
Monday
April 27, 1998

**REGULATORY
AGENDA**

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

April 1998 and April 1999, as well as those completed during the past 6 months.

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

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

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

Executive Order 12866 became effective September 30, 1993, and in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation,

proposal, or review during the coming 1-year period. The focus of all departmental regulatory activity will be on the development of effective rules that advance the Department's goals and that are understandable and usable to the employers and employees in all affected workplaces.

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

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

Alexis M. Herman,
Secretary of Labor.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1885	Production or Disclosure of Information or Materials	1290-AA17
1886	Equal Access to Justice Act	1290-AA18

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1887	Supplemental Standards of Ethical Conduct for Employees of the Department of Labor	1290-AA15
1888	Protection of Individual Privacy and Access to Records Under the Privacy Act of 1974	1290-AA16

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1889	Coordinated Enforcement of Farm Labor Protective Statutes	1290-AA11

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1890	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP) (Section 610 Review)	1215-AA01

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Employment Standards Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1891	Child Labor Regulations, Orders, and Statements of Interpretation (ESA/W-H)	1215-AA09
1892	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)	1215-AA94
1893	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
1894	Records To Be Kept by Employers Under the Fair Labor Standards Act	1215-AB03
1895	Assessment and Collection of User Fees	1215-AB06
1896	Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act	1215-AB11
1897	Implementation of the 1996 Amendments to the Fair Labor Standards Act	1215-AB13
1898	Minimum Wage and Overtime Violations—Civil Money Penalties (29 CFR 578); Child Labor Violations - Civil Money Penalties (29 CFR 579); Adjustment of Civil Money Penalties for Inflation	1215-AB20
1899	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (29 CFR Part 5), Definition of "Site of the Work" Under the Davis-Bacon Act	1215-AB21

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1900	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era	1215-AA62
1901	Application of the Fair Labor Standards Act to Domestic Service	1215-AA82
1902	Standards for Waivers Under Section 503 of the Rehabilitation Act	1215-AA84
1903	Benefits Under the Federal Coal Mine Safety and Health Act of 1977, as Amended Affecting the Black Lung Benefits Act	1215-AA99
1904	Federal Employees' Compensation Act; Claims for Compensation for Work-Related Injury/Death	1215-AB07
1905	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models	1215-AB09
1906	Use and Disclosure of Federal Employees' Compensation Act Claims File Material	1215-AB18
1907	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals with Disabilities	1215-AB19

Employment Standards Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1908	Defining and Delimiting the Term "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H)	1215-AA14
1909	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act	1215-AA43
1910	Reporting by Labor Relations Consultants and Other Persons	1215-AB14

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1911	Procedures for Handling Discrimination Complaints Under Federal "Whistleblower" Protection Statutes	1215-AA83
1912	Employment of Student-Learners, Apprentices, Learners, Messengers, and Student Workers Under Section 14 of the Fair Labor Standards Act	1215-AB10
1913	Civil Money Penalties Adjustment of the Longshore Act	1215-AB17

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Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1914	Job Training Partnership Act: Indian and Native American Programs	1205-AA96
1915	Job Training Partnership Act: Migrant and Seasonal Farmworker Programs	1205-AA99
1916	Disaster Unemployment Assistance Program, Amendment to Regulations	1205-AB02
1917	Federal-State Unemployment Compensation Program; Unemployment Insurance Performance System	1205-AB10
1918	Airline Deregulation: Employee Benefit Program	1205-AB17

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1919	Trade Adjustment Assistance for Workers—Implementation of 1988 Amendments	1205-AB05
1920	Trade Adjustment Assistance for Workers—Transitional Adjustment Assistance NAFTA-TAA	1205-AB07
1921	Indian and Native American Welfare-to-Work Program	1205-AB16

Employment and Training Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1922	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring, and Enforcement	1205-AA37
1923	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
1924	Amendments to the Labor Certification Process for Temporary Agricultural Employment in the United States (H-2A)	1205-AB09
1925	Establishment of Fees for Immigration Programs Administered by the Employment and Training Administration	1205-AB14
1926	Welfare-to-Work (WtW) Grants	1205-AB15

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1927	Labor Certification Process for the Permanent Employment of Aliens; Researchers Employed by Colleges and Universities	1205-AB11

Pension and Welfare Benefits Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1928	Amendments to Summary Plan Description Regulations	1210-AA69

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1929	Definition of Collective Bargaining Agreement (ERISA Section 3(40))	1210-AA48
1930	Revision of the Form 5500 Series and Implementing and Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA)	1210-AA52
1931	Rulemaking Relating to Notice Requirements for Continuation of Health Care Coverage	1210-AA60
1932	Request for Information Concerning Employee Benefit Plan Claims Procedures	1210-AA61
1933	Reporting Requirements for MEWAs Providing Medical Care Benefits	1210-AA64
1934	Elimination of Filing Requirements for Summary Plan Descriptions	1210-AA66

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Pension and Welfare Benefits Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1935	Requirement to Furnish Plan Documents Upon Request by the Secretary of Labor	1210-AA67
1936	Civil Penalty for Failure to Furnish Certain Plan Documents	1210-AA68

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1937	Amendment of Summary Plan Description and Related ERISA Regulations to Implement Statutory Changes in the Health Insurance Portability and Accountability Act of 1996	1210-AA55
1938	Enforcement Policy on AICPA SOP 92-6	1210-AA57
1939	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
1940	Interim Rules Relating to Health Care Standards for Mothers and Newborns	1210-AA63

Pension and Welfare Benefits Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1941	Adequate Consideration	1210-AA15
1942	Civil Penalties Under ERISA Section 502(l)	1210-AA37
1943	Reporting and Disclosure Under the Employee Retirement Income Security Act of 1974	1210-AA44
1944	Regulations Implementing the Health Care Access, Portability and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996	1210-AA54
1945	Interim Rules Relating to Mental Health Benefits Parity	1210-AA62
1946	Individual Benefits Reporting Requirements for Defined Contribution Plans	1210-AA65

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1947	Amendment of Regulations Relating to Definition of "Plan Assets" —Participant Contributions (SIMPLE PLAN)	1210-AA59

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1948	Coal Mine Dust	1219-AA81
1949	Training and Retraining of Miners (Section 610 Review)	1219-AB02

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1950	Diesel Particulate	1219-AA74
1951	Belt Entry Use as Intake Aircourses to Ventilate Working Sections	1219-AA76
1952	Metal/Nonmetal Impoundments	1219-AA83
1953	Surface Haulage	1219-AA93
1954	Safety Standards for the Use of Roof Bolting Machines	1219-AA94
1955	Safety Standard Revisions for Underground Anthracite Mines	1219-AA96

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

Sequence Number	Title	Regulation Identifier Number
1956	Electrical Standards for Metal and Nonmetal Mines	1219-AB01
1957	Self-Contained Self-Rescue Devices in Underground Metal and Nonmetal Mines	1219-AB06
1958	Occupational Exposure to Coal Mine Dust	1219-AB08
1959	X-Ray Surveillance Program for Surface Coal Miners	1219-AB09
1960	Safety Standards for Underground Coal Mine Ventilation	1219-AB10
1961	Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Mines	1219-AB11
1962	Respirable Crystalline Silica Standard	1219-AB12

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1963	Hazard Communication	1219-AA47
1964	Air Quality, Chemical Substances, and Respiratory Protection Standards	1219-AA48
1965	Noise Standard	1219-AA53
1966	Longwall Equipment (Including High-Voltage)	1219-AA75
1967	Independent Laboratory Testing	1219-AA87
1968	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA92
1969	Improving and Eliminating Regulations	1219-AA98
1970	Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines	1219-AB00
1971	Criteria and Procedures for Proposed Assessment of Civil Penalties	1219-AB03
1972	Observation of Operator Noise Monitoring	1219-AB05
1973	Experienced Miner and Supervisor Training	1219-AB13

Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1974	Confined Spaces	1219-AA54
1975	Carbon Monoxide Monitor Approval	1219-AA72
1976	Safety Standards for Methane in Metal and Nonmetal Mines	1219-AA90
1977	Verification of Dust Control Plan	1219-AB14

