

Federal Register

Friday
November 29, 1996

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

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

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

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between October 1996 and October 1997, as well as those completed during the past 6 months.

FOR FURTHER INFORMATION CONTACT: Roland Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210, (202) 219-6197.

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

SUPPLEMENTARY INFORMATION: Executive Order 12866 and the Regulatory Flexibility Act require the semiannual

publication in the Federal Register of an agenda of regulations.

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 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 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. Agencies will report on the results of each review in the October 1997 regulatory agenda.

Employment Standards Administration

Government Contractors: Nondiscrimination and Affirmative Action Obligations; 41 CFR 60-1 and 41 CFR 60-2 (RIN 1215-AA01)

Mine Safety and Health Administration

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

Occupational Safety and Health Administration

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

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

As permitted by law, the Department of Labor is combining the publication of its agendas under the Regulatory Flexibility Act and Executive Order 12866.

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.

Robert B. Reich,
Secretary of Labor.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2148	Supplemental Standards of Ethical Conduct for Employees of the Department of Labor	1290-AA15

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2149	Coordinated Enforcement of Farm Labor Protective Statutes	1290-AA11

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Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2150	Child Labor Regulations, Orders, and Statements of Interpretation (ESA/W-H) (Reg Plan Seq. No. 55)	1215-AA09
2151	Defining and Delimiting the Term "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H) (Reg Plan Seq. No. 56)	1215-AA14
2152	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era	1215-AA62
2153	Procedures for Predetermination of Wage Rates (29 CFR Part 1) and Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (29 CFR Part 5) (Reg Plan Seq. No. 57)	1215-AA94
2154	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
2155	Benefits Under the Federal Coal Mine Safety and Health Act of 1977, as Amended Affecting the Black Lung Benefits Act	1215-AA99
2156	Records To Be Kept by Employers Under the Fair Labor Standards Act	1215-AB03
2157	Assessment and Collection of User Fees	1215-AB06
2158	Federal Employees' Compensation Act; Claims for Compensation for Work-Related Injury/Death	1215-AB07
2159	Minimum Wages in American Samoa	1215-AB08
2160	Employment of Student-Learners, Apprentices, Learners, Messengers, and Student Workers Under Section 14 of the Fair Labor Standards Act	1215-AB10
2161	Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act	1215-AB11
2162	Miscellaneous Exemptions Under the Fair Labor Standards Act	1215-AB12
2163	Implementation of the 1996 Amendments to the Fair Labor Standards Act	1215-AB13

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 Identifier Number
2164	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP) (Section 610 Review) (Reg Plan Seq. No. 58)	1215-AA01
2165	Labor Standards for Federal Service Contracts	1215-AA78
2166	Application of the Fair Labor Standards Act to Domestic Service	1215-AA82
2167	Procedures for Handling Discrimination Complaints Under Federal "Whistleblower" Protection Statutes	1215-AA83
2168	Standards for Waivers Under Section 503 of the Rehabilitation Act	1215-AA84
2169	Migrant and Seasonal Agricultural Worker Protection (29 CFR Part 500) (Reg Plan Seq. No. 59)	1215-AA93
2170	Executive Order 12933 of October 20, 1994, "Nondisplacement of Qualified Workers Under Certain Conditions" ...	1215-AA95
2171	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models	1215-AB09

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 Identifier Number
2172	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act	1215-AA43
2173	Reporting by Labor Relations Consultants and Other Persons	1215-AB14

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2174	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Individuals With Disabilities	1215-AA76

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Employment Standards Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2175	Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports	1215-AA90
2176	Permanent Replacement of Lawfully Striking Employees by Federal Contractors	1215-AB15

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2177	Airline Deregulation: Employee Benefit Program	1205-AA07
2178	Labor Certification Process for the Permanent Employment of Aliens in the United States (Reg Plan Seq. No. 60)	1205-AA66
2179	Job Training Partnership Act: Indian and Native American Programs	1205-AA96
2180	Job Training Partnership Act: Migrant and Seasonal Farmworker Programs	1205-AA99
2181	Disaster Unemployment Assistance Program, Amendment to Regulations	1205-AB02
2182	Federal-State Unemployment Compensation Program; Unemployment Insurance Performance System	1205-AB10

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

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2183	Trade Adjustment Assistance for Workers—Implementation of 1988 Amendments	1205-AB05
2184	Trade Adjustment Assistance for Workers—Transitional Adjustment Assistance NAFTA-TAA	1205-AB07
2185	Labor Certification Process for the Permanent Employment of Aliens; Researchers Employed by Colleges and Universities	1205-AB11

Employment and Training Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2186	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring, and Enforcement	1205-AA37
2187	Amendments to the Labor Certification Process for Temporary Agricultural Employment in the United States (H-2A)	1205-AB09

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2188	Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports, the Alaska Exception	1205-AB03
2189	Work Incentive (WIN) Programs for AFDC Recipients, Removal of Obsolete Work Program Regulations	1205-AB12
2190	Removal of Duplicative Regulations Governing the H-1A Nurses Labor Attestation Program, the D-1 Foreign Maritime Crewmembers Program, the H-1B Nonimmigrant Labor Condition, and F-1 Students	1205-AB13

Pension and Welfare Benefits Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2191	Enforcement Policy on AICPA SOP 92-6	1210-AA57

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Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2192	Qualified Domestic Relations Orders	1210-AA19
2193	Revision of the Form 5500 Series and Implementing and Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA) (Reg Plan Seq. No. 61)	1210-AA52
2194	Limitation of Liability for Insurers and Others Under Part 4 of Title I of ERISA and Section 4975 of the Internal Revenue Code	1210-AA58

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

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2195	Regulations Implementing the Health Care Access, Portability and Renewability Provision of the Health Insurance Portability and Accountability Act of 1996 (Reg Plan Seq. No. 62)	1210-AA54
2196	Amendment of Summary Plan Description and Related ERISA Regulations to Implement Statutory Changes in the Health Insurance Portability and Accountability Act of 1996 (Reg Plan Seq. No. 63)	1210-AA55
2197	Civil Monetary Penalty Adjustment Regulation	1210-AA56

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 Identifier Number
2198	Adequate Consideration	1210-AA15
2199	Civil Penalties Under ERISA Section 502(l)	1210-AA37
2200	Reporting and Disclosure Under the Employee Retirement Income Security Act of 1974	1210-AA44
2201	Definition of Collective Bargaining Agreement (ERISA Section 3(40))	1210-AA48

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2202	Interpretive Bulletin on Participant Education	1210-AA50
2203	Removal of Obsolete Regulations and Interpretive Bulletins	1210-AA51
2204	Regulations Relating to Definition of Plan Assets: Participant Contributions	1210-AA53

Office of the American Workplace—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2205	Reporting by Labor Relations Consultants and Other Persons	1294-AA12

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2206	Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners (Reg Plan Seq. No. 64)	1219-AA81
2207	Safety Standards for the Use of Roof Bolting Machines	1219-AA94
2208	Training and Retraining of Miners (Section 610 Review)	1219-AB02

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

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Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2209	Noise Standard (Reg Plan Seq. No. 65)	1219-AA53
2210	Diesel Particulate (Reg Plan Seq. No. 66)	1219-AA74
2211	Belt Entry Use as Intake Aircourses to Ventilate Working Sections	1219-AA76
2212	Metal/Nonmetal Impoundments	1219-AA83
2213	Safety Standard Revisions for Underground Anthracite Mines	1219-AA96
2214	Improving and Eliminating Regulations	1219-AA98
2215	Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines	1219-AB00
2216	Electrical Standards for Metal and Nonmetal Mines	1219-AB01

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

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2217	Hazard Communication	1219-AA47
2218	Air Quality, Chemical Substances, and Respiratory Protection Standards	1219-AA48
2219	Longwall Equipment (Including High-Voltage)	1219-AA75
2220	Single-Shift Sampling Notice	1219-AA82

Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2221	Confined Spaces	1219-AA54
2222	Carbon Monoxide Monitor Approval	1219-AA72
2223	Decertification of Certified and Qualified Persons	1219-AA79
2224	Independent Laboratory Testing	1219-AA87
2225	Safety Standards for Methane in Metal and Nonmetal Mines	1219-AA90
2226	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA92
2227	Surface Haulage	1219-AA93

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2228	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
2229	Safety Standards for Explosives at Metal and Nonmetal Mines	1219-AA84
2230	First-Aid at Metal and Nonmetal Mines	1219-AA97
2231	Respirable Dust Standard for Underground and Surface Coal Mines; NIOSH Criteria Document	1219-AA99

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

Sequence Number	Title	Regulation Identifier Number
2232	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA21

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

Sequence Number	Title	Regulation Identifier Number
2233	Department of Labor Acquisition Regulations	1291-AA20

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2234	Standards Advisory Committee on Metalworking Fluids (Reg Plan Seq. No. 67)	1218-AB58
2235	Control of Hazardous Energy Sources (Lockout/Tagout) (Section 610 Review)	1218-AB59
2236	Occupational Exposure to Ethylene Oxide (Section 610 Review)	1218-AB60

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

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2237	Steel Erection (Part 1926) (Safety Protection for Ironworking) (Reg Plan Seq. No. 68)	1218-AA65
2238	Prevention of Work-Related Musculoskeletal Disorders (Reg Plan Seq. No. 69)	1218-AB36
2239	Comprehensive Safety and Health Programs (for General Industry and Agriculture) (Reg Plan Seq. No. 70)	1218-AB41
2240	Occupational Exposure to Hexavalent Chromium (Preventing Occupational Illness: Chromium) (Reg Plan Seq. No. 71)	1218-AB45
2241	Occupational Exposure to Tuberculosis (Reg Plan Seq. No. 72)	1218-AB46
2242	General Working Conditions in Shipyards (Part 1915, Subpart F) (Phase II) (Shipyards: General Working Conditions)	1218-AB50
2243	Permissible Exposure Limits (PELS) for Air Contaminants (Reg Plan Seq. No. 73)	1218-AB54
2244	Revision of Certain Standards Promulgated Under Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (Reg Plan Seq. No. 74)	1218-AB55
2245	Flammable and Combustible Liquids	1218-AB61

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 Identifier Number
2246	Respiratory Protection (Proper Use of Modern Respirators)	1218-AA05
2247	Safety and Health Regulations for Longshoring (Part 1918) and Marine Terminals (Part 1917) (Shipyards: Protecting Longshoring Workers)	1218-AA56
2248	Scaffolds in Shipyards (Part 1915—Subpart N) (Phase I) (Shipyards: Safer Scaffolds)	1218-AA68
2249	Access and Egress in Shipyards (Part 1915, Subpart E) (Phase I) (Shipyards: Emergency Exits and Aisles)	1218-AA70
2250	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates: Protecting Reproductive Health	1218-AA84
2251	Methylene Chloride (Preventing Occupational Illnesses: Methylene Chloride)	1218-AA98
2252	Walking Working Surfaces and Personal Fall Protection Systems (Part 1910) (Slips, Trips, and Fall Prevention) (Reg Plan Seq. No. 75)	1218-AB04
2253	Recording and Reporting Occupational Injuries and Illnesses (Simplified Injury/Illness Recordkeeping Requirements) (Reg Plan Seq. No. 76)	1218-AB24
2254	Powered Industrial Truck Operator Training (Industrial Truck Safety Training)	1218-AB33
2255	Abatement Verification (Hazard Correction)	1218-AB40
2256	Permit Required Confined Spaces (General Industry: Preventing Suffocation/ Explosions in Confined Spaces)	1218-AB52
2257	Eliminating and Improving Regulations	1218-AB53

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

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Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2258	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2259	Control of Hazardous Energy (Lockout)—Construction (Part 1926) (Preventing Construction Injuries/Fatalities: Lockout)	1218-AB30
2260	Indoor Air Quality in the Workplace	1218-AB37
2261	Confined Spaces for Construction (Part 1926) (Construction: Preventing Suffocation/Explosions in Confined Spaces)	1218-AB47
2262	Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Phase II) (Shipyards: Fire Safety)	1218-AB51
2263	Nationally Recognized Programs Testing Labs: Fees	1218-AB57

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2264	Scaffolds (Part 1926) (Construction: Scaffolds Used in the Construction Industry)	1218-AA40
2265	Personal Protective Equipment in Shipyards (Part 1915) (Shipyards: Goggles, Gloves, and Other PPE)	1218-AA74
2266	1,3-Butadiene (Preventing Occupational Illness: Butadiene)	1218-AA83

**DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)**

Final Rule Stage

2148. • SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF LABOR

Priority: Info./Admin./Other

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

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

Legal Deadline: None

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

Government Ethics (OGE). The rule would designate certain components of the Department as separate agencies for the purposes of provisions in the Executive Branch-wide standards regarding gifts from outside sources, the receipt of compensation for teaching, speaking, or writing, and fundraising in a personal capacity. The rule would also restrict the outside financial interests for employees of the Mine Safety and Health Administration and require approval of outside employment for employees of the Office of Inspector General. It repeals existing regulations governing outside employment and financial interests. Issuance of this rule would require OGE concurrence.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/96	
Final Action	04/00/97	
Final Action Effective	04/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Shapiro, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room N2428, FP Building, Washington, DC 20210

Phone: 202 219-8201
Fax: 202 219-6896

RIN: 1290-AA15

**DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)**

Long-Term Actions

2149. COORDINATED ENFORCEMENT OF FARM LABOR PROTECTIVE STATUTES

Priority: Info./Admin./Other

Legal Authority: 29 USC 49 et seq; 29 USC 201 et seq; 29 USC 651 et seq; 29 USC 1801 et seq; 8 USC 1188(g)(2); 5 USC 301

CFR Citation: 29 CFR 42

Legal Deadline: None

Abstract: The Department intends to revise its regulations for coordinated enforcement of farm protective statutes. The rule will clarify existing regulatory language and update the regulations by making nomenclature and other

technical amendments. The sections also will be reorganized for clarification. These regulations were first promulgated in 1980 to coordinate the farm labor enforcement activities of the Department's Employment and Training Administration, the Employment Standards Administration, the Occupational Safety and Health

DOL—OS

Long-Term Actions

Administration, and the Office of the Solicitor of Labor (45 FR 39489). The regulations establish a National Farm Labor Coordinated Enforcement Committee, which meets quarterly, consisting of the heads of the above DOL agencies, to oversee that coordination. A Regional Farm Labor Coordinated Enforcement Committee, which meets quarterly, is established in each DOL regional office. The Regional Committee is made up of the head of each of the above Agencies' regional offices. Each Regional Committee holds at least one annual public meeting to discuss farm labor issues.

