smith, Directorate of Evaluation and Analysis,

Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3641, Washington, DC 20210  
Phone: 202 693-2400

Fax: 202 693-1641  
Email: smith.john@dol.gov

**RIN:** 1218-AC34

[FR Doc. E9-10272 Filed 05-08-09; 8:45 am]

**BILLING CODE** 4510-23-S