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1978	Decertification of Certified and Qualified Persons	1219-AA79
1979	Mine Shift Atmospheric Condition; Respirable Dust Sample	1219-AA82
1980	National Mine Health and Safety Academy	1219-AB04

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

Sequence Number	Title	Regulation Identifier Number
1981	Audits of States, Local Governments, and Nonprofit Organizations	1291-AA26
1982	Audit Requirements for Grants, Contracts, and Other Agreements	1291-AA27

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

Sequence Number	Title	Regulation Identifier Number
1983	Department of Labor Acquisition Regulation	1291-AA20
1984	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA21
1985	Administrative Requirements for Grantees To Reflect Single Audit Act Amendments	1291-AA25

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1986	Control of Hazardous Energy Sources (Lockout/Tagout) (Section 610 Review)	1218-AB59
1987	Occupational Exposure to Ethylene Oxide (Section 610 Review)	1218-AB60
1988	Process Safety Management of Highly Hazardous Chemicals	1218-AB63
1989	Fire Brigades	1218-AB64
1990	Grain Handling Facilities (Section 610 Review)	1218-AB73
1991	Cotton Dust (Section 610 Review)	1218-AB74

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1992	Longshoring and Marine Terminals (Parts 1917 and 1918)— Reopening of the Record (Tandem Lifts)	1218-AA56
1993	Steel Erection (Part 1926) (Safety Protection for Ironworkers)	1218-AA65
1994	Safety and Health Programs (for General Industry and Shipyards)	1218-AB41
1995	Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Phase II) (Shipyards: Fire Safety)	1218-AB51
1996	Permissible Exposure Limits (PELs) for Air Contaminants	1218-AB54
1997	Plain Language Revision of Existing Standards (Phase I)	1218-AB55
1998	Nationally Recognized Testing Labs Programs: Fees	1218-AB57
1999	Flammable and Combustible Liquids	1218-AB61
2000	Fall Protection in the Construction Industry	1218-AB62
2001	Revocation of Certification Records for Tests, Inspections, and Training	1218-AB65
2002	Requirement To Pay for Personal Protective Equipment	1218-AB77
2003	Consultation Agreements	1218-AB79

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2004	Respiratory Protection (Proper Use of Modern Respirators)	1218-AA05
2005	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates: Protecting Reproductive Health	1218-AA84
2006	Recording and Reporting Occupational Injuries and Illnesses (Simplified Injury/Illness Recordkeeping Requirements)	1218-AB24
2007	Powered Industrial Truck Operator Training (Industrial Truck Safety Training)	1218-AB33
2008	Permit Required Confined Spaces (General Industry: Preventing Suffocation/Explosions in Confined Spaces)	1218-AB52
2009	Standards Improvement Project	1218-AB53

Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2010	Scaffolds in Shipyards (Part 1915—Subpart N) (Phase I) (Shipyards: Safer Scaffolds)	1218-AA68
2011	Access and Egress in Shipyards (Part 1915, Subpart E) (Phase I) (Shipyards: Emergency Exits and Aisles)	1218-AA70

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

Sequence Number	Title	Regulation Identifier Number
2012	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2013	Prevention of Work-Related Musculoskeletal Disorders	1218-AB36
2014	Indoor Air Quality in the Workplace	1218-AB37
2015	Occupational Exposure to Hexavalent Chromium (Preventing Occupational Illness: Chromium)	1218-AB45
2016	Occupational Exposure to Tuberculosis	1218-AB46
2017	Confined Spaces in Construction (Part 1926) (Construction: Preventing Suffocation/Explosions in Confined Spaces)	1218-AB47
2018	General Working Conditions in Shipyards (Part 1915, Subpart F) (Phase II) (Shipyards: General Working Conditions)	1218-AB50
2019	Standards Advisory Committee on Metalworking Fluids	1218-AB58
2020	Plain Language Revision of Existing Standards (Phase II)	1218-AB66
2021	Electric Power Transmission and Distribution; Electrical Protective Equipment	1218-AB67
2022	Safety Standards for Scaffolds Used in the Construction Industry —Part II	1218-AB68
2023	Safety and Health Programs for Construction	1218-AB69
2024	Occupational Exposure to Crystalline Silica	1218-AB70
2025	Control of Hazardous Energy (Lockout) in Construction (Part 1926) (Preventing Construction Injuries/Fatalities; Lockout)	1218-AB71
2026	Occupational Exposure to Beryllium	1218-AB76
2027	Consolidation of Records Maintenance Requirements in OSHA Standards	1218-AB78

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2028	Walking Working Surfaces and Personal Fall Protection Systems (Part 1910) (Slips, Trips, and Fall Prevention)	1218-AB04
2029	Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes	1218-AB75

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

Proposed Rule Stage

1885. PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

Priority: Substantive, Nonsignificant

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

CFR Citation: 20 CFR 70

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Miriam McD. Miller, Co-Counsel for Administrative Law, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room N2428, FP Building, Washington, DC 20210
Phone: 202 219-8188
Fax: 202 219-6896
Email: mmiller@dol.gov

RIN: 1290-AA17

1886. EQUAL ACCESS TO JUSTICE ACT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 504; 28 USC 2412

CFR Citation: 29 CFR 16

Legal Deadline: None

Abstract: The regulation will incorporate the 1996 amendments to the Equal Access to Justice Act and revise the existing regulation to conform with the case law which has evolved since 1981.

Timetable:

Action	Date	FR Cite
NPRM	09/00/98	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

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

RIN: 1290-AA18

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

Final Rule Stage

1887. 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	11/06/96	61 FR 57281
Final Action	09/00/98	

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

1888. PROTECTION OF INDIVIDUAL PRIVACY AND ACCESS TO RECORDS UNDER THE PRIVACY ACT OF 1974

Priority: Other Significant

Legal Authority: 29 USC 552a

CFR Citation: 29 CFR 70a; 29 CFR 71

Legal Deadline: None

Abstract: This proposed regulation will revise the existing regulation under the Privacy Act of 1974. The existing regulation was promulgated 20 years

ago and is in need of revision. The proposed regulation will conform Departmental requirements with the case law which has evolved over the past years. The regulation will govern the conduct of Departmental employees and members of the public, as it pertains to the treatment of records covered by the Privacy Act. The proposal will renumber part 70a as part 71, because the Office of the Federal Register no longer permits alphabetical entries for CFR parts.

Timetable:

Action	Date	FR Cite
NPRM	07/28/97	62 FR 40406
NPRM Comment Period End	09/26/97	
Final Action	07/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Miriam McD. Miller, Co-Counsel for Administrative Law, Division of Legislation and Legislative Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room N-2428, FP Building, Washington, DC 20210

Phone: 202 219-8188

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Email: mmiller@dol.gov

RIN: 1290-AA16

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

Long-Term Actions

1889. 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 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
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

DOL—OS

Long-Term Actions

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, Chairperson, 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

1890. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP) (SECTION 610 REVIEW)

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: EO 11246, as amended; 38 USC 4212; 29 USC 793

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-250; 41 CFR 60-741; 41 CFR 60-742; 41 CFR 60-4

Legal Deadline: None

Abstract: These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended; 38 USC 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; and section 503 of the Rehabilitation Act of 1973, as amended (section 503). The NPRM published 08/25/81 and supplemented on 04/23/82 extended the effective date of a final rule published 12/30/80 and proposed amendments to that rule. The NPRM published 5/21/96 proposed revisions to reduce burdens on the regulated community and to improve the administration of the Executive Order. OFCCP's review of regulatory options continues with emphasis on streamlining and clarifying the regulatory language and reducing paperwork requirements associated with compliance.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213

Action	Date	FR Cite
NPRM Compliance Reviews (60-1)	05/21/96	61 FR 25516
NPRM Compliance Reviews (60-60)	05/21/96	61 FR 25516
Final Compliance Reviews (60-1)	08/19/97	62 FR 44174
Final Compliance Reviews (60-60)	08/19/97	62 FR 44174
NPRM Affirmative Action Plans (60-2)	06/00/98	
Final Affirmative Action Plans (60-2)	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: Under the reinventing government initiative, OFCCP's emphasis is on regulatory reform, e.g., to revise the Executive Order 11246 regulations to reduce paperwork burdens, eliminate unnecessary regulations, and simplify and clarify the regulations while improving the efficiency and effectiveness of the contract compliance program.