Timetable:

Action	Date	FR Cite
ANPRM	07/24/92	57 FR 32939
ANPRM Comment Period End	08/24/92	
NPRM	01/19/93	58 FR 5158

Action	Date	FR Cite
NPRM Comment Period End	02/18/93	
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: None
Additional Information: Since 1980, a number of changes have taken place in DOL's farm labor activities, such as: The Farm Labor Contractor Registration Act has been replaced by the Migrant and Seasonal Agricultural Worker Protection Act; the title of the head of the National Committee has been changed from Under Secretary to Deputy Secretary; the Immigration Reform and Control Act of 1986 has amended the Immigration and Nationality Act, authorizing DOL to enforce work contracts executed by employers of alien (H-2A) farmworkers; the role of States in operating the

Employment Service under the Wagner-Peyser Act was enhanced in 1982; regional offices of the Employment Standards Administration no longer exist and the regional farm labor enforcement role is now coordinated by the Regional Administrator for Wage and Hour; and the Assistant Secretary for Policy has assumed a role in farm labor programs at the national level. These and other changes necessitate updating the coordinated enforcement regulations.

Agency Contact: Ruth Samardick, Chairman, National Farm Labor Coordinated Enforcement Committee Working Group, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room S2114, FP Building, Washington, DC 20210
 Phone: 202 219-6026
RIN: 1290-AA11

**DEPARTMENT OF LABOR (DOL)
 Employment Standards Administration (ESA)**

Proposed Rule Stage

2150. CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION (ESA/W-H)
Regulatory Plan: This entry is Seq. No. 55 in Part II of this issue of the Federal Register.
RIN: 1215-AA09

duplication, or streamline requirements.
Legal Authority: 38 USC 4211; 38 USC 4212; PL 93-508 Amended; PL 94-502; PL 95-520; PL 96-466; PL 101-237; EO 11758; PL 97-306; PL 98-223; PL 102-16; PL 102-127; PL 102-484
CFR Citation: 41 CFR 60-250

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations
Government Levels Affected: State
Agency Contact: Joe N. Kennedy, Deputy Director, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210
 Phone: 202 219-9475
RIN: 1215-AA62

2151. 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. 56 in Part II of this issue of the Federal Register.
RIN: 1215-AA14

Legal Deadline: None
Abstract: OFCCP is planning to revise its regulations implementing 38 USC 4212 (formerly 2012) the affirmative action provision of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 to: (1) make its provisions for special disabled veterans consistent with section 503 of the Rehabilitation Act of 1973 (2) incorporate some legislative and other changes that have occurred, and (3) generally clarify 38 USC 4212 Affirmative Action Program (AAP) requirements.

2153. PROCEDURES FOR PREDETERMINATION OF WAGE RATES (29 CFR PART 1) AND LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (29 CFR PART 5)

2152. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA
Priority: Substantive, Nonsignificant
Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

Timetable:

Action	Date	FR Cite
Interim Final Rule Invitation to Self-Identify (41 CFR 60-250.5(d))	05/01/96	61 FR 19336
NPRM	09/24/96	61 FR 50079
NPRM Comment Period End	11/25/96	
Final Action	04/00/97	

Regulatory Plan: This entry is Seq. No. 57 in Part II of this issue of the Federal Register.
RIN: 1215-AA94

DOL—ESA

Proposed Rule Stage

2154. REGULATIONS TO IMPLEMENT THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994, 29 CFR PARTS 4 AND 5, 41 CFR PARTS 50-201 AND 50-206

Priority: Substantive, Nonsignificant

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

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

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

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

Abstract: The Federal Acquisition Streamlining Act of 1994, signed on October 13, 1994, amends several Acts administered by the Department of Labor: (1) It amends the Contract Work Hours and Safety Standards Act (CWHSSA) to limit its applicability to contracts in an amount of \$100,000 or greater. (2) It amends the Davis-Bacon Act (DB) to provide waivers from the Act's prevailing wage requirements under selected laws for volunteers performing services to a State or local government or agency and for volunteers performing services to a public or private nonprofit recipient of Federal assistance. (3) It also amends the Walsh-Healey Public Contracts Act (PCA) to eliminate the requirements that contractors on covered contracts be either manufacturers or regular dealers in the items to be supplied under the contract but retains the Secretary of Labor's authority to define the terms "regular dealer" and "manufacturer."

Timetable:

Action	Date	FR Cite
NPRM	09/07/95	60 FR 46553
NPRM Comment Period End	10/10/95	
Final Walsh-Healy/CWHSSA Rule	08/05/96	61 FR 40714
NPRM Second	11/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Additional Information: These legislative amendments will require revisions to Regulations, 29 CFR Parts 4 and 5 with respect to CWHSSA and

DB, and Regulations, 41 CFR Part 50-201 and Part 50-206 with respect to PCA.

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

Phone: 202 219-8305

Fax: 202 219-5122

RIN: 1215-AA96

2155. BENEFITS UNDER THE FEDERAL COAL MINE SAFETY AND HEALTH ACT OF 1977, AS AMENDED AFFECTING THE BLACK LUNG BENEFITS ACT

Priority: Other Significant

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

Legal Authority: 30 USC 901 et seq

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

Legal Deadline: None

Abstract: The Division of Coal Mine Workers' Compensation reviewed its existing regulations, pursuant to Executive Order 12866, with a goal of eliminating outdated and unnecessary rules and streamlining the processes. The result is a proposal to revise existing rules to facilitate alternative dispute resolution during the informal conference; streamline the litigation process by encouraging the early development and submission of evidence; reduce the costs of copying and mailing; raise the dollar limit for prior approval for medical equipment; and rewrite existing rules to make them more customer-oriented.

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. DeMarce, Director, Coal Mine Workers'

Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3520, FP Building, Washington, DC 20210

Phone: 202 219-6692

RIN: 1215-AA99

2156. RECORDS TO BE KEPT BY EMPLOYERS UNDER THE FAIR LABOR STANDARDS ACT

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 516 et seq

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/97	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

DOL—ESA

Proposed Rule Stage

Phone: 202 219-8305
Fax: 202 219-5122

RIN: 1215-AB03

2157. ASSESSMENT AND COLLECTION OF USER FEES

Priority: Info./Admin./Other

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

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

Legal Deadline: None

Abstract: In accordance with the authority provided by title V of the Independent Offices Appropriations Act of 1952, often referred to as the "user fee statute," and the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act of 1995 (PL 103-333), the Department is proposing to establish and collect user fees to recover the costs of providing certain services that are required by law and, without which, the recipients of the services would not legally be allowed to engage in particular employment practices. The services for which user fees are to be collected include processing applications and issuing farm labor contractor certificates of registration under the Migrant and Seasonal Agricultural Worker Protection Act; processing applications and issuing certificates authorizing employers to employ certain students at special minimum wages under section 14(b) of the Fair Labor Standards Act; and processing applications and issuing certificates authorizing employers to employ homeworkers under section 11(d) of the Fair Labor Standards Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor,

Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

Phone: 202 219-8305
Fax: 202 219-5122

RIN: 1215-AB06

2158. FEDERAL EMPLOYEES' COMPENSATION ACT; CLAIMS FOR COMPENSATION FOR WORK-RELATED INJURY/DEATH

Priority: Substantive, Nonsignificant

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

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 1; 20 CFR 10

Legal Deadline: None

Abstract: The Office of Workers' Compensation Programs will carry out a comprehensive review of and revision to the regulations implementing the Federal Employees' Compensation Act (FECA) to eliminate outdated or unnecessary rules reflecting a streamlining of the claims process, updates to reflect legislative changes, modify the medical fee schedule to include hospital and pharmacy charges and simplify language.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	
NPRM Comment Period End	03/00/97	
Final Action	05/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas M. Markey, Director for Federal Employees' Compensation, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3229, FP Building, Washington, DC 20210
Phone: 202 219-7552
Fax: 202 219-7250

RIN: 1215-AB07

2159. MINIMUM WAGES IN AMERICAN SAMOA

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing

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

Legal Authority: 29 USC 205; 29 USC 206; 29 USC 208

CFR Citation: 29 CFR 511; 29 CFR 697

Legal Deadline: None

Abstract: The Fair Labor Standards Act minimum wage for American Samoa is determined industry-by-industry according to recommendations of special industry committees that examine economic and competitive conditions and propose minimum wage levels which will not substantially curtail employment. Part 511 contains procedures for convening industry committees; Part 697 defines industry classifications and prescribes the minimum wage rates to be paid. These separate regulations may be combined and consolidated to reduce unnecessary regulatory text as part of the regulatory reinvention initiative.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
Phone: 202 219-8305
Fax: 202 219-5122

RIN: 1215-AB08

2160. EMPLOYMENT OF STUDENT-LEARNERS, APPRENTICES, LEARNERS, MESSENGERS, AND STUDENT WORKERS UNDER SECTION 14 OF THE FAIR LABOR STANDARDS ACT

Priority: Info./Admin./Other

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

Legal Authority: 29 USC 214

CFR Citation: 29 CFR 520; 29 CFR 521; 29 CFR 522; 29 CFR 523; 29 CFR 527

DOL—ESA

Proposed Rule Stage

Legal Deadline: None

Abstract: Section 14(a) of the Fair Labor Standards Act provides that the Secretary of Labor shall by regulations or orders provide for the employment of learners, apprentices and messengers under special certificates at wages lower than the applicable minimum wage, as needed to prevent curtailment of employment opportunities. Five separate parts of the CFR implement these statutory provisions, which can be consolidated and streamlined to reduce duplicative text as part of the regulatory reinvention initiative.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
Phone: 202 219-8305
Fax: 202 219-5122

RIN: 1215-AB10

2161. • EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS UNDER THE FAIR LABOR STANDARDS ACT

Priority: Info./Admin./Other

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

Legal Authority: 29 USC 201 et seq

CFR Citation: 29 CFR 780

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/97	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210
Phone: 202 219-8305
Fax: 202 219-5122

RIN: 1215-AB11

2162. • MISCELLANEOUS EXEMPTIONS UNDER THE FAIR LABOR STANDARDS ACT

Priority: Info./Admin./Other

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

Legal Authority: 29 USC 201 et seq

CFR Citation: 29 CFR 551; 29 CFR 783; 29 CFR 784; 29 CFR 786; 29 CFR 788; 29 CFR 793; 29 CFR 794

Legal Deadline: None

Abstract: Each of the following CFR parts issued under the Fair Labor Standards Act (FLSA) provides guidance to employers on the requirements for exemption from minimum wage or overtime based on particular statutory provisions: 551, local delivery drivers and helpers, wage payment plans; 783, Application of the FLSA to employees employed as seamen; 784, Provisions of the FLSA applicable to fishing and operations on aquatic products; 786, Miscellaneous exemptions; 788, Forestry or logging operations in which not more than eight employees are employed; 793, Exemption of certain radio and television station employees from overtime pay requirements under section 13(b)(9) of the FLSA; and, 794, Partial overtime exemption for employees of wholesale or bulk petroleum distributors under section 7(b)(3) of the FLSA. Employers meeting the specified criteria may be exempt from FLSA's minimum wage or overtime pay requirements. The

guidance under this miscellany of exemptions will be consolidated and streamlined into a single regulation to eliminate separate CFR parts and unnecessary pages of CFR text.

Timetable:

Action	Date	FR Cite
NPRM	09/00/97	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210
Phone: 202 219-8305
Fax: 202 219-5122

RIN: 1215-AB12

2163. • IMPLEMENTATION OF THE 1996 AMENDMENTS TO THE FAIR LABOR STANDARDS ACT

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: The "Small Business Job Protection Act of 1996" (H.R. 3448) was enacted on August 20, 1996, as Public Law 104-188. Title II of this enactment amended the Portal-to-Portal Act (PA) and the Fair Labor Standards Act (FLSA). The PA amendment excludes (under certain circumstances) from compensable "hours worked" the time spent by an employee in home-to-work travel in an employer-provided vehicle. The FLSA amendments: (1) increase the \$4.25 Federal minimum hourly wage by \$.90 in two steps over the next 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

DOL—ESA

Proposed Rule Stage

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	11/00/96	

Small Entities Affected: None
Government Levels Affected: State, Local, Federal
Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S-

3502, FP Building, Washington, DC 20210
 Phone: 202 219-8305
 Fax: 202 219-5122
RIN: 1215-AB13

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Employment Standards Administration (ESA)

2164. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP) (SECTION 610 REVIEW)

Regulatory Plan: This entry is Seq. No. 58 in Part II of this issue of the Federal Register.

RIN: 1215-AA01

2165. LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

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

Unfunded Mandates: Undetermined

Legal Authority: 41 USC 351 et seq; 79 Stat 1034, as amended in 86 Stat 789; 90 Stat 2358; 41 USC 38; 41 USC 39; 5 USC 301

CFR Citation: 29 CFR 4

Legal Deadline: Final, Judicial, July 31, 1996.

Abstract: The Service Contract Act (SCA) applies to Federal contracts principally for the furnishing of services through the use of service employees and, on contracts over \$2,500 where the predecessor contract was not subject to a collective bargaining agreement, requires the Department of Labor to determine prevailing wages and fringe benefits in the locality to be paid to various classifications of workers on the contract. Prevailing wage determinations issued by the Department, which become part of the Federal contract, establish the minimum compensation for employees performing on that contract. The Service Employees International Union (SEIU) sued DOL in March 1991 over DOL's methodology for determining health and welfare fringe benefits, and for not periodically updating fringe benefit levels. The District Court

remanded the case to DOL for exhaustion of administrative remedies, which led to the DOL's Board of Service Contract Appeals decision that remanded the case to the Wage Hour Division to consider alternative methods of implementing the statute. A notice of proposed rulemaking invited comments on alternatives for developing an appropriate SCA fringe benefit determination procedure.

Timetable:

Action	Date	FR Cite
NPRM	05/02/96	61 FR 19770
NPRM Comment Period End	07/01/96	
Regulatory Impact Analysis	10/25/96	61 FR 55239
Final Action	12/00/96	

Small Entities Affected: Businesses
Government Levels Affected: Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
 Phone: 202 219-8305
 Fax: 202 219-5122
RIN: 1215-AA78

2166. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 552

Legal Deadline: None

Abstract: Section 13(a)(15) of the Fair Labor Standards Act (FLSA) provides an exemption from minimum wage and overtime compensation for domestic service employees engaged in providing companionship services. Section 13(b)(21) of the FLSA provides an exemption from overtime compensation for live-in domestic service employees. DOL proposed certain technical amendments to update the regulations, 29 CFR Part 552, Application of the Fair Labor Standards Act to Domestic Service, and to clarify that these exemptions are applicable to third-party employers or temporary help agencies only where the domestic service worker is jointly employed by the third-party employer or temporary help agency and the family or household using their services. (58 FR 69310) After reviewing the public comments, the Department adopted technical changes to update the regulations, including a revision necessitated by recently-enacted amendments to Title II of the Social Security Act under Public Law 103-387 (Social Security Domestic Employment Reform Act) 10/22/94, (see 60 FR 46766) and reopened the public comment period on proposed revisions affecting third-party employers (Section 552.109).

Timetable:

Action	Date	FR Cite
NPRM	12/30/93	58 FR 69310
NPRM Comment Period End	02/28/94	
NPRM Second	09/08/95	60 FR 46797
Final Rule	09/08/95	60 FR 46766
Final Action	12/00/96	

Small Entities Affected: None
Government Levels Affected: State, Local, Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor,

DOL—ESA

Final Rule Stage

Employment Standards Administration,
200 Constitution Avenue NW., Room
S3502, FP Building, Washington, DC
20210
Phone: 202 219-8305
Fax: 202 219-5122
RIN: 1215-AA82

**2167. PROCEDURES FOR HANDLING
DISCRIMINATION COMPLAINTS
UNDER FEDERAL
"WHISTLEBLOWER" PROTECTION
STATUTES**

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 5851; PL 102-
486 sec 2902, 106 Stat 2776
CFR Citation: 29 CFR 24
Legal Deadline: None

Abstract: The Energy Policy Act of 1992, Public Law 102-486, was enacted on October 24, 1992. Among other provisions, this law amended the employee protection provisions for nuclear whistleblowers under former Section 210 of the ERA. The amendments affect only ERA whistleblower complaints and do not extend to the procedures established in 29 CFR Part 24 for handling employee whistleblower complaints under the Federal statutory employee protection provisions other than the ERA. The legislative amendments to ERA apply to whistleblower claims filed under section 211(b)(1) of the ERA as amended (42 USC section 5851(b)(1)) on or after October 24, 1992, the date of enactment of section 2902 of the Energy Policy Act of 1992 (section 2902, Public Law 102-486; 106 Stat. 2776). The Department proposes to establish modified procedures and time frames for handling ERA complaints under 29 CFR Part 24 to implement the statutory amendments.

Timetable:

Action	Date	FR Cite
NPRM	03/16/94	59 FR 12506
NPRM Comment Period End	05/16/94	
Final Action	12/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

Phone: 202 219-8305
Fax: 202 219-5122

RIN: 1215-AA83

**2168. STANDARDS FOR WAIVERS
UNDER SECTION 503 OF THE
REHABILITATION ACT**

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 706; 29 USC 793, as amended by PL 99-506; PL 100-630; PL 100-259; PL 101-336; PL 102-569; EO 11758

CFR Citation: 41 CFR 60-741

Legal Deadline: None

Abstract: OFCCP is planning to issue regulations that will set forth standards for waivers (from provisions of Section 503 of the Rehabilitation Act) sought by federal contractors for facilities that they deem totally separate from and not involved in government contract work. OFCCP is required to issue these regulations by the 1992 Rehabilitation Act amendments.

Timetable:

Action	Date	FR Cite
NPRM	02/14/96	61 FR 5902
NPRM Comment Period End	04/15/96	
Final Action	12/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Joe N. Kennedy, Deputy Director, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210
Phone: 202 219-9475

RIN: 1215-AA84

**2169. MIGRANT AND SEASONAL
AGRICULTURAL WORKER
PROTECTION (29 CFR PART 500)**

Regulatory Plan: This entry is Seq. No. 59 in Part II of this issue of the Federal Register.

RIN: 1215-AA93

**2170. EXECUTIVE ORDER 12933 OF
OCTOBER 20, 1994,
"NONDISPLACEMENT OF QUALIFIED
WORKERS UNDER CERTAIN
CONDITIONS"**

Priority: Other Significant

Legal Authority: EO 12933

CFR Citation: 29 CFR 9

Legal Deadline: None
EO 12933 requires that regulations be issued within 180 days of the date the order was issued, or by April 17, 1995.

Abstract: Executive Order 12933 of October 20, 1994, requires a new clause be inserted in service contracts for maintenance of public buildings which imposes an obligation on successor contractors to offer the employees of predecessor contractors (other than managerial or supervisory personnel) a right of first refusal to employment under the follow-on contract.

Timetable:

Action	Date	FR Cite
NPRM	07/18/95	60 FR 36756
NPRM Comment Period End	09/01/95	
Final Action	11/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

Phone: 202 219-8305

Fax: 202 219-5122

RIN: 1215-AA95

**2171. LABOR CONDITION
APPLICATIONS AND REQUIREMENTS
FOR EMPLOYERS USING
NONIMMIGRANTS ON H-1B VISAS IN
SPECIALTY OCCUPATIONS AND AS
FASHION MODELS**

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 507

Legal Deadline: None

Abstract: This proposed rule is a republication for notice and public comment of various provisions of the

DOL—ESA

Final Rule Stage

Department's final rule implementing provisions of the Immigration and Nationality Act as it relates to the temporary employment in the United States of nonimmigrants admitted under H-1B visas.

Timetable:

Action	Date	FR Cite
NPRM	10/31/95	60 FR 55339

Action	Date	FR Cite
NPRM Comment	11/30/95	
Period End		
Final Action	01/00/97	

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Maria Echaveste, Administrator, Wage and Hour

Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
 Phone: 202 219-8305
 Fax: 202 219-5122
RIN: 1215-AB09

**DEPARTMENT OF LABOR (DOL)
 Employment Standards Administration (ESA)**

Long-Term Actions

2172. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 216 OF THE IMMIGRATION AND NATIONALITY ACT

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

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

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

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment	05/19/87	
Period End		
Interim Final Rule	06/01/87	52 FR 20524
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Rm S3502, FP Bldg., Washington, DC 20210
 Phone: 202 219-8305
 Fax: 202 219-5122
RIN: 1215-AA43

2173. REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS

Priority: Substantive, Nonsignificant

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

Legal Authority: 29 USC 433; 29 USC 438

CFR Citation: 29 CFR 406.3

Legal Deadline: None

Abstract: The Office of Labor-Management Standards (OLMS) is proposing to amend Receipts and Disbursements Report (Form LM-21) to narrow the scope of reporting. A Receipts and Disbursements Report is required in the circumstances specified in Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). It

is required to be filed by any labor relations consultant, or other individual or organization, who has made or received payment as a party to an agreement or arrangement with an employer, pursuant to which he has undertaken persuader or information-supplying activities on behalf of the employer. The proposed amendment would reflect reporting guidelines established in *Donovan v. The Rose Law Firm*, 768 F.2d 964 (8th Cir. 1985). This judicial decision narrowed the scope of reporting to eliminate reporting of receipts and disbursements in connection with labor relations advice and services rendered to employers for whom no persuader or information-supplying activities were undertaken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Div. of Interpretations and Standards, Office of Labor-Management Standards, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room N5605, FP Building, Washington, DC 20210
 Phone: 202 219-7373
 Fax: 202 219-6459
RIN: 1215-AB14

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)
Completed Actions
**2174. AFFIRMATIVE ACTION AND
 NONDISCRIMINATION OBLIGATIONS
 OF CONTRACTORS AND
 SUBCONTRACTORS FOR
 INDIVIDUALS WITH DISABILITIES**
Priority: Other Significant

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

Legal Authority: 29 USC 706; 29 USC 793; PL 99-506 Amended; PL 100-630; PL 100-259; PL 101-336; EO 11758; PL 102-569

CFR Citation: 41 CFR 60-741

Legal Deadline: None

Abstract: OFCCP revised its regulations implementing section 503 of the Rehabilitation Act of 1973: (1) to make them consistent with the Americans with Disabilities Act, (2) to incorporate legislative and other changes that have occurred, and (3) to generally clarify Section 503 Affirmative Action Program requirements. These revisions should greatly assist the public, and employers in particular, by providing a comprehensive set of up-to-date regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/21/92	57 FR 48084
NPRM Comment Period End	11/20/92	
Final Action	05/01/96	61 FR 19336
Final Action Effective	08/29/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Joe N. Kennedy, Deputy Director, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution

 Avenue NW., Room C3325, FP Building, Washington, DC 20210
 Phone: 202 219-9475

RIN: 1215-AA76

**2175. ATTESTATIONS BY
 EMPLOYERS USING ALIEN
 CREWMEMBERS FOR LONGSHORE
 ACTIVITIES IN U.S. PORTS**
Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1288(c); PL 103-198, Sec 8; PL 103-206, Sec 323

CFR Citation: 29 CFR 506

Legal Deadline: None

Abstract: Under the 1990 Amendments to the Immigration and Nationality Act (INA), DOL is responsible for implementing Section 258 of INA, which establishes certain requirements for, and places certain limitations on, foreign crewmembers performing longshore work in U.S. ports. These regulations govern the filing and enforcement of attestations by employers seeking to use foreign crewmembers, which are filed with DOL in order to be allowed by the Immigration and Naturalization Service to use these crewmembers to perform specified longshore activities. ETA administers the attestation process, while complaints and investigations regarding the attestations are handled by ESA. In two separate enactments (PL 103-198 (107 Stat. 2304) and PL 103-206 (107 Stat. 2419)), Congress recently enacted exceptions to the limitations on performance of longshore work by foreign crewmembers in the State of Alaska. The Department intends to promulgate rules as necessary to implement the statutory exception.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/95	60 FR 3950
Final Action	09/05/96	61 FR 46988
Final Action Effective	10/07/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

Phone: 202 219-8305

RIN: 1215-AA90

**2176. • PERMANENT REPLACEMENT
 OF LAWFULLY STRIKING
 EMPLOYEES BY FEDERAL
 CONTRACTORS**
Priority: Substantive, Nonsignificant

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

Legal Authority: EO 12954

CFR Citation: 29 CFR 270

Legal Deadline: None

Abstract: This final rule removes 29 CFR 270, which implemented EO 12954, because court decisions have voided EO 12954.

Timetable:

Action	Date	FR Cite
Final Action	10/03/96	61 FR 51596
Final Action Effective	10/03/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room N-5605, FP Building, Washington, DC 20210

Phone: 202 219-7373

Fax: 202 219-6459

RIN: 1215-AB15

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)
Proposed Rule Stage
**2177. AIRLINE DEREGULATION:
 EMPLOYEE BENEFIT PROGRAM**
Priority: Other Significant

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the

legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the monetary benefits

DOL—ETA

Proposed Rule Stage

aspect of the employee protection provisions. In 1991 the DOT determined there were no job losses due to deregulation. In September 1993, the U.S. District Court for the District of Columbia ordered the DOT to develop broader guidelines to apply to the air carriers, which may result in a finding of job losses due to deregulation. The Department has reinitiated clearance on the proposed rule. No benefits are payable to eligible workers until the Department of Transportation certifies that an air carrier has experienced a qualifying dislocation after applying broader guidelines consistent with the court's order and Congress appropriates the money to award the benefits. Neither of these two events have occurred.

Timetable:

Action	Date	FR Cite
NPRM	03/00/97	
NPRM Comment Period End	05/00/97	
Final Action	11/00/97	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Additional Information: Next action is undetermined pending Departmental review due to provision repealing Airline Employee Protection Program contained in S.143.

Agency Contact: Betty Castillo, Chief, Division of Program Development and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4516, FP Bldg., Washington, DC 20210
Phone: 202 219-5626

RIN: 1205-AA07

2178. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Regulatory Plan: This entry is Seq. No. 60 in Part II of this issue of the Federal Register.

RIN: 1205-AA66

2179. JOB TRAINING PARTNERSHIP ACT: INDIAN AND NATIVE AMERICAN PROGRAMS

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

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

Legal Authority: Title IV, sec 401 of the JTPA

CFR Citation: 20 CFR 632; 20 CFR 636

Legal Deadline: None

Abstract: The purpose of title IV, section 401 of the Job Training Partnership Act is to provide job training and employment activities to Indians and other Native Americans. Such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives for the communities and groups served by this section, including furtherance of the policy of Indian Self-Determination. This rule would implement changes made by the 1992 amendments to JTPA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/97	
NPRM Comment Period End	06/00/97	
Final Action	12/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Tribal

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted Program, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4641, FP Building, Washington, DC 20210
Phone: 202 219-5500

RIN: 1205-AA96

2180. JOB TRAINING PARTNERSHIP ACT: MIGRANT AND SEASONAL FARMWORKER PROGRAMS

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

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

Legal Authority: Title IV, sec 402 of the JTPA

CFR Citation: 20 CFR 633; 20 CFR 636

Legal Deadline: None

Abstract: It is the purpose of title IV, section 402, of the Job Training Partnership Act to provide job training, employment opportunities, and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry. These conditions have been substantially aggravated by continual advancements in technology and mechanization, resulting in displacement, and contribute significantly to the Nation's rural employment problem. This problem is Federal in scope. No alternative solutions are under consideration at this time. Benefits include fuller rural employment. Over \$75 million is appropriated annually by Congress for this program. This rule would implement changes made by the 1992 amendments to JTPA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/97	
NPRM Comment Period End	06/00/97	
Final Action	12/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul A. Mayrand, Office of Special Targeted Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4641, FP Building, Washington, DC 20210
Phone: 202 219-5500

RIN: 1205-AA99

2181. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM, AMENDMENT TO REGULATIONS

Priority: Other Significant

Legal Authority: 42 USC 1302; 42 USC 5177; EO 12673

CFR Citation: 20 CFR 625

Legal Deadline: None

Abstract: Experience in several recent disasters has highlighted the complexity and time-consuming nature of the monetary benefit provisions of the current regulations and brought into question other provisions of the current

DOL—ETA

Proposed Rule Stage

regulations which are perceived to be unduly restrictive and/or result in perceived inequities in some disaster situations. These issues will be addressed in two stages. First, an ANPRM was published, with a 60-day comment period, on 12/08/94 at 59 FR 63670. This ANPRM outlined provisions in the Disaster Unemployment Assistance (DUA) program regulations (20 CFR Part 625), other than the monetary benefit provisions, that have come into question and solicits public comment and suggestions relative to these provisions and on other provisions for review and potential revision in a future NPRM. Second, an interim final rule was published May 11, 1995, with a 60-day comment period. This rule simplified the monetary assistance provisions by removing cumbersome administrative provisions and inconsistencies in the computation of a weekly amount. A final rule will be published to incorporate comments and other minor technical amendments.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/94	59 FR 63670
ANPRM Comment Period End	02/06/95	
Interim Final Rule	05/11/95	60 FR 25560
NPRM	01/00/97	
Second Interim Final Rule	02/00/97	

Action	Date	FR Cite
NPRM Comment Period End	03/00/97	
Final Action	09/00/97	

Small Entities Affected: Governmental Jurisdictions
Government Levels Affected: State, Federal
Agency Contact: Robert Gillham, Chief, Federal Programs Group, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Washington, DC 20210
 Phone: 202 219-5626
RIN: 1205-AB02

2182. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; UNEMPLOYMENT INSURANCE PERFORMANCE SYSTEM

Priority: Other Significant
Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.
Legal Authority: 42 USC 503(a)(1); 42 USC 503(a)(6); 42 USC 503(b); 42 USC 1302
CFR Citation: 20 CFR 602; 20 CFR 640; 20 CFR 650
Legal Deadline: None

Abstract: This regulation will formally establish a comprehensive system for helping ensure continuous improvement in UI operational performance. It will enunciate as the system's building blocks principles for Federal and State cooperation, key nationwide performance measures, criteria distinguishing satisfactory from unsatisfactory performance, an annual planning process, and actions which the Department may take when a State fails to perform satisfactorily. This regulation will be as brief and general as possible; detail and measures, standards, criteria and plans will be contained in implementing handbooks.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	
NPRM Comment Period End	03/00/97	

Small Entities Affected: Undetermined
Government Levels Affected: State
Agency Contact: Virginia Chupp, Chief, Division of Legislation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4015, FP Building, Washington, DC 20210
 Phone: 202 219-5200
 Fax: 202 219-8506
RIN: 1205-AB10

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Employment and Training Administration (ETA)

2183. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—IMPLEMENTATION OF 1988 AMENDMENTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Legal Authority: 19 USC 2320
CFR Citation: 20 CFR 617
Legal Deadline: None

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

the proposed rule. Comments have been received and another final rule will be published relating to these substantive changes.