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

RIN: 1215-AA01

1891. CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION (ESA/W-H)

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 203(e)

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(l) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary is also directed to designate occupations that may be particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14- and 15-year-olds may be employed, and specifies the number of hours in a day and in a week, and time periods within a day, that such minors may be employed. The Department has invited public comment in considering whether changes in technology in the workplace and job content over the years require new hazardous occupation orders, and review of some of the applicable hazardous occupation orders and the method of their promulgation. Comment has also been solicited on whether revisions should be considered in the permissible hours and time of day standards for 14- and 15-year-olds. Comment has been sought on appropriate changes required to implement school-to-work transition programs. Additionally, Congress enacted Public Law 104-174 (August 6, 1996), which amended FLSA section 13(c) and requires changes in the regulations under Hazardous Occupation Order No. 12, regarding power-driven paper balers and compactors, to allow 16- and 17-year olds to load, but not operate or unload, machines meeting applicable American

DOL—ESA

Proposed Rule Stage

National Standards Institute (ANSI) safety standards and certain other conditions.

Timetable:

Action	Date	FR Cite
Final Action on HOs 2, 10, 12	11/20/91	56 FR 58626
Final Action Effective Date	12/20/91	
ANPRM	05/13/94	59 FR 25167
ANPRM Comment Period End	08/11/94	59 FR 40318
NPRM	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Fraser, Deputy 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

RIN: 1215-AA09

1892. 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)

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 40 USC 276a to 276a(7)

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None

Abstract: The Department attempted to implement revised rules governing the circumstances in which "helpers" may be used on federally funded and assisted construction contracts subject to the Davis-Bacon Act in May 1982 (see 47 FR 23644, 23658 (May 28, 1982); 47 FR 32090 (July 20, 1982)). After protracted litigation, a final rule was published in January 1989 (see 54 FR 4234) which became effective on February 4, 1991. Thereafter, on two occasions, Congress acted to prevent the Department from expending any funds to implement these revised helper regulations--through the Dire Emergency Supplemental Appropriations Act of 1991, PL 102-27,

105 Stat. 130,151 (1991), and then through section 104 of the DOL Appropriations Act of 1994, PL 103-112. There is no such prohibition in the DOL's Appropriations Act for fiscal year 1998, Public Law 105-78 (November 13, 1997). Given the uncertainty of continuation of such moratoriums, the Department has determined that the helper issue needs to be addressed through further rulemaking. A notice inviting public comment on a proposal to continue the suspension of the former helper regulations while the Department conducts additional rulemaking proceedings was published August 2, 1996 (61 FR 40366). A final rule continuing the suspension while further rulemaking is considered was published December 30, 1996 (61 FR 68641).

Timetable:

Action	Date	FR Cite
NPRM Continue Suspension	08/02/96	61 FR 40367
Final Continue Suspension	12/30/96	61 FR 68641
NPRM	06/00/98	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: John R. Fraser, Deputy 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-AA94

1893. REGULATIONS TO IMPLEMENT THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994, 29 CFR PARTS 4 AND 5, 41 CFR PARTS 50-201 AND 50-206

Priority: Substantive, Nonsignificant

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

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

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

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

Abstract: The Federal Acquisition Streamlining Act of 1994, signed on October 13, 1994, amends several Acts administered by the Department of Labor: (1) It amends the Contract Work Hours and Safety Standards Act (CWHSSA) to limit its applicability to contracts in an amount of \$100,000 or greater. (2) It amends the Davis-Bacon Act (DB) to provide waivers from the Act's prevailing wage requirements under selected laws for volunteers performing services to a State or local government or agency and for volunteers performing services to a public or private nonprofit recipient of Federal assistance. (3) It also amends the Walsh-Healey Public Contracts Act (PCA) to eliminate the requirements that contractors on covered contracts be either manufacturers or regular dealers in the items to be supplied under the contract but retains the Secretary of Labor's authority to define the terms "regular dealer" and "manufacturer." A final rule implementing the CWHSSA and PCA changes was published on August 5, 1996 (61 FR 40714).

Timetable:

Action	Date	FR Cite
NPRM	09/07/95	60 FR 46553
NPRM Comment Period End	10/10/95	
Final Walsh-Healey/CWHSSA Rule	08/05/96	61 FR 40714
NPRM Second	07/00/98	

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.

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Phone: 202 219-8305

DOL—ESA

Proposed Rule Stage

Fax: 202 219-5122

RIN: 1215-AA96

1894. 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	08/00/98	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy 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-AB03

1895. 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	05/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Fraser, Deputy 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

1896. 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	07/00/98	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: John R. Fraser, Deputy 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

1897. 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

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Proposed Rule Stage

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 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	09/00/98	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210
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RIN: 1215-AB13

1898. • MINIMUM WAGE AND OVERTIME VIOLATIONS—CIVIL MONEY PENALTIES (29 CFR 578); CHILD LABOR VIOLATIONS - CIVIL MONEY PENALTIES (29 CFR 579); ADJUSTMENT OF CIVIL MONEY PENALTIES FOR INFLATION

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 578; 29 CFR 579

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

Abstract: The Debt Collection Improvement Act of 1996 (PL 104-134) amended the Federal Civil Monetary Penalties Inflation Adjustment of 1990 (PL 101-410) to require Federal agencies to adjust certain civil money penalties for inflation. The Department is proposing adjustments in the civil money penalties that may be assessed under section 16(e) of the Fair Labor Standards Act for (1) repeated or willful violations of the minimum wage or overtime provisions; and (2) child labor violations. Any increase in the penalty amounts shall apply only to violations which occur after the effective date of the increase.

Timetable:

Action	Date	FR Cite
NPRM	04/00/98	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: John R. Fraser, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
Phone: 202 219-8305

RIN: 1215-AB20

1899. • LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (29 CFR PART 5), DEFINITION OF "SITE OF THE WORK" UNDER THE DAVIS-BACON ACT

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 5

Legal Deadline: None

Abstract: Two appellate court decisions have ruled that the Department of Labor's definition of "site of the work" in section 5.2(1) of the Davis-Bacon Act regulations does not conform to the statutory language of the Davis-Bacon Act, which requires payment of prevailing wages as determined under the Act to all laborers and mechanics "employed directly upon the site of the work." (See, e.g., Ball, and Ball and Brosamer v. Reich, 24 F.3d 1447 (D.C. Cir. 1994); L.P. Cavett Company v. U.S. Department of Labor, 101 F.3d 1111 (6th Cir. 1996).) The Department is proposing technical clarifications of Davis-Bacon coverage based on the site of the work definition as interpreted by these court decisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
Phone: 202 219-8305

RIN: 1215-AB21

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

Final Rule Stage

1900. 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 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

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.

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	12/27/96	
Final Action	05/00/98	

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

1901. 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	05/00/98	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy 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
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RIN: 1215-AA82

1902. 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	06/00/98	

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

1903. 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

DOL—ESA

Final Rule Stage

duplication, or streamline requirements.

Legal Authority: 30 USC 901 et seq

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

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	01/22/97	62 FR 3338
NPRM Comment Period End	03/24/97	
NPRM Comment Period End Extended to 8/22/97	05/24/97	62 FR 8201
Final Action	12/00/98	

Small Entities Affected: Undetermined

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

Fax: 202 219-8568

RIN: 1215-AA99

1904. 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; 20 CFR 25

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, update rules to reflect legislative changes, modify the medical fee schedule to include hospital and pharmacy charges and simplify language.