Timetable:

Action	Date	FR Cite
Final Action	05/00/97	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Russ Kile, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210
 Phone: 202 219-5555
RIN: 1205-AB05

2184. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—TRANSITIONAL ADJUSTMENT ASSISTANCE NAFTA-TAA

Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Legal Authority: PL 103-182 title V
CFR Citation: 20 CFR 617
Legal Deadline: None

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

DOL—ETA

Final Rule Stage

Most of the provisions of Title V are in the form of amendments to Chapter 2, Title II, of the Trade Act. While some of the provisions are not in the form of amendments to the Trade Act, they nonetheless must be given effect in implementing the NAFTA-TAA program. A proposed rule to amend the regulations on the trade adjustment assistance program for workers was published in the Federal Register on January 17, 1995. Comments on this proposed rule are requested before March 20, 1995.

Timetable:

Action	Date	FR Cite
NPRM	01/17/95	60 FR 3472
NPRM Comment Period End	03/20/95	
Final Action	05/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Russ Kile, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room

C4318, FP Building, Washington, DC 20210
Phone: 202 219-5555
RIN: 1205-AB07

2185. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS; RESEARCHERS EMPLOYED BY COLLEGES AND UNIVERSITIES

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

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

CFR Citation: 20 CFR 656.40

Legal Deadline: None

Abstract: The Employment and Training Administration is proposing to amend its regulations relating to labor certification for permanent employment of immigrant aliens in the United States. The proposed amendments would change the way prevailing wage determinations are made for researchers employed by colleges and universities. The amendments would also change the way prevailing wages are

determined for colleges and universities filing H-1B labor condition applications on behalf of researchers, since the regulations governing prevailing wage determinations for the permanent are followed in determining prevailing wages for the H-1B program.

Timetable:

Action	Date	FR Cite
NPRM	04/22/96	61 FR 17610
NPRM Comment Period End	05/22/96	
Final Action	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Beverly, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210

Phone: 202 219-5257
Fax: 202 219-6643
Email: Beverlyj@doleta.gov

RIN: 1205-AB11

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Employment and Training Administration (ETA)

2186. 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 V of the Job Training Partnership Act. It is anticipated that an ANPRM will be published and subsequent rulemaking may result.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Beverly, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Ave. NW., Rm N4470, FP Building, Washington, DC 20210
Phone: 202 219-8174

RIN: 1205-AA37

2187. AMENDMENTS TO THE LABOR CERTIFICATION PROCESS FOR TEMPORARY AGRICULTURAL EMPLOYMENT IN THE UNITED STATES (H-2A)

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

Legal Authority: 8 USC 1101(a)(H)(ii)(a); 8 USC 1184(c)

CFR Citation: 20 CFR 655 subpart B

Legal Deadline: None

Abstract: Based on six years of experience with the current regulations, the Department has concluded that they should be amended to clarify a number of regulatory provisions to simplify the administration of the program, and to provide additional protection to U.S. workers.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Norris, Director, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4456, FP Building, Washington, DC 20210
Phone: 202 219-4369

RIN: 1205-AB09

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Completed Actions

2188. ATTESTATIONS BY EMPLOYERS USING ALIEN CREWMEMBERS FOR LONGSHORE ACTIVITIES IN U.S. PORTS, THE ALASKA EXCEPTION

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

Legal Authority: PL 103-98, sec 8; PL 103-206, sec 323

CFR Citation: 20 CFR 655 subparts F and G; 29 CFR 506 subparts F and G

Legal Deadline: None

Abstract: This proposed rule is necessary because of amendments to section 258 of the Immigration and Nationality Act. Section 258 establishes a general prohibition on the prohibition of longshore work by alien crewmen. The amendment of section 258 establishes an "Alaska exception" whereby employees in Alaska would be permitted to use an alien crewmen after: (1) requesting a dispatch of U.S. longshoremen from qualified stevedoring companies and private dock operators; and (2) determining that U.S. longshore workers are not available in sufficient numbers from those resources in response to a request for dispatch.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/95	60 FR 3920
Final Action	09/05/96	61 FR 46988
Final Action Effective	10/07/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John R. Beverly, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200

Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210

Phone: 202 219-5257

RIN: 1205-AB03

2189. • WORK INCENTIVE (WIN) PROGRAMS FOR AFDC RECIPIENTS, REMOVAL OF OBSOLETE WORK PROGRAM REGULATIONS

Priority: Other Significant

Legal Authority: PL 100-485

CFR Citation: 29 CFR 56

Legal Deadline: None

Abstract: The Department of Labor is removing obsolete provisions from the Code of Federal Regulations. These provisions involve work program activities under the Work Incentive (WIN) Programs, which were superseded when State Welfare agencies began their Job Opportunities and Basic Skills Programs in 1989-1990. Nationwide, these programs were repealed as of October 1, 1990. Thus, the regulations which governed these programs are obsolete.

Timetable:

Action	Date	FR Cite
Final Action	06/28/96	61 FR 33658
Final Action Effective	06/28/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terence Finegan, Director, Division of Policy, Legislation, and Dissemination, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N5637, FP Building, Washington, DC 20210

Phone: 202 219-7669

RIN: 1205-AB12

2190. • REMOVAL OF DUPLICATIVE REGULATIONS GOVERNING THE H-1A NURSES LABOR ATTESTATION PROGRAM, THE D-1 FOREIGN MARITIME CREWMEMBERS PROGRAM, THE H-1B NONIMMIGRANT LABOR CONDITION, AND F-1 STUDENTS

Priority: Substantive, Nonsignificant

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

Legal Authority: PL 101-238; PL 103-182; PL 102-232; PL 101-649

CFR Citation: 29 CFR 504; 29 CFR 506; 29 CFR 507; 29 CFR 508

Legal Deadline: None

Abstract: The Department of Labor is removing duplicative regulations from the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	09/30/96	61 FR 51013
Final Action Effective	10/30/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terrence Finegan, Director, Division of Policy, Legislation, and Dissemination, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-5637, FP Building, Washington, DC 20210
 Phone: 202 219-7664

RIN: 1205-AB13

DEPARTMENT OF LABOR (DOL)
Pension and Welfare Benefits Administration (PWBA)

Prerule Stage

2191. • ENFORCEMENT POLICY ON AICPA SOP 92-6

Priority: Other Significant

Legal Authority: 29 USC 1021; 29 USC 1023; 29 USC 1024; 29 USC 1026; 29 USC 1027; 29 USC 1029; 29 USC 1030; 29 USC 1135

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Department has received requests not to reject multiemployer

welfare plan annual reports (Form 5500) or assess civil Penalties solely because the opinion of an independent qualified public accountant, that is required to be included with the Form 5500, either is adverse or qualified due to a failure to comply with the American Institute of Certified Public Accountants (AICPA) Statement of Position 92-6 (SOP 92-6). Under SOP 92-6, the AICPA has modified generally accepted accounting principles to require health and other welfare plans

to calculate and disclose as part of their financial statements the present value of their future post-retirement obligations. The Department has decided to invite public comment on the burdens, costs and benefits of accounting for post-retirement welfare benefit obligations in accordance with SOP 92-6 prior to adopting a formal position on this matter for 1997 and future plan years.

DOL—PWBA

Prerule Stage

Timetable:

Action	Date	FR Cite
Request for Comments	11/00/96	

Small Entities Affected: Undetermined
Government Levels Affected: None
Agency Contact: Eric A. Raps, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits

Administration, 200 Constitution Avenue NW., Room N-5669, FP Building, Washington, DC 20210
 Phone: 202 219-8515
RIN: 1210-AA57

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2192. QUALIFIED DOMESTIC RELATIONS ORDERS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of section 206(d)(3) of ERISA and related provisions contained in section 414(p) of the Internal Revenue Code which were added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/93	58 FR 54444
Extension of Comment Period	01/12/94	59 FR 1692
ANPRM Comment Period End	02/18/94	
NPRM	12/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Lahne, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N5669, FP Building, Washington, DC 20210

Phone: 202 219-7461

RIN: 1210-AA19

2193. REVISION OF THE FORM 5500 SERIES AND IMPLEMENTING AND RELATED REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)

Regulatory Plan: This entry is Seq. No. 61 in Part II of this issue of the Federal Register.

RIN: 1210-AA52

2194. • LIMITATION OF LIABILITY FOR INSURERS AND OTHERS UNDER PART 4 OF TITLE I OF ERISA AND SECTION 4975 OF THE INTERNAL REVENUE CODE

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

Unfunded Mandates: Undetermined

Legal Authority: PL 104-188, Sec 1460; 29 USC 1101(c)(1); 29 USC 1135; 29 USC 1021

CFR Citation: 29 CFR 2550.401(c); 29 CFR 2510.3-101

Legal Deadline: NPRM, Statutory, June 30, 1997. Final, Statutory, December 30, 1997. Other, Statutory, September 30, 1997.

The public comment period must close on September 30, 1997. The statute also specifies that June 30, 1997 is the latest date as to which the regulation shall take effect (Cont in Add'l Info)

Abstract: Section 1460 of the Small Business Job Protection Act of 1991 (Public Law 104-188) amended ERISA Section 401 to limit the liability of insurers and others under Part 4 of Title I of ERISA and Section 4975 of the Internal Revenue Code with regard to certain claims concerning policies or contracts issued to or for the benefit of employee benefit plans which are supported by assets in the insurers' general accounts. New subsection 401(c) specified the timetable by which the Secretary must issue regulatory guidance concerning this provision.

Timetable:

Action	Date	FR Cite
NPRM	06/00/97	
NPRM Comment Period End	09/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL DEADLINE (CONT): and that the regulation shall not take effect until 18 months after it becomes final.

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

Phone: 202 219-8194

Fax: 202 219-7291

RIN: 1210-AA58

DEPARTMENT OF LABOR (DOL)**Final Rule Stage****Pension and Welfare Benefits Administration (PWBA)****2195. • REGULATIONS IMPLEMENTING THE HEALTH CARE ACCESS, PORTABILITY AND RENEWABILITY PROVISION OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996**

Regulatory Plan: This entry is Seq. No. 62 in Part II of this issue of the Federal Register.

RIN: 1210-AA54

2196. • AMENDMENT OF SUMMARY PLAN DESCRIPTION AND RELATED ERISA REGULATIONS TO IMPLEMENT STATUTORY CHANGES IN THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

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

RIN: 1210-AA55

2197. • CIVIL MONETARY PENALTY ADJUSTMENT REGULATION

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Major: Undetermined

Legal Authority: PL 104-134 section 3720E; 29 USC 1135; 29 USC 1132(c)(1)(A); 29 USC 1132(c)(1)(B); 29 USC 1132(c)(2); 29 USC 1132(c)(3); 29 USC 1132(c)(4); 29 USC 1059(b)

CFR Citation: Not yet determined

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

Abstract: Section 3720E of the Debt Collection Improvement Act of 1996 (PL 104-134) provides that the head of each agency shall not later than 180 days after enactment and at least once every 4 years thereafter by regulation adjust each civil monetary penalty administered by the agency by the

inflation adjustment described in the Act. The first penalty adjustment is required by October 23, 1996.

Timetable:

Action	Date	FR Cite
Final Action	11/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

Phone: 202 219-7961

Fax: 202 219-7291

RIN: 1210-AA56

DEPARTMENT OF LABOR (DOL)**Long-Term Actions****Pension and Welfare Benefits Administration (PWBA)****2198. 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	07/18/88	

Period End

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

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

Phone: 202 219-4592

RIN: 1210-AA15

2199. CIVIL PENALTIES UNDER ERISA SECTION 502(L)

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1132

CFR Citation: 29 CFR 2570.80 (Procedural); 29 CFR 2560.502(l)-1 (Substantive)

Legal Deadline: None

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

Timetable:

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

Period End

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

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

Phone: 202 219-8610

RIN: 1210-AA37

2200. REPORTING AND DISCLOSURE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

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

Unfunded Mandates: Undetermined

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

DOL—PWBA

Long-Term Actions

Legal Authority: 29 USC 1135; 29 USC 1029; 29 USC 1143; 29 USC 1021; 29 USC 1022; 29 USC 1024; 29 USC 1025; 29 USC 1059

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: PWBA has undertaken a comprehensive review of the current reporting and disclosure framework to identify changes that will serve to assure the disclosure of useful and timely information, while eliminating any unnecessary administrative burdens and costs on plans and plan sponsors attendant to compliance with these requirements. As an initial step in this process, PWBA solicited comments, recommendations and information from the public concerning the need for regulatory and legislative changes in the disclosure area. PWBA concluded that only marginal changes to the disclosure requirements can be accomplished through the regulatory process and, therefore, reform efforts should focus on regulatory changes relating to the streamlining of the Form 5500 Series, and related annual reporting regulations, in addition to possible legislative changes to both the reporting and disclosure provisions.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/93	58 FR 68339
ANPRM Comment Period End	02/25/94	

Action	Date	FR Cite
End Review	06/30/95	
Next Action	Undetermined	

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: John J. Canary, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210
 Phone: 202 219-7461
RIN: 1210-AA44

2201. 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 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 maintained under or pursuant to one or more collective bargaining agreements by providing criteria which will serve to distinguish health benefit arrangements which are maintained by legitimate unions pursuant to bona fide collective bargaining agreements from health 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 health 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
NPRM Comment Period End	10/02/95	60 FR 39208
Final Action	12/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Connor, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N-5669, FP Building, Washington, DC 20210
 Phone: 202 219-8671

RIN: 1210-AA48

DEPARTMENT OF LABOR (DOL)

Completed Actions

Pension and Welfare Benefits Administration (PWBA)

2202. INTERPRETIVE BULLETIN ON PARTICIPANT EDUCATION

Priority: Other Significant

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2509

Legal Deadline: None

Abstract: This interpretive bulletin will provide guidance to plan sponsors, fiduciaries, participants and beneficiaries concerning the circumstances under which the provision of investment-related educational information, programs and materials to plan participants and beneficiaries will not give rise to fiduciary liability under ERISA.