Timetable:

Action	Date	FR Cite
NPRM	12/23/97	62 FR 67120
NPRM Comment Period End	02/23/98	
Final Action	05/00/98	

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

1905. 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 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
NPRM Comment Period End	11/30/95	
Final Action	06/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John R. Fraser, Deputy 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

1906. USE AND DISCLOSURE OF FEDERAL EMPLOYEES' COMPENSATION ACT CLAIMS FILE MATERIAL

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8149

CFR Citation: 20 CFR 1012

Legal Deadline: None

Abstract: Proposed rule will revise regulations relating to the release, use, and disclosure of documents relating to claims filed under the Federal Employees' Compensation Act. Rule will reserve to OWCP sole authority for ruling on requests for correction of records.

Timetable:

Action	Date	FR Cite
NPRM	07/28/97	62 FR 40418
NPRM Comment Period End	09/26/97	
Final Action	04/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shelby Hallmark, Deputy Director, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3524, FP Building, Washington, DC 20210

Phone: 202 219-7503

Fax: 202 219-4321

RIN: 1215-AB18

DOL—ESA

Final Rule Stage

1907. • AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING INDIVIDUALS WITH DISABILITIES

Priority: Substantive, Nonsignificant
Legal Authority: 29 USC 706; 29 USC 793; EO 11758
CFR Citation: 41 CFR 60-741 (Revision)
Legal Deadline: None

Abstract: This final rule revises appendix C to the regulations implementing section 503 of the Rehabilitation Act of 1973. Appendix C contains procedures that Government contractors may use to review their personnel processes to ensure that the processes are fair to disabled applicants and employees. The existing appendix recommends that contractors attach or include a description of accommodations considered or used for individuals with disabilities to

application forms or personnel records. As revised, the appendix recommends that the description of accommodations be maintained in separate confidential medical files.

The revision results from a comment submitted by the Equal Employment Opportunity Commission in response to OFCCP's NPRM under the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA), which contains a similar appendix. The EEOC submitted that in most instances descriptions of accommodations constitute medical information that, under the Americans with Disabilities Act, must be maintained in separate files and treated as confidential medical records.

Accordingly, the revision is required in order to ensure that contractors complying with section 503 will not inadvertently violate the Americans with Disabilities Act. The revision also ensures continued consistency between

OFCCP's rules under Section 503 and VEVRAA, which minimizes contractor burdens and confusion.

Timetable:

Action	Date	FR Cite
Final Action	04/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210
 Phone: 202 219-9430
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RIN: 1215-AB19

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Employment Standards Administration (ESA)

1908. DEFINING AND DELIMITING THE TERM "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY" (ESA/W-H)

Priority: Economically Significant. Major under 5 USC 801.
Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.
Legal Authority: 29 USC 213(a)(1)
CFR Citation: 29 CFR 541
Legal Deadline: None

Abstract: These regulations set forth the criteria for exemption from the Fair Labor Standards Act's minimum wage and overtime requirements for "executive," "administrative," "professional" and "outside sales employees." To be exempt, employees must meet certain tests relating to duties and responsibilities and be paid on a salary basis at specified levels. A final rule increasing the salary test levels was published on January 13, 1981 (46 FR 3010), to become effective on February 13, 1981, but was indefinitely stayed on February 12, 1981 (46 FR 11972). On March 27, 1981, a proposal to suspend the final rule indefinitely was published (46 FR

18998), with comments due by April 28, 1981. As a result of numerous comments and petitions from industry groups on the duties and responsibilities tests, and as a result of recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed. An ANPRM reopening the comment period and broadening the scope of review to include all aspects of the regulations was published on November 19, 1985, with the comment period subsequently extended to March 22, 1986.

The Department has revised these regulations since the ANPRM to address specific issues. In 1991, as the result of an amendment to the Fair Labor Standards Act (FLSA), the regulations were revised to permit certain computer systems analysts, computer programmers, software engineers, and other similarly skilled professional employees to qualify for the exemption, including those paid on an hourly basis if their rates of pay exceed 6-1/2 times the applicable minimum wage. Also, in 1992 the Department issued a final rule which provided, in part, that an otherwise exempt public sector employee would not be disqualified from the exemption's requirement for payment

on a "salary basis" solely because the employee is paid according to a public pay and leave system that, absent the use of paid leave, requires the employee's pay to be reduced for absences of less than one workday. In addition, a number of court rulings have caused confusion on the factors to consider in meeting the regulation's "salary basis" criteria, in both the public and private sectors.

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal To Suspend Rule Indefinitely	03/27/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period From 01/21/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM	04/00/99	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy Administrator, Wage and Hour

DOL—ESA

Long-Term Actions

Division, Department of Labor,
Employment Standards Administration,
200 Constitution Avenue NW., Room
S3502, FP Bldg., Washington, DC 20210
Phone: 202 219-8305

RIN: 1215-AA14

**1909. 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

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

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John R. Fraser,
Deputy 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

**1910. 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)

Completed Actions

Employment Standards Administration (ESA)

**1911. PROCEDURES FOR HANDLING
DISCRIMINATION COMPLAINTS
UNDER FEDERAL
"WHISTLEBLOWER" PROTECTION
STATUTES**

Completed:

Reason	Date	FR Cite
Transfer Development to RIN 1218-AB75	11/05/97	

RIN: 1215-AA83

**1912. 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

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

DOL—ESA

Completed Actions

reduce duplicative text as part of the regulatory reinvention initiative.

Timetable:

Action	Date	FR Cite
NPRM	02/14/97	62 FR 7093
NPRM Comment Period End	04/15/97	
Final Action	12/09/97	62 FR 64956
Final Action Effective	02/09/98	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy 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

1913. CIVIL MONEY PENALTIES ADJUSTMENT OF THE LONGSHORE ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 939; 28 USC 2461

CFR Citation: 20 CFR 702.204; 20 CFR 702.236; 20 CFR 702.271

Legal Deadline: None

Abstract: Proposed adjustment to civil money penalties levied under Longshore and Harbor Workers' Compensation Act as required by Federal Civil Monetary Penalties Inflation Act of 1990, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/02/97	62 FR 35715
NPRM Comment Period End	08/01/97	
Final Action	10/17/97	62 FR 53955
Final Action Effective	11/17/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shelby Hallmark, Deputy Director, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3524, FP Building, Washington, DC 20210
Phone: 202 219-7503
Fax: 202 219-4321

RIN: 1215-AB17

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

1914. 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	04/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Tribal

Agency Contact: Thomas Dowd, Chief, Division of Indian and Native American 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-AA96

1915. 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 \$69 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	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Dowd, Chief, Division of Migrant and Seasonal Farm, Worker Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4641, FP Building, Washington, DC 20210
Phone: 202 219-8502
Fax: 202 219-6338
Email: dowdt@doleta.gov

RIN: 1205-AA99

DOL—ETA

Proposed Rule Stage

1916. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM, AMENDMENT TO REGULATIONS**Priority:** Other Significant**Legal Authority:** 42 USC 1302; 42 USC 5177; EO 12673**CFR Citation:** 20 CFR 625**Legal Deadline:** None

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

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	09/00/98	

Small Entities Affected: Governmental Jurisdictions**Government Levels Affected:** State, Federal

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

Phone: 202 219-5616

RIN: 1205-AB02

1917. 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
ANPRM	01/16/97	62 FR 2543
ANPRM Comment Period End	03/17/97	
NPRM	12/00/98	

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

Agency Contact: Sandra King, Chief, Division of Performance Review, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4522, FP Building, Washington, DC 20210

Phone: 202 219-5223

Fax: 202 219-8506

Email: kings@doleta.gov

RIN: 1205-AB10

1918. • AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM**Priority:** Other Significant**Legal Authority:** 49 USC 1552**CFR Citation:** 20 CFR 618**Legal Deadline:** None

Abstract: U.S. District Court for the District of Columbia held that section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that employee protection provisions of section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987, that the legislative veto provisions were unconstitutional but the employee protection provisions were constitutional; therefore, rulemaking on the monetary benefits aspect of the employee protection program can proceed. In 1991 DOT determined there were no job losses due to deregulation. In September 1993, the U.S. District Court for the District of Columbia ordered DOT to develop broader guidelines to apply to air carriers, which may result in a finding of job losses. DOL has reinstated clearance on the proposed rule. No benefits are payable to eligible workers until DOT determines that an air carrier experienced a qualifying dislocation and Congress appropriates the money to award benefits. To date, neither of these actions has occurred.

Timetable:

Action	Date	FR Cite
NPRM	09/00/98	

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

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

Phone: 202 219-5616

RIN: 1205-AB17

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

Final Rule Stage

1919. 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	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Russ Kile, Program Manager, 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

1920. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—TRANSITIONAL ADJUSTMENT ASSISTANCE NAFTA-TAA

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

Legal Authority: PL 103-182, title V

CFR Citation: 20 CFR 617

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/17/95	60 FR 3472
NPRM Comment Period End	03/20/95	
Final Action	09/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Russ Kile, Program Manager, 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

1921. ● INDIAN AND NATIVE AMERICAN WELFARE-TO-WORK PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 612(a)(3)(c)(iii), The Social Security Act, as amended

CFR Citation: 20 CFR 646

Legal Deadline: Final, Statutory, November 4, 1997.

The above citation mandates that the Secretary prescribe regulations within 90 days of enactment, which was August 5, 1997. to publish Interim Final rule by October 31, 1998.

Abstract: These are program regulations needed to implement the Indian and Native American set aside under the Welfare-to-Work program, authorized by section 412(a)(3) of the Social Security Act, as amended.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: Tribal

Agency Contact: Thomas Dowd, Chief, Division of Indian and Native American Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4641, FP Building, Washington, DC 20210
 Phone: 202 219-8502
 Fax: 202 219-6338
 Email: dowdt@doleta.gov

RIN: 1205-AB16

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

Long-Term Actions

1922. 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.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Federal

DOL—ETA

Long-Term Actions

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: 202 219-5257

RIN: 1205-AA37

1923. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Priority: Other Significant

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

Legal Authority: INA 212(a)(5)(A)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: The Department of Labor
(DOL) is currently re-engineering the
labor certification process that is set
forth in DOL regulations at 20 CFR 656.
DOL's goals are to make fundamental
changes and refinements that will (a)
better serve customers, (b) streamline
the process, (c) improve effectiveness,
and (d) save resources. The re-
engineering effort is a collaborative
effort of Federal and State staff who
are involved in the administration of
alien certification programs. The re-
engineering effort also involves
consultation throughout the process
with sponsors, stakeholders, State
partners, and outside interest groups to
solicit ideas and suggestions for change.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State,
Federal

Agency Contact: James Norris,
Director, Division of Foreign Labor
Certifications, Department of Labor,
Employment and Training
Administration, 200 Constitution
Avenue NW., Room N4641, FP
Building, Washington, DC 20210
Phone: 202 219-5263
Fax: 202 219-5844
Email: jnorris@doleta.gov

RIN: 1205-AA66

1924. 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

1925. ESTABLISHMENT OF FEES FOR IMMIGRATION PROGRAMS ADMINISTERED BY THE EMPLOYMENT AND TRAINING ADMINISTRATION

Priority: Other Significant

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The regulation would
establish a new fee charged to
employers, for processing of alien labor
certification and attestation
applications by the Department of
Labor (DOL) and State Employment
Security Agencies. The user fee would
be proposed in the FY 1998
Reconciliation Bill. The user fee would
be a government receipt and would be
applied to Federal and State
expenditures for Federal and State
program administration in the State
Unemployment Insurance and
Employment Service account and the
Program Operations Account in DOL's

Employment and Training
Administration (ETA).

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State,
Local

Additional Information: Funding of
ETA immigration programs has been
reduced by 39 percent since FY 1995.
The fee proceeds would be used to
offset the costs of administering the
alien labor certification program.
However, in each of Fiscal Years 1998
and 1999 regular appropriations of \$41
million would be required in addition
to user fees to work off a large backlog
of applications already in the pipeline
and future growing backlogs created
primarily by appropriations reduction
in FY 1996 and 1997.

Agency Contact: James Norris,
Director, Division of Foreign Labor
Certification, Department of Labor,
Employment and Training
Administration, 200 Constitution
Avenue NW., Room N4641, FP
Building, Washington, DC 20210
Phone: 202 219-5263
Fax: 202 219-5844
Email: jnorris@doleta.gov

RIN: 1205-AB14

1926. WELFARE-TO-WORK (WTW) GRANTS

Priority: Other Significant

Legal Authority: 42 USC 601-619

CFR Citation: 20 CFR 645

Legal Deadline: Final, Statutory,
November 3, 1997.
90 days from enactment

Abstract: The Employment and
Training Administration published
interim final regulations on November
18, 1997 implementing the Welfare-to-
Work Grants Program. The Personal
Responsibility and Work Opportunity
Reconciliation Act reformed the
Nation's welfare laws, when enacted in
August 1996, by creating a new system
of block grants to the States for
Temporary Assistance for Needy
Families (TANF). Moving people from
welfare to work is one of the primary
goals of Federal welfare policy as well
as one of five goals the Secretary of
Labor has identified for the Department
of Labor. Section 5001 of the Balanced
Budget Act of 1997 authorized the
Department of Labor to provide
Welfare-to-Work Grants to States and

DOL—ETA

Long-Term Actions

local communities to create additional job opportunities for the hardest-to-employ recipients of TANF. The Welfare-to-Work Grants will be provided to the States through the use of a formula, and in a competitive process to local communities. A small amount of total grant funds will be set aside for special purposes: One percent for Indian tribes, 0.8 percent for performance bonuses to successful States.

The interim final regulations and other guidance focus on providing maximum local flexibility. Guidance and regulations reflect minimal amplification of the law and provide further information or clarification as needed to make the program operational. Existing regulations and systems are used wherever possible. Reporting requirements will assure

program integrity and provide timely information for tracking performance. Performance measures will be established and will serve as the basis for the award of FY 2000 bonus grants to the States based on successful performance. Products provided to link welfare agencies and workforce development system agencies at the operational level of service provision to welfare recipients in order to maximize resources available and avoid duplication and overlap. Leveraging of non-Federal resources at the State and local level is encouraged.

These funds will allow States and local communities to help move eligible individuals into jobs by: job creation through public or private sector wage subsidies; on-the-job training; contracts with public or private providers of job readiness, job placement, and post-employment services; job vouchers for

similar services; community service or work experience; or job retention and supportive services (if such services are not otherwise available).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/18/97	62 FR 61587
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

Agency Contact: Dennis Lieberman, Acting Director, Office of Welfare to Work, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4524, FP Building, Washington, DC 20210
Phone: 202 708-7185

RIN: 1205-AB15

DEPARTMENT OF LABOR (DOL)

Completed Actions

Employment and Training Administration (ETA)

1927. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS; RESEARCHERS EMPLOYED BY COLLEGES AND UNIVERSITIES

Priority: Other Significant

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 employment of aliens 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	

Action	Date	FR Cite
Final Action	03/20/98	63 FR 13756
Final Action Effective	05/04/98	

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)

Prerule Stage

Pension and Welfare Benefits Administration (PWBA)

1928. • AMENDMENTS TO SUMMARY PLAN DESCRIPTION REGULATIONS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1024; 29 USC 1135

CFR Citation: 29 CFR 2520.102-3; 29 CFR 2520.102-5

Legal Deadline: None

Abstract: These proposed amendments to the regulations governing the contents of summary plan descriptions are intended to ensure that all participants in group health plans are provided, consistent with the recommendations of the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry, understandable

information concerning their plan; provider network composition; preauthorization and utilization review procedures; whether, and under what circumstances, coverage is provided for existing and new drugs; and whether, and under what circumstances coverage is provided for experimental drugs, devices and procedures. These amendments will include the repeal of special rules limiting the information

DOL—PWBA

Prerule Stage

that must be included in summary plan descriptions with respect to certain health maintenance organizations.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

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: 202 219-8521

RIN: 1210-AA69

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)

1929. 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. The Department has determined to develop a revised proposal utilizing the negotiated rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	08/01/95	60 FR 39208
NPRM Comment Period Extended to 11/16/95	09/29/95	60 FR 50508
NPRM Comment Period End	10/02/95	60 FR 39208
NPRM Second	09/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elizabeth Goodman, 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

1930. REVISION OF THE FORM 5500 SERIES AND IMPLEMENTING AND RELATED REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)

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

Unfunded Mandates: Undetermined

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

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

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Under title I of ERISA, title IV of ERISA, and the Internal Revenue Service code, as amended, pension and other employee benefit plans are generally required to file returns/reports annually concerning, among other things, the financial condition and operations of the plan. These annual reporting requirements are satisfied generally by filing the form 5500 series in accordance with its instructions and related regulations. The Department of Labor, IRS, and PBGC are undertaking a comprehensive

review of the annual return/report forms in an effort to streamline the information required to be reported and the methods by which such information is filed and processed.