Timetable:

Action	Date	FR Cite
Final Action	06/11/96	61 FR 29586

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1210-AA50

2203. REMOVAL OF OBSOLETE REGULATIONS AND INTERPRETIVE BULLETINS

Priority: Info./Admin./Other

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

Legal Authority: 29 USC 1135; 29 USC 1021 to 1025; 29 USC 1029 to 1031; 29 USC 1107; 29 USC 1112; 29 USC 1114

CFR Citation: 29 CFR 2509; 29 CFR 2520; 29 CFR 2550

Legal Deadline: None

Abstract: PWBA plans to propose the removal from the Code of Federal

DOL—PWBA

Completed Actions

Regulations certain regulations and interpretive bulletins under the Employee Retirement Income Security Act of 1974 (ERISA) that have been determined to be obsolete and unnecessary. Many of these obsolete regulations and interpretive bulletins provided transitional rules to assist plan sponsors, plan administrators, and others subject to the requirements of title I of ERISA, in coming into compliance with ERISA's requirements following ERISA's enactment in 1974.

Timetable:

Action	Date	FR Cite
NPRM	04/03/96	61 FR 14690
NPRM Comment Period End	06/03/96	
Final Action	07/01/96	61 FR 33847
Final Action Effective	07/01/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katherine D. Lewis, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution

Avenue NW., Room N5669, FP Building, Washington, DC 20210
Phone: 202 219-7461
RIN: 1210-AA51

2204. REGULATIONS RELATING TO DEFINITION OF PLAN ASSETS: PARTICIPANT CONTRIBUTIONS

Priority: Other Significant

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510.3-102

Legal Deadline: None

Abstract: This regulation will revise the definition of when participant monies paid to or withheld by an employer for contribution to an employee benefit plan, including a plan complying with section 401(k) of the Internal Revenue Code, constitute "plan assets" for purposes of Title I of ERISA. In addition to making clear that participant contributions become plan assets as soon as they can reasonably be segregated from the employer's general assets, the regulation will shorten the 90-day maximum period

permitted under the current regulation for segregation of participant contributions from the employers' general assets.

Timetable:

Action	Date	FR Cite
NPRM	12/20/95	60 FR 66036
Public Hearing Scheduled 2/22/96	01/24/96	61 FR 1879
NPRM Comment Period End	02/05/96	60 FR 66036
Final Action	08/07/96	61 FR 41220
Final Action Effective	02/03/97	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rudy Nuissl, Supervisory Pension Law Specialist, Office of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210
Phone: 202 219-7461

RIN: 1210-AA53

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the American Workplace (OAW)

2205. REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS

Completed:

Reason	Date	FR Cite
Transfer Development to RIN 1215-AB14	11/19/96	

RIN: 1294-AA12

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

2206. ADVISORY COMMITTEE ON THE ELIMINATION OF PNEUMOCONIOSIS AMONG COAL MINERS

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

RIN: 1219-AA81

2207. SAFETY STANDARDS FOR THE USE OF ROOF BOLTING MACHINES

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57; 30 CFR 75

Legal Deadline: None

Abstract: Recent fatalities in underground coal mines involving roof-bolting machines indicate the need to both modify the design of such machines and take additional precautions in their use. MSHA has evaluated roof-bolting machines currently in use focusing on potential hazards to the machine operators during the drilling and roof-bolt installation procedures. MSHA believes that machine design features may

contribute to or cause accidents, and that changes in machine design and operating procedures would make operating the equipment safer for the machine operator. The Agency intends to issue an Advance Notice of Proposed Rulemaking to obtain additional information and data on mine operators' experiences with these machines. The Agency is exploring the use of negotiated rulemaking to address this issue.

DOL—MSHA

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	01/00/97	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910

RIN: 1219-AA94

2208. • TRAINING AND RETRAINING OF MINERS (SECTION 610 REVIEW)

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

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48

Legal Deadline: None

Abstract: The Mine Act and 30 CFR part 48 require all mine operators to have approved training plans. Those plans set forth requirements for training miners. MSHA will review these training requirements as part of its Regulatory Flexibility review to determine if changes are appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
End Review	09/00/97	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, Arlington, VA 22203
Phone: 703 235-1910
Fax: 703 235-5551

RIN: 1219-AB02

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

2209. NOISE STANDARD

Regulatory Plan: This entry is Seq. No. 65 in Part II of this issue of the Federal Register.

RIN: 1219-AA53

2210. DIESEL PARTICULATE

Regulatory Plan: This entry is Seq. No. 66 in Part II of this issue of the Federal Register.

RIN: 1219-AA74

2211. BELT ENTRY USE AS INTAKE AIRCOURSES TO VENTILATE WORKING SECTIONS

Priority: Other Significant

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

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: Since 1970, Mine Safety and Health Administration (MSHA) regulations have generally prohibited belt haulage entries from being used to ventilate active working places. The intention of this prohibition is to prevent smoke from a belt conveyor fire from being coursed to miners in their workplace. Improved technology,

including sophisticated atmospheric monitoring systems, has since made it possible to safely use "belt air" to ventilate active working places. This rulemaking would permit the use of belt air, provided that certain safety requirements are met. In many cases, the use of belt air may result in more efficient and effective ventilation systems, enhancing the health and safety of miners. Additionally, because this regulation will eliminate the need for mine operators to seek regulatory variances from MSHA, costs and burdens on both industry and MSHA will be reduced.

Timetable:

Action	Date	FR Cite
NPRM	06/00/97	

Small Entities Affected: Businesses

Government Levels Affected: None

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910

RIN: 1219-AA76

2212. METAL/NONMETAL IMPOUNDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

Abstract: Water, sediment, and slurry impoundments for metal and nonmetal mining and milling operations are located throughout the country, and some are within flood range of homes and well traveled roads. Failure of an impoundment could endanger lives and cause property damage. This rulemaking addresses, among other issues, proper design and construction of impoundments. MSHA may explore negotiated rulemaking to address this action.

Timetable:

Action	Date	FR Cite
NPRM	05/00/97	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910

RIN: 1219-AA83

DOL—MSHA

Proposed Rule Stage

2213. SAFETY STANDARD REVISIONS FOR UNDERGROUND ANTHRACITE MINES**Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 75**Legal Deadline:** None

Abstract: There are two major types of coal mines -- bituminous and anthracite. The mining methods used and hazards encountered in underground anthracite mines are different from underground bituminous coal mines. Mining methods in anthracite mines include minimal use of mechanized equipment, slow rate of advance into the coal seam, and pitching and undulating seams. Because of these differences, some mine operators find it difficult to comply with existing safety standards at their anthracite mines. These anthracite mine operators must request a variance from existing standards to change the requirements. The variance process costs time and money. Because anthracite mines are usually small operations, this burden can be significant. MSHA has received over 300 variance requests from anthracite mine operators since January 1993. MSHA intends to issue a proposed rule to modify several existing safety standards to address more appropriately the specific conditions of the anthracite mining industry.

Timetable:

Action	Date	FR Cite
NPRM	05/00/97	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd, Room 631, Arlington, VA 22203
Phone: 703 235-1910
Fax: 703 235-5551

RIN: 1219-AA96**2214. IMPROVING AND ELIMINATING REGULATIONS****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 30 USC 811; 30 USC 957**CFR Citation:** 30 CFR 1-199**Legal Deadline:** None

Abstract: In response to the President's directive, the Mine Safety and Health Administration (MSHA) conducted a review of its existing regulations to identify provisions that are outdated, redundant, unnecessary, or otherwise in need of changing. Many of the changes require notice and comment rulemaking while other non-substantive changes can be implemented upon publication. So far, the Agency has identified nine regulations that could be removed entirely without any adverse impact on miner safety and health. In general, these regulations are obsolete or redundant. MSHA also has identified provisions in over 80 other regulations that need overhauling or the cleanup of non-substantive language. MSHA considers this project to be an evolving, ongoing process and will continue to accept recommendations from the public as the review progresses.

Timetable:

Action	Date	FR Cite
NPRM - Phase 1 Removal of 30 CFR 21 and 24	08/30/96	61 FR 45925
NPRM - Phase 2 Removal of 30 CFR 26 and 29	11/00/96	
FINAL RULE - Phase 1 Removal of 30 CFR 21 and 24	07/00/97	
FINAL RULE - Phase 2 Removal of 30 CFR 26 and 29	08/00/97	

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

Additional Information: As part of its regulatory improvement project, MSHA published final technical amendments updating addresses in 30 CFR Chapter 1 on July 11, 1995 (60 FR 35692).

Agency Contact: Patricia W. Silvey, Director, Office of Standards,

Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, Arlington, VA 22203
Phone: 703 235-1910

RIN: 1219-AA98**2215. SAFETY STANDARDS FOR ROOF BOLTS IN METAL AND NONMETAL MINES AND UNDERGROUND COAL MINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811; 30 USC 957; 30 USC 961**CFR Citation:** 30 CFR 56; 30 CFR 57; 30 CFR 75**Legal Deadline:** None

Abstract: MSHA is revising its safety standards for metal and nonmetal mines and underground coal mines to reference the 1995 ASTM standard for roof bolts and accessories (ASTM F432-95). The new standard reflects technological advances in the design of roof and rock bolts and support materials and would improve the level of protection provided to miners. The safety standards for ground control and roof control at mines currently require that mine operators obtain a certification from the manufacturer that rock bolts and accessories are manufactured and tested in accordance with an American Society for Testing and Material (ASTM) publication "Standard Specification for Roof and Rock Bolts and Accessories." MSHA regulations reference the 1983 revision (ASTM F432-83) for metal and nonmetal mines and the 1988 revision (ASTM 432-88) for coal mines. The ASTM standard is a consensus standard used throughout the United States. It contains specifications for the chemical, mechanical, and dimensional requirements for roof and rock bolts and accessories used for ground support systems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	
Final Action	09/00/97	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson

DOL—MSHA

Proposed Rule Stage

Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
RIN: 1219-AB00

2216. • ELECTRICAL STANDARDS FOR METAL AND NONMETAL MINES

Priority: Substantive, Nonsignificant
Legal Authority: 30 USC 811
CFR Citation: 30 CFR 56; 30 CFR 57
Legal Deadline: None

Abstract: This proposed rule would revise the Mine Safety and Health Administration (MSHA) safety standards for the grounding of circuits, equipment, and metal enclosures at surface and underground metal and nonmetal mines.

Timetable:

Action	Date	FR Cite
NPRM	04/00/97	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
 Fax: 703 235-5551

RIN: 1219-AB01

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Mine Safety and Health Administration (MSHA)

2217. HAZARD COMMUNICATION

Priority: Substantive, Nonsignificant
Legal Authority: 30 USC 811
CFR Citation: Not yet determined
Legal Deadline: None

Abstract: Today's complex mining environment subjects miners to well-known hazards, such as coal mine dust and crystalline silica; to emerging hazards, including hazardous wastes burned as fuel supplements at cement kilns; and to changing hazards from the many chemicals brought onto mine property. This rule would provide miners with the means to receive necessary information on the hazards of chemicals to which they are exposed and the actions necessary to protect them from such hazards. In developing this rule, MSHA has reviewed OSHA's hazard communication standard, information collected by NIOSH, and public comments. For its final rule, MSHA intends to publish a user-friendly regulation which will facilitate compliance by mine operators, while providing increased health and safety protection to miners.

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
Final Action	08/00/97	

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Patricia W. Silvey, Director, Office of Standards,

Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
RIN: 1219-AA47

2218. AIR QUALITY, CHEMICAL SUBSTANCES, AND RESPIRATORY PROTECTION STANDARDS

Priority: Other Significant
Legal Authority: 30 USC 811
CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 58; 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90
Legal Deadline: None

Abstract: The Mine Safety and Health Administration's (MSHA's) current air quality standards for exposure to hazardous airborne contaminants were promulgated over 20 years ago. They do not fully protect today's miners, who are potentially exposed to an array of toxic chemicals, including lead, cyanide, arsenic, benzene, asbestos, and other well-documented hazards. Some miners have developed occupational illness (e.g., lead poisoning, acute cyanide poisoning, and silicosis) as a result of their exposure. The final rule would update permissible exposure limits (PELs) applicable to hazards encountered in metal and nonmetal and coal mines, revise requirements for exposure monitoring, improve precautions for handling restricted-use chemicals, provide for miner observation of monitoring, and establish provisions for medical surveillance and transfer of miners required to use respirators and miners exposed to certain carcinogens. At this

point, MSHA is exploring issuing the final rule in phases. For example, one phase may address respiratory protection. MSHA also is considering alternatives which may address PELs applicable to some of the most serious hazards found in metal and nonmetal and coal mines. These phases expedite the rulemaking and provide for more immediate protection. MSHA has concluded that a gradual phase-in of provisions in the air quality rulemaking will be less burdensome for the industry and provide more immediate protection for the miners exposed to the most serious hazards.

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
Final Action Phase 2	01/00/97	
Final Action Phase 3	09/00/97	

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
RIN: 1219-AA48

2219. LONGWALL EQUIPMENT (INCLUDING HIGH-VOLTAGE)

Priority: Other Significant
Reinventing Government: This rulemaking is part of the Reinventing

DOL—MSHA

Final Rule Stage

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

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: Since 1970, MSHA regulations have required that high-voltage cables and transformers be kept at least 150 feet from the coal extraction area. The objective of this requirement is to prohibit the use of high-voltage cables and equipment that could serve as an ignition source for methane and coal dust in close proximity to the work area.

The modern development of highly productive longwall mining systems has resulted in their widespread use in the mining industry. Mine operators, however, currently must apply to MSHA for a variance from the existing standards in order to use this high-voltage equipment. The increased use of high-voltage longwalls in underground coal mines in recent years has led to the design of safe high-voltage electrical equipment and associated cables. These improvements have occurred specifically in the area of design and construction of explosion-proof equipment; insulation, short circuit, ground fault, and mechanical protection of cables; and equipment for safe handling of cables. For these reasons, in August 1992 MSHA published a proposed rule to establish safety requirements for the design, construction, installation, use, and maintenance of high-voltage longwall equipment and associated cables. The proposal would eliminate

the need for a variance to use this equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/27/92	57 FR 39036
NPRM Comment Period End	11/13/92	57 FR 46350
Reopen Record	10/18/95	60 FR 53891
Extension of Comment Period	11/14/95	60 FR 57203
Comment Period Closed	12/18/95	60 FR 57203
Final Action	04/00/97	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: MSHA reopened the record on October 18, 1995. The comment period finally closed on December 18, 1995.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

RIN: 1219-AA75

2220. SINGLE-SHIFT SAMPLING NOTICE

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 842(f)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Secretaries of Labor and Health and Human Services have issued a joint proposed finding that the average concentration of respirable dust to which each miner is exposed can be measured accurately over a single

shift. This joint finding would also rescind their earlier joint finding published in July 1971 and affirmed in February 1972. MSHA believes that enforcement based on single, full-shift samples will enhance mine operators' compliance with the requirement to maintain the average concentration of respirable dust in the mine atmosphere during each shift where miners work or travel at or below the applicable standard.

Timetable:

Action	Date	FR Cite
Notice of Coal Mine Respirable Dust Standard Noncompliance Determinations	02/18/94	59 FR 8356
Extension of Comment Period	04/08/94	59 FR 16958
Public Hearing Notice	06/06/94	59 FR 29348
Public Hearing Notice	07/07/94	59 FR 34868
Extension of Comment Period	08/01/94	59 FR 38988
Reopen Record	03/12/96	61 FR 10012
Final Action	12/00/96	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: MSHA reopened the record in March 1996, and held a public hearing in May 1996. The record closed on June 10, 1996. The agencies are reviewing the public comments received.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

RIN: 1219-AA82

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Mine Safety and Health Administration (MSHA)

2221. 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: In mining operations, the majority of the fatalities associated with confined spaces occur in storage bins,

hoppers, tanks, and stockpiles. The primary hazards to miners occur from being trapped by shifting piles of loose materials, falling into materials, and being struck by overhanging materials. Due to the many chemicals used and stored in mining, the toxic and physical hazards encountered in mining are identical to those confined space hazards that exist in general industry. MSHA intends to explore both

regulatory and non-regulatory options to address the hazards associated with working in confined spaces at mines.

Timetable:

Action	Date	FR Cite
ANPRM	12/30/91	56 FR 67364
ANPRM Comment Period End	05/01/92	57 FR 8102
NPRM	00/00/00	

Small Entities Affected: Businesses

DOL—MSHA

Long-Term Actions

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910
RIN: 1219-AA54

2222. CARBON MONOXIDE MONITOR APPROVAL

Priority: Substantive, Nonsignificant
Legal Authority: 30 USC 957
CFR Citation: 30 CFR 12
Legal Deadline: None

Abstract: The use of carbon monoxide monitoring systems in underground coal mines can be effective in monitoring mine atmospheres to detect fires in the early stages of development. This rulemaking would address minimum performance criteria for these systems. MSHA intends to explore the use of negotiated rulemaking to address this regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses
Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910
RIN: 1219-AA72

2223. DECERTIFICATION OF CERTIFIED AND QUALIFIED PERSONS

Priority: Substantive, Nonsignificant
Legal Authority: 30 USC 811
CFR Citation: 30 CFR 42; 30 CFR 48; 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77; 30 CFR 90
Legal Deadline: None

Abstract: MSHA regulations require the certification or qualification of individuals to perform certain tasks at mines. However, the Agency has no formal procedures for revoking a

person's certification or qualification when evidence indicates that the individual has not adhered to required regulatory procedures. The final rule would establish generic procedures for decertification of individuals who no longer meet the requirements to be certified or qualified, or who have failed to comply with the regulations in their role as a certified or qualified person.

Timetable:

Action	Date	FR Cite
NPRM	11/02/94	59 FR 54855
NPRM Comment	02/06/95	59 FR 60101
Period End		
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910
RIN: 1219-AA79

2224. INDEPENDENT LABORATORY TESTING

Priority: Substantive, Nonsignificant

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

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 6; 30 CFR 18; 30 CFR 19; 30 CFR 20; 30 CFR 21; 30 CFR 22; 30 CFR 23; 30 CFR 24; 30 CFR 26; 30 CFR 27; 30 CFR 28; 30 CFR 29; 30 CFR 33; 30 CFR 35

Legal Deadline: None

Abstract: To ensure that only safe products are used in mines, MSHA sets approval requirements and tests products itself. This rulemaking would allow MSHA to accept testing of certain mine equipment performed by independent laboratories. It also would allow MSHA to approve products which satisfied alternative testing and evaluation requirements, provided that the alternative requirements were equivalent to MSHA's own, or could be enhanced to be equivalent. By reducing its testing activities, MSHA

could direct more resources toward verifying that products in use have been manufactured in compliance with the relevant approval. This rulemaking is consistent with a recommendation of the National Performance Review.

Timetable:

Action	Date	FR Cite
NPRM	11/30/94	59 FR 61376
NPRM Comment	02/21/95	
Period End		
Public Hearing Notice	10/10/95	60 FR 52640
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: Public hearing was held April 30, 1996. Comment period closed May 31, 1996.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910
RIN: 1219-AA87

2225. SAFETY STANDARDS FOR METHANE IN METAL AND NONMETAL MINES

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: Current MSHA regulations place metal and nonmetal mines with a history of, or a potential for, methane liberation (gassy mines) into several categories. Safety standards for methane detection and prevention apply to a mine depending on its category. Recent legal decisions have narrowed the application of existing gassy mine standards, leading MSHA to conclude that the standards may need to be revised to protect adequately all miners who work in gassy mines. This action would revise the existing safety standards for methane in metal and nonmetal mines to address dangerous levels of methane in outburst cavities in abandoned, idled, and worked out areas of category II-A mines. It would further address the use of approved equipment in category III mines. The Agency is exploring the use of negotiated rulemaking to address this issue.

DOL—MSHA

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
Phone: 703 235-1910

RIN: 1219-AA90

2226. 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: The final rule would implement new procedures and requirements for testing and approval of flame-resistant conveyor belts to be used in underground mines. These revisions would replace the existing

flame test for conveyor belts. Current regulations require that conveyor belts be flame resistant in accordance with specifications of the Secretary. As part of this rulemaking, the Agency also would promulgate conforming amendments to relevant safety standards.

Timetable:

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61524
NPRM Comment Period End	03/26/93	58 FR 8028
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

RIN: 1219-AA92

2227. 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: Accidents involving surface haulage equipment constitute a major safety problem in the mining industry. A review of fatal mining accidents during the past 3 years shows that 30% of the deaths involved surface haulage equipment. This equipment includes large 240 ton haulage vehicles, over-the-road trucks, front-end loaders, and other equipment. Causes of surface haulage accidents include brake failures, unsafe grades, overloaded vehicles, and "blindspots." To address this problem, MSHA intends to initially explore non-regulatory options.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

RIN: 1219-AA93

DEPARTMENT OF LABOR (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

2228. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Priority: Other Significant

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

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75; 30 CFR 31; 30 CFR 32; 30 CFR 36

Legal Deadline: None

Abstract: The use of diesel-powered equipment in underground coal mines poses a risk of fire or explosion from two sources: internal combustion engines that introduce an ignition source into an environment where methane can be present; and

underground handling and storage of diesel fuel. The Mine Safety and Health Administration (MSHA) currently has limited approval, safety, and health regulations that address the use of diesel-powered equipment in underground coal mines. In addition, some hazards are currently addressed in the mine ventilation plan. In 1988, a Secretarial advisory committee made recommendations concerning safety and health standards for the use of diesel-powered equipment in underground coal mines. In 1989, MSHA published a proposed rule based on those recommendations. This final rule will address criteria for the approval of diesel equipment and provisions for the safe use of such equipment in underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	10/04/89	54 FR 40950

Action	Date	FR Cite
NPRM Comment Period End	05/10/91	56 FR 13404
Final Action - Removal of 30 CFR Parts 31 and 32	10/25/96	61 FR 55412

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

RIN: 1219-AA27

DOL—MSHA

Completed Actions

2229. SAFETY STANDARDS FOR EXPLOSIVES AT METAL AND NONMETAL MINES**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 56; 30 CFR 57**Legal Deadline:** None**Abstract:** MSHA's final rule addresses changes to safety standards for the use of explosives at metal and nonmetal mines. This rule arises from on-going litigation and the Agency's enforcement experience with the current explosives standards.**Timetable:**

Action	Date	FR Cite
NPRM	01/05/95	60 FR 1866
NPRM Comment Period End	03/06/95	
Final Action	07/12/96	61 FR 36790
Final Action Effective	09/10/96	

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

RIN: 1219-AA84

2230. FIRST-AID AT METAL AND NONMETAL MINES**Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

Legal Authority: 30 USC 811**CFR Citation:** 30 CFR 56; 30 CFR 57**Legal Deadline:** None**Abstract:** Existing standards for metal and nonmetal mines require that selected supervisors be trained in first aid and that first-aid training be made available to all interested persons. The intent of this standard was to ensure that, in the event of an emergency, a person competent to administer first aid was available at the mine site during each working shift. MSHA recognizes that there are persons highly trained and competent to administer first aid other than supervisors; yet, the standard, as written, does not allow the mine operator this flexibility. MSHA, therefore, is developing a final rule to revise this standard to remove the requirement that selected supervisors have to be trained in first aid, and to substitute the requirement that a person trained and capable of administering first aid be available at the mine on all shifts. This final rule is consistent with a petition for rulemaking submitted to the Secretary by a large segment of the mining industry.**Timetable:**

Action	Date	FR Cite
NPRM	10/27/95	60 FR 55150
NPRM Comment Period End	12/11/95	
Final Action	09/26/96	61 FR 50432
Final Action Effective	12/26/96	

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

Fax: 703 235-5551

RIN: 1219-AA97

2231. RESPIRABLE DUST STANDARD FOR UNDERGROUND AND SURFACE COAL MINES; NIOSH CRITERIA DOCUMENT**Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 70; 30 CFR 71**Legal Deadline:** None**Abstract:** The Mine Safety and Health Administration (MSHA) received a criteria document from the National Institute for Occupational Safety and Health (NIOSH) entitled "Criteria for a Recommended Standard: Occupational Exposure to Respirable Coal Mine Dust" (criteria document). The NIOSH criteria document contains a number of recommendations, including a reduction of the existing MSHA permissible exposure limit (PEL) for respirable coal mine dust. In addition, NIOSH recommends a separate PEL for respirable crystalline silica. The Federal Mine Safety and Health Act of 1977 (Mine Act) obligates MSHA to issue a public response to the NIOSH criteria document. This notice is MSHA's response to the NIOSH criteria document.**Timetable:**

Action	Date	FR Cite
Notice - NPRM Deferred Combined with 1219-AA81	04/25/96	61 FR 18308

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203

Phone: 703 235-1910

RIN: 1219-AA99

DEPARTMENT OF LABOR (DOL)**Proposed Rule Stage****Office of the Assistant Secretary for Administration and Management (OASAM)****2232. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6101 et seq Age Discrimination Act of 1975**CFR Citation:** 45 CFR 90**Legal Deadline:** NPRM, Statutory, September 10, 1979. 45 CFR 90 requires publication of the NPRM no later than 90 days after publication of government-wide rule, 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, government-wide 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 government-wide rule, and to submit final agency regulations to HHS no later than 120 days after publication of the NPRM. As a practical matter, while DOL has not issued proposed or final regulations under the Age Discrimination Act, it has complied with its enforcement obligations. Furthermore, discrimination on the basis of age is prohibited under Section

167 of the Job Training Partnership Act of 1982, and the implementing regulations at 29 CFR 34.

Timetable:

Action	Date	FR Cite
NPRM	04/00/97	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Annabelle T. Lockhart, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room N4123, FP Building, Washington, DC 20210
Phone: 202 219-8927**RIN:** 1291-AA21**DEPARTMENT OF LABOR (DOL)****Long-Term Actions****Office of the Assistant Secretary for Administration and Management (OASAM)****2233. DEPARTMENT OF LABOR ACQUISITION REGULATIONS****Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Major:** Undetermined**Legal Authority:** 5 USC 301; 40 USC 486(c)**CFR Citation:** 48 CFR 2900 to 2999**Legal Deadline:** None**Abstract:** Revisions to DOLAR reflect changes in the Federal Acquisition Regulations and organizational changes within DOL.**Timetable:** Next Action Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.**Additional Information:** Revision of the Department of Labor Acquisition Regulation is awaiting the final publication of revisions to the Federal Acquisition Regulation as the result of

changes being implemented pursuant to passage of the Federal Acquisition Streamlining Act of 1994 enacted October 13, 1994 and the Federal Acquisition Reform Act of 1995.

Agency Contact: Milton A. Stewart, Acting Director, Office of Procurement and Advocate, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room N5425, FP Bldg., Washington, DC 20210
Phone: 202 219-9174**RIN:** 1291-AA20**DEPARTMENT OF LABOR (DOL)****Prerule Stage****Occupational Safety and Health Administration (OSHA)****2234. ● STANDARDS ADVISORY COMMITTEE ON METALWORKING FLUIDS****Regulatory Plan:** This entry is Seq. No. 67 in Part II of this issue of the Federal Register.**RIN:** 1218-AB58**2235. ● CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** 29 USC 655(b); 5 USC 533**CFR Citation:** 29 CFR 1910.1047**Legal Deadline:** None**Abstract:** The standard will be reviewed to determine impacts on small entities in accordance with the requirements of the Regulatory Flexibility Act and 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.

DOL—OSHA

Prerule Stage

Timetable:

Action	Date	FR Cite
End Review	09/00/97	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standard Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3605, FP Building, Washington, DC 20210
Phone: 202 219-8061
Fax: 202 219-7477

RIN: 1218-AB59

2236. • OCCUPATIONAL EXPOSURE TO ETHYLENE OXIDE (SECTION 610 REVIEW)

Priority: Info./Admin./Other

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

CFR Citation: 29 CFR 1910.1047

Legal Deadline: None

Abstract: OSHA will be undertaking a review of the ETO standard in accordance with the requirements of the Regulatory Flexibility Act and EO 12866. The review will consider the continued need for 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.