Timetable:

Action	Date	FR Cite
Proposed Forms Revisions	09/03/97	62 FR 46556
Proposed Forms Comment Period End	11/03/97	
NPRM	05/00/98	
Final Action	11/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Public hearing held November 17, 1997. Hearing comment period ended 12/31/97.

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

RIN: 1210-AA52

1931. RULEMAKING RELATING TO NOTICE REQUIREMENTS FOR CONTINUATION OF HEALTH CARE COVERAGE

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 1135; 29 USC 1136

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rulemaking will provide guidance concerning the notification requirements pertaining to continuation coverage under the Employee Retirement Income Security Act of 1974 (ERISA). Section 606 of ERISA requires that group health plans provide employees notification of the

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Proposed Rule Stage

continuation coverage provisions of the plan and establishes notification obligations upon plan administrators, employers, employees and qualified beneficiaries relating to certain qualifying events.

Timetable:

Action	Date	FR Cite
ANPRM	09/23/97	62 FR 49894
ANPRM Comment Period End	11/24/97	
NPRM	10/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Susan Lahne, Senior Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210
Phone: 202 219-0521

RIN: 1210-AA60

1932. REQUEST FOR INFORMATION CONCERNING EMPLOYEE BENEFIT PLAN CLAIMS PROCEDURES

Priority: Info./Admin./Other

Legal Authority: 29 USC 1133; 29 USC 1135

CFR Citation: 29 CFR 2550.503-1

Legal Deadline: None

Abstract: The Department is requesting information from the public concerning the advisability of amending existing regulations setting forth minimum requirements for employee benefit plan claims procedures. The Department is seeking information to assist it in, among other things, evaluating the extent to which current claims procedure regulations assure that group health plan participants and beneficiaries have effective and timely means of filing and resolving claims for medical care benefits.

Timetable:

Action	Date	FR Cite
Request for Information-- Amendment of Regulations on Plan Claims Procedures	09/08/97	62 FR 47262
Comment Period End	11/07/97	
NPRM	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Lahne, Staff Attorney, Senior Pension Law

Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210
Phone: 202 219-0521

RIN: 1210-AA61

1933. REPORTING REQUIREMENTS FOR MEWAS PROVIDING MEDICAL CARE BENEFITS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These proposed rules will govern certain reporting requirements under title I of the Employee Retirement Income Security Act of 1974, as amended (ERISA) for multiple employer welfare arrangements (MEWAs) that provide benefits consisting of medical care. In part, the rules will implement recent changes made to ERISA by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The proposed rules will also set forth elements that MEWAs would be required to file with the Department of Labor for the purpose of determining compliance with the portability, nondiscrimination, renewability and other requirements of part 7 of Subtitle B of title I of ERISA including the requirements of the Mental Health Parity Act of 1996 and the Newborns' and Mothers' Protection Act of 1996. The proposed rules would also provide guidance with respect to section 502(c)(5) of ERISA, which authorizes the Secretary of Labor to assess a civil penalty of up to \$1,000 a day for failure to comply with the new reporting requirements.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), PL 104-191, was enacted on August 21, 1996. HIPAA amended the Employee Retirement Income Security Act of 1974, as amended (ERISA) to provide for, among other things, improved portability and continuity of health insurance coverage. The Newborns' and Mothers' Health Protection Act of 1996 (NMHPA), PL 104-204, and the Mental Health Parity Act of 1996 (MHPA) also PL 104-204, were enacted on September 26, 1996 to provide protection for

mothers and their newborn children with regard to the length of hospital stays following birth and parity in the application of limits for certain mental health benefits with limits on medical and surgical benefits, respectively. All of the above provisions are set forth in a new part 7 of Subtitle B of title I of ERISA.

Section 101(g)(h) of ERISA, as amended by HIPAA, provides that the Secretary of Labor may prescribe reporting requirements for multiple employer welfare arrangements (MEWAs) that provide benefits consisting of medical care but are not group health plans within the meaning of title I of ERISA. The reporting requirements of section 101(g)(h) of ERISA, as well as the related civil penalty provisions of section 502(c)(5) of ERISA, are intended to help determine the extent to which the requirements of part 7 of Subtitle B of title I of ERISA are being carried out in connection with the provision of medical care by such MEWAs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The Department has statutory authority to publish this rule as an interim final rule, with a request for comments. A determination has yet to be made with regard to whether the rule should be promulgated on an interim basis.

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

RIN: 1210-AA64

1934. ELIMINATION OF FILING REQUIREMENTS FOR SUMMARY PLAN DESCRIPTIONS

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 eliminate existing text in the CFR.

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

DOL—PWBA

Proposed Rule Stage

CFR Citation: 29 CFR 2520.104a-1; 29 CFR 2520.104a-2; 29 CFR 2520.104a-3; 29 CFR 2520.104a-4; 29 CFR 2520.104a-5; 29 CFR 2520.104a-6; 29 CFR 2520.104a-7

Legal Deadline: None

Abstract: This rulemaking will remove from the CFR certain regulations that have been superseded by amendments to title I of ERISA effected by the Taxpayer Relief Act of 1997 (PL 105-34), that eliminate the requirement for plan administrators to file summary plan descriptions (SPDs), summary material modifications (SMMs), and updated SPDs with the Department of Labor. Under the amendments, plan administrators must continue to furnish participants and beneficiaries with copies of these documents. A separate rulemaking (RIN: 1210-AA67 and 1210-AA68) will implement the Taxpayer Relief Act amendments that require plan administrators to furnish copies of SPDs and any other documents relating to the plan to the Department on request, and authorize the Secretary of Labor to assess a civil penalty for failure to do so.

Timetable:

Action	Date	FR Cite
NPRM	08/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

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

RIN: 1210-AA66

1935. REQUIREMENT TO FURNISH PLAN DOCUMENTS UPON REQUEST BY THE SECRETARY OF LABOR

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 2520.104(a)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

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

RIN: 1210-AA67

1936. CIVIL PENALTY FOR FAILURE TO FURNISH CERTAIN PLAN DOCUMENTS

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

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

RIN: 1210-AA68

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

1937. AMENDMENT OF SUMMARY PLAN DESCRIPTION AND RELATED ERISA REGULATIONS TO IMPLEMENT STATUTORY CHANGES IN THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

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

Unfunded Mandates: Undetermined

Legal Authority: PL 104-191 section 101; PL 104-204 section 603

CFR Citation: 29 CFR 2520.102-3; 29 CFR 2520.104b-1; 29 CFR 2520.104b-3

Legal Deadline: NPRM, Statutory, April 1, 1997.
Per Section 707 of ERISA, as added by Section 101 of HIPAA.

Abstract: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) amended ERISA's summary plan description (SPD) and related reporting and disclosure provisions to require that participants and beneficiaries receive from their

group health plans: (i) more timely notice if there is a material reduction in services or benefits under the plan; (ii) more information regarding the financing and administration of the plan; and (iii) specific identification of Department of Labor offices through which they can seek assistance or information about HIPAA. This rulemaking will amend the Department's SPD and related regulations to implement those statutory changes.

DOL—PWBA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/97	62 FR 16979
Interim Final Rule Comment Period End	05/31/97	
Interim Final Rule Effective	06/01/97	
Final Action	09/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John J. Canary, 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: 202 219-8521

RIN: 1210-AA55

1938. 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 benefit 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 1999 and future plan years.