Timetable:

Action	Date	FR Cite
End Review	09/00/97	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Adam Finkel, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3718, FP Building, Washington, DC 20210
Phone: 202 219-7075
Fax: 202 219-7125

RIN: 1218-AB60

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Occupational Safety and Health Administration (OSHA)

2237. STEEL ERECTION (PART 1926) (SAFETY PROTECTION FOR IRONWORKING)

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

RIN: 1218-AA65

2238. PREVENTION OF WORK-RELATED MUSCULOSKELETAL DISORDERS

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

RIN: 1218-AB36

2239. COMPREHENSIVE SAFETY AND HEALTH PROGRAMS (FOR GENERAL INDUSTRY AND AGRICULTURE)

Regulatory Plan: This entry is Seq. No. 70 in Part II of this issue of the Federal Register.

RIN: 1218-AB41

2240. OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM (PREVENTING OCCUPATIONAL ILLNESS: CHROMIUM)

Regulatory Plan: This entry is Seq. No. 71 in Part II of this issue of the Federal Register.

RIN: 1218-AB45

2241. OCCUPATIONAL EXPOSURE TO TUBERCULOSIS

Regulatory Plan: This entry is Seq. No. 72 in Part II of this issue of the Federal Register.

RIN: 1218-AB46

2242. GENERAL WORKING CONDITIONS IN SHIPYARDS (PART 1915, SUBPART F) (PHASE II) (SHIPYARDS: GENERAL WORKING CONDITIONS)

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 1915.1 et seq; 29 CFR 1915.31 et seq; 29 CFR 1915.91 et seq; 29 CFR 1915.111 et seq; 29 CFR 1915.131 et seq; 29 CFR 1915.161 et seq; 29 CFR 1915.171 et seq; 29 CFR 1915.181; 29 CFR 1910.13 et seq; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

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

standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer was subject to both the "shipyard" standards that applied only to shipboard hazards and OSHA's general industry standards for landside operations. This resulted in inconsistent, and sometimes contradictory, requirements for essentially the same operation. Phase 1 of this project aimed at establishing a truly vertical standard for shipyard employment and addressed six subparts of shipyard employment safety standards (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these hazards were issued in November 1988 (53 FR 48092). The remaining hazards were categorized as Phase II of the consolidation project (including general work practices and fire safety). This action is endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards. This particular proposal will consolidate and update the provisions of 29 CFR 1910 (general industry) and 29 CFR 1915 (shipyard employment) into one comprehensive Part 1915 that will apply to all activities and areas in shipyards. The operations that are addressed in this subpart relate to housekeeping, illumination, sanitation, first aid, and lockout/tagout. About

DOL—OSHA

Proposed Rule Stage

75,000 workers are exposed annually to these hazards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210 Phone: 202 219-8061

RIN: 1218-AB50

2243. PERMISSIBLE EXPOSURE LIMITS (PELS) FOR AIR CONTAMINANTS

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

RIN: 1218-AB54

2244. REVISION OF CERTAIN STANDARDS PROMULGATED UNDER SECTION 6(A) OF THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

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

RIN: 1218-AB55

2245. • FLAMMABLE AND COMBUSTIBLE LIQUIDS

Priority: Info./Admin./Other

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

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

CFR Citation: 29 CFR 1910.106

Legal Deadline: None

Abstract: This project is part of a presidential initiative to respond to the general criticism concerning the complexity and obsolescence of certain Federal regulations. With this project, OSHA is initiating rulemaking that will revise and update the regulations containing in 29 CFR 1910.106 addressing the flammable and

combustible liquid storage. The purpose of this rulemaking will be to solicit public participation in the revision and updating of this standard to current levels of technology. It is also the purpose of the rulemaking to eliminate the complexity, duplicative nature, and obsolescence of the current existing standard and to write it in "plain language" as directed by the President's report.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

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

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3605, FP Building, Washington, DC 20210 Phone: 202 219-8061 Fax: 202 219-7477

RIN: 1218-AB61

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

2246. RESPIRATORY PROTECTION (PROPER USE OF MODERN RESPIRATORS)

Priority: Other Significant. Major under 5 USC 801.

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

Legal Authority: 29 USC 655(b)

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

Legal Deadline: None

Abstract: During the 1980s, OSHA issued an ANPRM on respirators to address 6,850-11,000 cancer fatalities and 66,500 illnesses occurring annually. Existing standards had been

in place for more than 20 years and did not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA reviewed the current standards and issued a proposal to modernize the requirements on November 15, 1994 (59 FR 58884). In developing the proposal, OSHA worked closely with the National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA). On April 17, 1995 (60 FR 19162), OSHA extended the comment period until May 15, 1995. On May 25, 1995 (60 FR 27707), OSHA published a notice to schedule a technical panel discussion on assigned protection factors as part of the pending

rulemaking hearing. Hearings began on June 6, 1995 and ended on June 20, 1995. The post-hearing comment period ended on September 20, 1995. On November 7, 1995 OSHA reopened the record of the rulemaking (60 FR 56127) for the purpose of receiving comments on OSHA's scientific methodology for the development of Assigned Protection Factors (APF), referred to as the "Nicas Report". OSHA extended the comment period on the Nicas Report (61 FR 1725) to January 29, 1996.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period on Preproposal Draft Ends	11/29/85	

DOL—OSHA

Final Rule Stage

Action	Date	FR Cite
NPRM	11/15/94	59 FR 58884
Final Action	12/00/96	

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Federal

Agency Contact: Adam Finkel, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FP Bldg., Washington, DC 20210
Phone: 202 219-7125

RIN: 1218-AA05

2247. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918) AND MARINE TERMINALS (PART 1917) (SHIPYARDS: PROTECTING LONGSHORING WORKERS)

Priority: Substantive, Nonsignificant

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

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshore and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918 (Revision); 29 CFR 1917 (Revision and Corrections)

Legal Deadline: None

Abstract: Current longshoring standards have been in place since 1960. The language in many instances addresses the hazards of cargo handling involving methods long since abandoned and fails to address the serious hazards of newer methods. Since much of the current standard is out-of-date, there are problems with compliance. Settlement agreements following the 1983 Marine Terminal standard (49 FR 30886) identified problems with OSHA's existing longshoring standard. Also, the International Longshoremen's and Warehousemen's Union and the National Maritime Safety Association requested revisions to the current standard. On June 6, 1994, (59 FR 28594) OSHA issued a proposal to address the 18 fatalities and 7,593 injuries occurring annually. The proposed revised requirements will

provide both employers and employees with a blueprint for modern, effective, and safe work practices in the cargo handling industry. OSHA held public hearings on this proposal and the record closed 4/30/95.

Timetable:

Action	Date	FR Cite
NPRM	06/06/94	59 FR 28594
NPRM Comment Period End	09/23/94	
Final Action	12/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605 FP Building, Washington, DC 20210
Phone: 202 219-8061

RIN: 1218-AA56

2248. SCAFFOLDS IN SHIPYARDS (PART 1915—SUBPART N) (PHASE I) (SHIPYARDS: SAFER SCAFFOLDS)

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the varying OSHA standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer was subject to both the "shipyard" standards that applied only to shipboard hazards and OSHA's general industry standards for landside operations. This resulted in inconsistent, and sometimes contradictory, requirements for essentially the same operation.

Phase 1 of this project aimed at establishing a truly vertical standard for shipyard employment and addressed

six subparts of shipyard employment safety standards (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these hazards were issued in November 1988 (53 FR 48092). The remaining hazards were categorized as Phase II of the consolidation project (including general work practices and fire safety). This action is endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards.

This particular regulatory action will revise the existing shipyard employment standards covering scaffolds and will consolidate all related and applicable 29 CFR part 1910 provisions. It will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Reopened Record Comment Period Ended 6/13/94	04/12/94	59 FR 17290
Final Action	04/00/97	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210
Phone: 202 219-8061

RIN: 1218-AA68

2249. ACCESS AND EGRESS IN SHIPYARDS (PART 1915, SUBPART E) (PHASE I) (SHIPYARDS: EMERGENCY EXITS AND AISLES)

Priority: Substantive, Nonsignificant

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

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

DOL—OSHA

Final Rule Stage

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 the varying OSHA standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer was subject to both the "shipyard" standards that applied only to shipboard hazards and OSHA's general industry standards for landside operations. This resulted in inconsistent, and sometimes contradictory, requirements for essentially the same operation.

Phase 1 of this project aimed at establishing a truly vertical standard for shipyard employment and addressed six subparts (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these hazards were issued in November 1988 (53 FR 48092). The remaining hazards were categorized as Phase II of the consolidation project (including general work practices and fire safety). This action is endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards.

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

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130
NPRM Comment Period End	02/27/89	
Final Action	03/00/97	

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Federal

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution

Avenue NW., Rm N3605, FP Building, Washington, DC 20210
Phone: 202 219-8061

RIN: 1218-AA70

2250. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL, AND THEIR ACETATES: PROTECTING REPRODUCTIVE HEALTH

Priority: Other Significant

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substance Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA used the information received in response to the ANPRM, as well as other information and analysis, and published a proposal, 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 the substances.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	03/23/93	58 FR 15526
NPRM Comment Period End	06/07/93	
Final Action	09/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Adam Finkel, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210
Phone: 202 219-7075

RIN: 1218-AA84

2251. METHYLENE CHLORIDE (PREVENTING OCCUPATIONAL ILLNESSES: METHYLENE CHLORIDE)

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1052; 29 CFR 1926.1162; 29 CFR 1915.1102

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the UAW to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride. This request was based on information obtained from the EPA and the National Toxicology Program indicating that MC is an animal carcinogen and may have the potential to cause cancer in humans. An estimated 209,479 workers are exposed to the hazards of MC annually. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to MC and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. OSHA published an ANPRM on November 24, 1986 (51 FR 42257). After reviewing and analyzing the comments received in response to the ANPRM, OSHA published a proposal in the Federal Register on November 7, 1991 (56 FR 57036). The comment period closed on April 6, 1992. On June 9, 1992, OSHA published a notice of informal public hearings that were held in Washington, DC September 16-24 and in San Francisco, CA on October 14-16, 1992. The post-hearing comment period for new evidence closed on January 14, 1993, and the final date for submitting post-hearing summations and briefs was March 15, 1993. The record was reopened on March 11, 1994, for 45 days to address MC exposure in the furniture stripping industry, an NCI study relating brain cancer to occupational exposure to MC,

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and information regarding the use of MC as a solvent in adhesive formulation and flexible foam manufacturing. The record was also reopened in late 1995 to receive new data and information on MC-related risks. The draft final rule is currently undergoing review by the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	
NPRM	11/07/91	56 FR 57036
NPRM Comment Period End	04/06/92	
Final Action	11/00/96	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Adam Finkel, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FPBldg., Washington, DC 20210
Phone: 202 219-7075

RIN: 1218-AA98

2252. WALKING WORKING SURFACES AND PERSONAL FALL PROTECTION SYSTEMS (PART 1910) (SLIPS, TRIPS, AND FALL PREVENTION)

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

RIN: 1218-AB04

2253. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES (SIMPLIFIED INJURY/ILLNESS RECORDKEEPING REQUIREMENTS)

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

RIN: 1218-AB24

2254. POWERED INDUSTRIAL TRUCK OPERATOR TRAINING (INDUSTRIAL TRUCK SAFETY TRAINING)

Priority: Substantive, Nonsignificant

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

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

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.178; 29 CFR 1915.120; 29 CFR 1917.43; 29 CFR 1918.77; 29 CFR 1926.602

Legal Deadline: None

Abstract: This is the second leading cause of fatalities in the private sector, behind only highway vehicle fatalities. On average, there are 107 fatalities and 38,330 injuries annually in the workplace.

The present standard has proven to be ineffective in reducing the number of accidents involving powered industrial trucks. As a result, there has been strong Congressional interest that OSHA issue a new standard to more effectively address this hazard. OSHA intends to revise the present standard to increase its effectiveness by requiring, in performance language, initial and refresher training as necessary. The frequency of the refresher training will be based upon the ability of the vehicle operator to retain the knowledge, skills and abilities to perform the job safely. OSHA will also give guidance as to what information the instruction should include. There will also be other amendments to the standard to increase its effectiveness. This proposal, if adopted, would apply to general industry, the maritime industries and construction.

Timetable:

Action	Date	FR Cite
NPRM	03/14/95	60 FR 13782
NPRM Comment Period End	07/12/95	
NPRM Second and Hearing	01/30/96	61 FR 3092
Final Action	09/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210

Phone: 202 219-8061

RIN: 1218-AB33

2255. ABATEMENT VERIFICATION (HAZARD CORRECTION)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 657; 29 USC 658; 5 USC 553

CFR Citation: 29 CFR 1903

Legal Deadline: None

Abstract: A critical element of OSHA's comprehensive enforcement strategy under the Occupational Safety and Health Act is assurance that employers have abated cited hazards. A May 1991, General Accounting Office report entitled, "Options to Improve Hazard-Abatement Procedures in the Workplace," pointed out deficiencies in OSHA's abatement verification procedures and how they could be improved. The Department of Labor Inspector General, as well as OSHA's internal audits, also identified similar problems. Currently, unless an employer voluntarily complies with OSHA's request to submit documentation, OSHA has no regulation to require employers to submit proof of hazard abatement. From 1972 to the present, OSHA has implemented several administrative measures to induce employers to provide abatement documentation, but at least 30 percent of cited employers still do not voluntarily do so. OSHA's April 19, 1994, proposal (29 FR 18508) would require cited employers to provide hazard abatement documentations. The NPRM addressed the kinds of evidence to be required, what notice to employees is needed, certification forms for compliance, and other questions. Work on the final regulation is continuing.

Timetable:

Action	Date	FR Cite
NPRM	04/19/94	59 FR 18508
NPRM Comment Period End	07/18/94	
Final Action	03/00/97	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Raymond E. Donnelly, Director, General Industry Compliance Assistance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution

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Avenue NW., Room N3119, FP Building, Washington, DC 20210
Phone: 202 219-8041

RIN: 1218-AB40

2256. PERMIT REQUIRED CONFINED SPACES (GENERAL INDUSTRY: PREVENTING SUFFOCATION/ EXPLOSIONS IN CONFINED SPACES)

Priority: Substantive, Nonsignificant

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

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910-146

Legal Deadline: None

Abstract: OSHA issued a final standard on preventing suffocations/ explosions in confined spaces in general industry on January 14, 1993 (58 FR 4462). OSHA reached a settlement agreement with the United Steel Workers of America in June 1994. As part of this settlement agreement, OSHA issued a proposal on November 28, 1994 (59 FR 60735) proposing revisions to paragraph (k) of the existing rule, Rescue and Emergency Services, to clarify the standard. OSHA also proposed to allow more flexibility in the point of a retrieval line attachment. OSHA also asked whether the standard should have provisions to provide affected employees or their representatives with the opportunity to observe the evaluation of confined spaces, including atmospheric testing or monitoring, and to have access to evaluation results. Hearings were held September 27-28, 1995. The post hearing comment period ended on

December 20, 1995. In February 1996, the record was closed.

Timetable:

Action	Date	FR Cite
NPRM	11/28/94	59 FR 60735
NPRM Comment Period End	02/27/95	
Final Action	12/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210
Phone: 202 219-8061

RIN: 1218-AB52

2257. ELIMINATING AND IMPROVING REGULATIONS

Priority: Other Significant

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

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657; 40 USC 333

CFR Citation: 29 CFR 1910; 29 CFR 1926

Legal Deadline: None

Abstract: OSHA has made a continuing effort to eliminate confusing, outdated, and duplicative regulations. In 1978 and again in 1984, the Agency conducted comprehensive revocation and revision projects that resulted in the elimination of hundreds of unnecessary rules. OSHA developed a list of standards it proposes to revoke

or revise. These standards were deemed to be out of date, duplicative, inconsistent with other OSHA standards, or preempted by the regulations of other Federal agencies. The agency began this process with an administrative notice (62 FR 9228, March 7, 1996). This document proposes substantive changes to standards which the Agency believed were unnecessary or ineffective in protecting worker health or safety. The Agency followed up this effort by issuing two proposals addressing substantive changes.

Timetable:

Action	Date	FR Cite
Final - Miscellaneous Minor & Technical Amendments	03/07/96	61 FR 9228
NPRM - Consolidation of Repetitive Provisions; Technical Amendments	06/20/96	61 FR 31427
NPRM - Miscellaneous Changes to General Industry & Construction Standards	07/22/96	61 FR 37849
Final - Longshoring	12/00/96	
Final - Respirators	02/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210
Phone: 202 219-8061

RIN: 1218-AB53

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Occupational Safety and Health Administration (OSHA)

2258. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

Priority: Other Significant

Legal Authority: 29 USC 655(b); PL 101-549 (November 15, 1990); 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.121, subpart H

Legal Deadline: None

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

on training to replace this interim rule on March 9, 1989 (29 CFR 1910.120).

On December 22, 1987, as part of an omnibus budget reconciliation bill (PL 100-202), section 126(d)(3) of SARA was amended 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 held a public comment period following the

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issuance of the proposal and held a limited reopening of the public record in June 1992 to allow additional public comment on an effectiveness of training study conducted by OSHA. OSHA has also developed nonmandatory guidelines to further address minimum training criteria.

Timetable:

Action	Date	FR Cite
NPRM	01/26/90	55 FR 2776
NPRM Comment Period End	04/26/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Federal

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Bldg, Washington, DC 20210
Phone: 202 219-8061

RIN: 1218-AB27

2259. CONTROL OF HAZARDOUS ENERGY (LOCKOUT)— CONSTRUCTION (PART 1926) (PREVENTING CONSTRUCTION INJURIES/FATALITIES: LOCKOUT)

Priority: Other Significant. Major under 5 USC 801.

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

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA was petitioned by UAW in May 1979 to issue an emergency temporary standard for locking out machinery and equipment. OSHA did not issue an emergency temporary standard, but did issue a general industry rule on September 1, 1989 (54 FR 36644). OSHA has not yet issued a rule for preventing accidents during equipment repair and maintenance for the construction industry. 4,000,000 workers annually are exposed to this hazard in the workplace. As a result, OSHA intends to issue a proposal to address this hazard.

The effective control of hazardous energy at construction sites is made more difficult by several factors. These factors include such considerations as the types of machines and equipment found in construction; the makeup of the industry in which employment is relatively "short term," lasting only as long as the length of the current project; the presence of multiple employers having different employer/employee relationships and the temporary nature of the "in-the-field" maintenance activity.

Timetable:

Action	Date	FR Cite
NPRM	03/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Russell B. Swanson, Director, Construction Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3306, FP Building, Washington, DC 20210

Phone: 202 219-8644

RIN: 1218-AB30

2260. INDOOR AIR QUALITY IN THE WORKPLACE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1910.1033

Legal Deadline: None

Abstract: OSHA was petitioned in March 1987 by the Action on Smoking or Health (ASH), Public Citizen, and the American Public Health Association to issue an emergency temporary standard on environmental tobacco smoke (ETS) in the workplace. In March 1992, OSHA was petitioned by the AFL-CIO to establish workplace IAQ standards. In December 1992, ASH again petitioned for rulemaking on ETS. In January 1993, Labor Secretary Lynn Martin, under the Bush Administration, directed OSHA to begin rulemaking to address the hazards of exposure to ETS.

Everyday, more than 20 million American workers face an unnecessary health threat because of indoor air pollution and ETS in the workplace. Thousands of heart disease deaths, hundreds of lung cancer deaths, respiratory disease, legionnaire's

disease, asthma, and other ailments are linked to this occupational hazard. More specifically, it is estimated that each year, there are approximately 700 cases of lung cancer and 13,000 deaths from heart disease among nonsmoking workers exposed to ETS. Further, America's workers are at risk of developing over a hundred thousand upper respiratory symptoms, as well as many thousands of headaches from poor indoor air quality (IAQ). EPA estimates that 20 to 35 percent of all workers in modern mechanically ventilated buildings may experience air-quality problems that could result in illnesses, absenteeism, lost productivity, and discomfort.

Surveys have estimated that as many as 85 percent of the polled companies had some sort of smoking restriction in place, due to either concerns about production safety or employee health and safety. The fact that this is a national problem suggests that it should be solved at the Federal level.

OSHA published a Request for Information on September 20, 1991, to collect information to determine if a standard regulating indoor air quality is justified and feasible. Information was requested on the ventilation system performance necessary to optimize indoor air quality, techniques for improving ventilation, building maintenance programs, existing workplace indoor air policies, and local and State laws addressing indoor air quality.

After reviewing and analyzing available information, OSHA published a proposed rule on April 5, 1994. The proposal would require employers to write and implement indoor air quality compliance plans that would include inspection and maintenance of current building ventilation systems to ensure they are functioning as designed. In buildings where smoking is allowed, the proposal would require designated smoking areas that would be separate, enclosed rooms where the air would be exhausted directly to the outside. Other proposed provisions would require employers to maintain healthy air quality during renovation, remodeling and similar activities. The provisions for indoor air quality would apply to 70 million workers and more than 4.5 million nonindustrial indoor work environments, including schools and training centers, offices, commercial establishments, health care facilities,

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Long-Term Actions

cafeterias and factory break rooms. ETS provisions would apply to all 6 million industrial and nonindustrial work environments under OSHA jurisdiction. OSHA preliminarily estimates that 5,583 to 32,502 cancer deaths and 97,700 to 577,818 coronary heart diseases related to occupational exposure to ETS will be prevented over the next 45 years. This represents 140 to 722 cancer deaths and 2,094 to 13,001 heart diseases each year. OSHA preliminarily estimates that the proposed standard will prevent 4.5 million upper respiratory problems over the next 45 years. This is approximately 105,000 upper respiratory symptoms per year. These estimates understate the prevalence of building-related symptoms since they only reflect excess risk in air conditioned buildings.

Timetable:

Action	Date	FR Cite
Request for Information	09/20/91	56 FR 47892
Comment Period End	01/21/92	
NPRM	04/05/94	59 FR 15968
NPRM Comment Period End	08/13/94	59 FR 30560
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Adam Finkel, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210

Phone: 202 219-7075

RIN: 1218-AB37

2261. CONFINED SPACES FOR CONSTRUCTION (PART 1926) (CONSTRUCTION: PREVENTING SUFFOCATION/EXPLOSIONS IN CONFINED SPACES)

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

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

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

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In January 1993, OSHA issued a general industry rule on preventing suffocation/explosions in confined spaces (58 FR 4462). This standard did not apply to the construction industry because of differences in the nature of the worksite. In discussions with the United Steel Workers of America on a settlement agreement for the general industry standard, OSHA agreed to issue a standard to extend the protection to construction workers, appropriate to their work environment. 1,000,000 construction workers are exposed to this hazard annually.

Timetable:

Action	Date	FR Cite
NPRM	03/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Russell B. Swanson, Director, Construction Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3306, FP Building, Washington, DC 20210

Phone: 202 219-8644

RIN: 1218-AB47

2262. FIRE PROTECTION IN SHIPYARD EMPLOYMENT (PART 1915, SUBPART P) (PHASE II) (SHIPYARDS: FIRE SAFETY)

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 1915.1 et seq; 29 CFR 1915.31 et seq; 29 CFR 1915.91 et seq; 29 CFR 1915.111 et seq; 29 CFR 1915.131 et seq; 29 CFR 1915.161 et seq; 29 CFR 1915.171 et seq; 29 CFR 1915.181; 29 CFR 1910.13 et seq; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the varying OSHA standards that were applied in the shipbuilding, ship repair, and shipbreaking industry. A shipyard employer was subject to both the "shipyard" standards that applied only to shipboard hazards and OSHA's general industry standards for landside operations. This resulted in inconsistent, and sometimes contradictory, requirements for essentially the same operation. Phase 1 of this project aimed at establishing a truly vertical standard for shipyard employment and addressed six subparts of shipyard employment safety standards (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these hazards were issued in November 1988 (53 FR 48092). The remaining hazards were categorized as Phase II of the consolidation project (including general work practices and fire safety). This action is endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards. This particular proposal will consolidate and update the provisions of 29 CFR 1910 and 29 CFR 1915 into one comprehensive Part 1915 that will apply to all activities and areas in shipyards. The operations that are addressed in this subpart relate to fire brigades, fire extinguishers, sprinkler systems, detection systems, alarm systems, fire watches, and emergency plans. 100,000 workers are potentially exposed to these hazards annually. This will be addressed using the Neg/Reg Process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas H. Seymour, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210
Phone: 202 219-8061

RIN: 1218-AB51

DOL—OSHA

Long-Term Actions

2263. • NATIONALLY RECOGNIZED PROGRAMS TESTING LABS: FEES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 9701; 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.7

Legal Deadline: None

Abstract: A number of OSHA standards require that certain products and equipment used in the workplace be tested and certified by a laboratory that has been recognized and accredited by OSHA. Through the Nationally Recognized Testing Laboratory (NRTL)

Program to date, OSHA has recognized 14 laboratories operating approximately 25 sites in the U.S. and Canada as NRTLs. OSHA is proposing to revise 29 CFR 1910.7 to allow OSHA to charge fees to NRTLs for services that are provided to the NRTLs. The fees will be computed on the basis of the cost of the services to the Government. In determining the amount of such fees, OSHA will follow the guidelines established by the Office of Management and Budget as stated in Circular Number A-25.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ann Cyr, Acting Director, Information and Consumer, Affairs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3647, FP Building, Washington, DC 20210
Phone: 202 219-8148

RIN: 1218-AB57

DEPARTMENT OF LABOR (DOL)

Completed Actions

Occupational Safety and Health Administration (OSHA)

2264. SCAFFOLDS (PART 1926) (CONSTRUCTION: SCAFFOLDS USED IN THE CONSTRUCTION INDUSTRY)

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None

Abstract: During the 1980s, OSHA issued a proposal (51 FR 42680) to address the 23 fatalities and 15,600 injuries still occurring annually from scaffolds in the construction industry. The recently issued final rule updates and streamlines coverage of scaffold design and use. It also resolves several significant issues including (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Record Reopened	03/29/93	58 FR 16509
Record Reopened	02/01/94	59 FR 4615

Action	Date	FR Cite
Final Action Sec. 1926.453(a)(2) effective date will be announced	08/30/96	61 FR 46026
Final Action Effective	11/29/96	

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Federal

Agency Contact: Russell B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3306, FP Building, Washington, DC 20210
Phone: 202 219-8644

RIN: 1218-AA40

2265. PERSONAL PROTECTIVE EQUIPMENT IN SHIPYARDS (PART 1915) (SHIPYARDS: GOGGLES, GLOVES, AND OTHER PPE)

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154; 29 CFR 1915.155; 29 CFR 1915.156; 29 CFR 1915.157; 29 CFR 1915.158; 29 CFR 1915.159

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the varying OSHA standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer was subject to both the "shipyard" standards that applied only to shipboard hazards and OSHA's general industry standards for landside operations. This resulted in inconsistent, and sometimes contradictory, requirements for essentially the same operation.

Phase 1 of this project aimed at establishing a truly vertical standard for shipyard employment and addressed six subparts of shipyard employment safety standards (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these hazards were issued in November 1988 (53 FR 48092). The remaining hazards were categorized as Phase II of the consolidation project (including general work practices and fire safety). This action is endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards.

This particular standard is performance-oriented and addresses current gaps in coverage, recognizes new technology, and eliminates outmoded or redundant provisions. It consolidates 29 CFR part 1915 and applicable 29 CFR part 1910 standards into one set of provisions regarding gloves, goggles, and other personal protective equipment.

DOL—OSHA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48150
NPRM Comment Period End	02/27/89	
Reopened Record Comment Period Ends 8/22/94	07/06/94	59 FR 34586
Comment Period Ended 1/25/95	12/13/94	59 FR 64173
Final Action	05/24/96	61 FR 26321

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Seymour,
Acting Director, Safety Standards
Programs, Department of Labor,
Occupational Safety and Health
Administration, 200 Constitution Ave.
NW., Rm N3605, FP Bldg., Washington,
DC 20210
Phone: 202 219-8061

RIN: 1218-AA74

**2266. 1,3-BUTADIENE (PREVENTING
OCCUPATIONAL ILLNESS:
BUTADIENE)**

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000 (Table
Z-1); 29 CFR 1910.1051

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. On October 1, 1986 OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by December 30, 1986. OSHA developed a proposal which was published on August 10, 1990. Hearings were held in Washington, D.C. on January 15, 1991, and in New Orleans, Louisiana on February 20, 1991. The post-hearing comment period closed on February 10, 1992. In March 1996, OSHA reopened the rulemaking record to receive comments on safety and health information presented to the Agency by business and labor. The record closed April 26, 1996.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	08/10/90	55 FR 32736
NPRM Comment Period End	10/19/90	
Limited Reopening of Rulemaking Record - Comments due by 4/26/96	03/08/96	61 FR 9381
Final Action	11/04/96	61 FR 56746
Final Action Effective	02/03/97	

Small Entities Affected: Businesses

Government Levels Affected: None

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