Timetable:

Action	Date	FR Cite
Request for Comments	03/13/97	62 FR 11424
NPRM Comment Period End	05/12/97	
Final Action	06/00/98	

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

1939. 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-1); 29 CFR 2510.3-101

Legal Deadline: NPRM, Statutory, June 30, 1997. Final, Statutory, December 31, 1997. Other, Statutory, September 30, 1997.

The statute specifies that 6/30/99 is the latest date as to which the regulation shall take effect and that the regulation shall generally not take effect until 18 months after it becomes final.

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) specifies the timetable by which the Secretary must issue regulatory guidance concerning this provision.

Timetable:

Action	Date	FR Cite
Request for Information	11/25/96	61 FR 59845

Action	Date	FR Cite
NPRM	12/22/97	62 FR 66908
NPRM Comment Period End	03/23/98	
Final Action	10/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ivan L. Strasfeld, Director of Exemption Determinations, 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

1940. INTERIM RULES RELATING TO HEALTH CARE STANDARDS FOR MOTHERS AND NEWBORNS

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: Secs. 107, 209, 505, 701-703, 711, 712, 731-734 of ERISA (29 U.S.C. 1027, 1059, 1135, 1171-1173, 1181, 1182, 1191-1194), and amended by HIPAA (Pub. L. 104-191,

DOL—PWBA

Final Rule Stage

101 Stat. 1936) and NMHPA (Pub. L. 104-204) and Secretary of Labor's Order No. 1-87, 52 FR 13139, April 21, 1987.

Agency Contact: Amy Scheingold, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution

Avenue NW., Room N5669, FP Building, Washington, DC 20210
Phone: 202 219-8671
RIN: 1210-AA63

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Pension and Welfare Benefits Administration (PWBA)

1941. ADEQUATE CONSIDERATION

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1002(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/18/88	
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

1942. 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 Period End	08/20/90	55 FR 25284
Next Action	Undetermined	

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

1943. 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.

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	
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: 202 219-8521

RIN: 1210-AA44

DOL—PWBA

Long-Term Actions

1944. REGULATIONS IMPLEMENTING THE HEALTH CARE ACCESS, PORTABILITY AND RENEWABILITY PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, April 1, 1997.

Per Section 707 of ERISA, as added by Section 101 of HIPAA

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/97	62 FR 16894
Interim Final Rule Effective	06/07/97	
Interim Final Rule Comment Period End	07/07/97	
Final Action	12/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Daniel J. Maguire, Director, Health Care Task Force, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N-4611, FP Building, Washington, DC 20210

Phone: 202 219-4592

RIN: 1210-AA54

1945. INTERIM RULES RELATING TO MENTAL HEALTH BENEFITS PARITY

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; 29 USC 1182 (PL 104-204; 110 Stat 2944); 29 USC 1194

CFR Citation: Not yet determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/22/97	62 FR 66932
Final Action	12/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: None

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

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

RIN: 1210-AA62

1946. INDIVIDUAL BENEFITS REPORTING REQUIREMENTS FOR DEFINED CONTRIBUTION PLANS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520.105-1

Legal Deadline: None

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

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1210-AA65

DEPARTMENT OF LABOR (DOL)

Completed Actions

Pension and Welfare Benefits Administration (PWBA)

1947. AMENDMENT OF REGULATIONS RELATING TO DEFINITION OF "PLAN ASSETS"—PARTICIPANT CONTRIBUTIONS (SIMPLE PLAN)

Priority: Substantive, Nonsignificant

Legal Authority: PL 93-406, Sec 505 of ERISA, 88 Stat 894, 29 USC 1135; Sec 102 of Reorg. Plan No. 4 of 1978 (43

FR 47713, 10/17/78); Secretary of Labor's Order No. 1-87 (52 FR 13139, 4/21/87)

CFR Citation: 29 CFR 2510.3-102

Legal Deadline: None

Abstract: The purpose of this rulemaking is to harmonize the rules under title I of ERISA concerning when

participant contributions will be considered assets of the plan with a recent amendment of section 408(p) of the Internal Revenue Code section 1426 of the Small Business Job Protection Act of 1996, (P.L. 104-108) which specifies a different maximum time period for depositing salary reduction elective contributions to Savings

DOL—PWBA

Completed Actions

Incentive Match Plans for Employees (SIMPLE plans) involving Individual Retirement Accounts (IRAs). Specifically, this amendment of the Department's plan asset - participant contributions regulation will provide for a maximum time period with respect to SIMPLE plans of 30 days following the last day of the month with respect to which the contributions are made, consistent with section 408(p) of the Code.

Timetable:

Action	Date	FR Cite
NPRM	03/27/97	62 FR 14760
NPRM Comment Period End	05/27/97	
Final Action	11/25/97	62 FR 62934
Final Action Effective	11/25/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rudy Nuissl, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210
Phone: 202 219-7471
Fax: 202 219-7291

RIN: 1210-AA59

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

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Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 812

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 90

Legal Deadline: None

Abstract: The Federal Coal Mine Health and Safety Act of 1969 established the first comprehensive respirable dust standards for coal mines. These standards were designed to reduce the incidence of coal workers' pneumoconiosis ("black lung") and silicosis and eventually eliminate these diseases. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners continue to be at risk of developing occupational lung disease, according to the National Institute for Occupational Safety and Health. In February 1996, the Secretary convened a Federal Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners (Advisory Committee) to assess the adequacy of MSHA's current program and standards to control respirable dust in underground and surface coal mines, as well as other ways to eliminate black lung and silicosis among coal miners. The Committee submitted its report to the Secretary in November 1996, with the majority of the recommendations unanimously supported by the Committee members.

MSHA has completed a preliminary review of the Advisory Committee's recommendations. There are 20 principal recommendations set out in the Advisory Committee report, which are further subdivided into a total of approximately 100 distinct action

items. MSHA has evaluated the recommendations and will respond to them in an orderly fashion. The agency issued a status report notifying the public of MSHA's actions on the Advisory Committee's recommendations. More than one-third of the action items have been either fully implemented or approval of the proposed agency action is pending, while staff work on some 36 other action items is currently underway.

Timetable:

Action	Date	FR Cite
Availability of Recommendations	11/26/96	61 FR 60120
Agency Response to Advisory Committee Recommendations	01/24/97	62 FR 3717
Policy Document - Phase 1 Press Release - Effective 6/15/97	05/05/97	
Policy Document - Phase 2	12/31/97	62 FR 68372
Policy Document - Phase 3	05/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: X-ray surveillance is a separate regulation (1219-AB09).

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RIN: 1219-AA81

1949. 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. MSHA invites the public to submit any comments they may have on these training requirements before the end of the review period.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	09/00/98	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

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RIN: 1219-AB02

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

1950. DIESEL PARTICULATE

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: Several epidemiological studies have found that diesel exhaust presents potential health risks to workers. These possible health effects range from headaches and nausea to respiratory disease and cancer. In 1988, the National Institute for Occupational Safety and Health recommended that "whole diesel exhaust be regarded as a potential occupational carcinogen." In addition, in 1989 the International Agency for Research on Cancer concluded that "diesel engine exhaust is probably carcinogenic to humans."

In 1988, a Secretarial advisory committee made recommendations to the Secretary of Labor concerning safety and health standards for the use of diesel-powered equipment in underground coal mines. One of the recommendations was that the Secretary of Labor set in motion a mechanism whereby a diesel particulate standard could be set. Based on that recommendation, MSHA published an advance notice of proposed rulemaking, in January 1992, seeking information relative to exposure limits, risk assessment, sampling and monitoring methods, and control feasibility. Because of the potential health risk, MSHA plans to publish a proposed rule establishing new health standards for underground coal mines that use equipment powered by diesel engines.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/92	57 FR 500
ANPRM Comment Period End	07/10/92	57 FR 7906
NPRM	04/00/98	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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RIN: 1219-AA74

1951. 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, 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	12/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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

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RIN: 1219-AA76

1952. 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	11/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA83

1953. 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 are a leading 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 "blind spots."

DOL—MSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA93

1954. SAFETY STANDARDS FOR THE USE OF ROOF BOLTING MACHINES

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57; 30 CFR 75

Legal Deadline: None

Abstract: 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 issued an Advance Notice of Proposed Rulemaking to obtain additional information and data on mine operators' experiences with these machines.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/97	62 FR 64789
ANPRM Comment Period End	02/09/98	
Extension of Comment Period to 3/9/98	02/12/98	63 FR 7089
NPRM	09/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA94

1955. 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	09/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA96

1956. ELECTRICAL STANDARDS FOR METAL AND NONMETAL MINES

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

Abstract: Electric power is widely used in the mining and processing of minerals. Large, highly productive mining equipment, such as continuous miners, loaders, shuttle cars, draglines, shovels and drills, are electrically powered. In addition, electricity is used for the transportation of material on conveyors, for electric railroads, and for processing plants. MSHA's accident records related to inadequate equipment grounding support the need for improved safety standards. The number of electrical accidents could be reduced by proper equipment grounding. The proposed rule would revise MSHA's existing safety standards addressing hazards associated with the grounding of circuits, equipment, and metal enclosures at surface and underground metal and nonmetal mines. The proposed standard would specify requirements for grounding conductors to ensure that safe methods of grounding are used.

Timetable:

Action	Date	FR Cite
NPRM	08/00/98	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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RIN: 1219-AB01

DOL—MSHA

Proposed Rule Stage

1957. SELF-CONTAINED SELF-RESCUE DEVICES IN UNDERGROUND METAL AND NONMETAL MINES**Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 57**Legal Deadline:** None

Abstract: The proposed rule would revise existing standards and add new standards to require certain operators of underground metal and nonmetal mines to make self-contained self-rescue devices (SCSRs) available to miners. SCSRs are emergency breathing units that generate oxygen. Existing MSHA standards require that SCSRs be available for emergencies at all underground coal mines. MSHA expects that this proposed rule would affect fewer than 20 metal and nonmetal mines where methane has been detected.

Timetable:

Action	Date	FR Cite
NPRM	08/00/98	

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

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RIN: 1219-AB06**1958. ● OCCUPATIONAL EXPOSURE TO COAL MINE DUST****Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 70.100 et seq; 30 CFR 71.100 et seq; 30 CFR 90.100 et seq; 30 CFR 72.100 et seq**Legal Deadline:** None

Abstract: Upon careful review of the NIOSH criteria document Occupational Exposure to Coal Mine Dust and review of the recommendations of the Advisory Committee on Elimination of Pneumoconiosis Among Coal Mine Workers, MSHA finds that there remains unacceptable risk to miners' health at the current exposure limit for dust in coal mines. Therefore, the Agency is reviewing options for lowering this risk.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

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

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RIN: 1219-AB08**1959. ● X-RAY SURVEILLANCE PROGRAM FOR SURFACE COAL MINERS****Priority:** Other Significant**Legal Authority:** 80 USC 811**CFR Citation:** 30 CFR 72; 30 CFR 90; 42 CFR 37**Legal Deadline:** None

Abstract: In 1996 the Secretary of Labor appointed an Advisory Committee to make recommendations on ways to eliminate Black Lung and Silicosis among coal miners. The Advisory Committee voted unanimously to extend the x-ray medical surveillance program currently offered to underground coal miners to surface coal miners. Based on this recommendation and the recommendation of a NIOSH criteria document issued in 1995, the proposed rule would establish new requirements under 30 CFR part 72 to include surface coal miners in the x-ray medical surveillance program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/98	

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

Additional Information: In a companion rulemaking the National Institute for Occupational Safety and Health, HHS, would revise related regulations contained in 42 CFR part 37.

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RIN: 1219-AB09**1960. ● SAFETY STANDARDS FOR UNDERGROUND COAL MINE VENTILATION****Priority:** Other Significant**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 75.360(a)(1)**Legal Deadline:** None

Abstract: MSHA is proposing to amend section 75.360(a)(1) by requiring preshift examinations to be conducted within 3 hours preceding the beginning of any 8-hour interval during which any person is scheduled to work or travel underground. MSHA's 1996 final rule revising its standards for ventilation of underground coal mines was challenged in the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). The D.C. Circuit reviewed the validity of the rule and issued an order invalidating, on procedural grounds only, section 75.360(a)(1).

In response to the order, the Agency published a notice in the Federal Register reinstating the portion of the previous regulation requiring a preshift examination to be conducted prior to the beginning of any shift. This proposed rule is identical to the standard promulgated in the 1996 final rule which was invalidated by the D.C. Circuit.

The general practice in the mining industry at the time the Mine Act was enacted was for coal miners to work in shifts of 8 hours. Thus, the effect of the preshift examination requirement was that examiners conducted preshift examinations every 8 hours. However, over a period of time, overlapping work shifts and work shifts exceeding 8 hours have become common. MSHA continues to believe that it is necessary to address the issues surrounding the preshift examination interval. The proposal would clarify and standardize the application of the preshift examination requirements to assure that these examinations are concluded within appropriate time frames.

MSHA has determined that this proposed rule does not meet the criteria

DOL—MSHA

Proposed Rule Stage

of a significant regulatory action. The proposal would cost under \$1 million dollars and will only affect approximately 230 underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	07/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: MSHA published a notice reinstating the portion of the previous regulation requiring a preshift examination be conducted prior to the beginning of any shift. June 30, 1997 (62 FR 35085).

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RIN: 1219-AB10

1961. • DIESEL PARTICULATE MATTER EXPOSURE OF UNDERGROUND METAL AND NONMETAL MINES

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 961; 30 USC 957

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: The proposed rule would establish new health standards for underground metal and nonmetal mines that use equipment powered by diesel engines. The proposed rule would reduce the risks to underground metal and nonmetal miners of serious health hazards associated with exposure to high concentrations of diesel particulate matter.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB11

1962. • RESPIRABLE CRYSTALLINE SILICA STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70.101 et seq; 30 CFR 90.101 et seq; 30 CFR 71.101 et seq; 30 CFR 72.101 et seq

Legal Deadline: None

Abstract: Existing respirable dust standards limit respirable dust when quartz (crystalline silica) is present. MSHA is considering a new standard specifying a separate exposure limit for silica (not tied to the respirable dust standard). This is in response to recommendations of the Advisory Committee on the Elimination of Pneumoconioses Among Coal Mine Workers who felt that separate standards for coal mine dust and for silica "should aid in targeting mining situations where silica exposure constitutes a significant hazard."

Timetable:

Action	Date	FR Cite
NPRM	12/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB12

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Mine Safety and Health Administration (MSHA)

1963. 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

Action	Date	FR Cite
NPRM Comment Period End	01/31/92	56 FR 48720
Final Action	10/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA47

DOL—MSHA

Final Rule Stage

1964. AIR QUALITY, CHEMICAL SUBSTANCES, AND RESPIRATORY PROTECTION STANDARDS

Priority: Other Significant

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

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 58; 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90

Legal Deadline: None

Abstract: MSHA's current air quality standards for exposure to hazardous airborne contaminants were promulgated over 25 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. MSHA will be issuing the final rule in phases. Phase 2 addresses respiratory protection. MSHA also is considering alternatives which may address selected PELs applicable to some of the most serious hazards found in metal and nonmetal and coal mines. 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 - Respiratory Protection	08/00/98	
Final Action Phase 3 - PELs	12/00/98	

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Tribal, Federal

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RIN: 1219-AA48

1965. NOISE STANDARD

Priority: Other Significant

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

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 62; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: Notwithstanding MSHA's firm enforcement of its current noise regulations, miners are continuing to incur hearing impairment. Data indicate that hearing impairment can be reduced significantly, however, if effective protective action is used both to reduce or eliminate the noise and to minimize exposure to the noise. MSHA will publish a final rule applicable to all types of mining which would require that protective measures be taken where exposure to noise is at a level lower than that which is currently permitted. The final rule may require, for example, that the mine operator make audiometric testing available and provide hearing protection under particular circumstances when a miner's exposure exceeds the "action level."

Timetable:

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 50209
ANPRM Comment Period End	06/22/90	55 FR 6011
NPRM	12/17/96	61 FR 66348
Extension of Comment Period to 4/21/97; Notice of Public Hearings	02/06/97	62 FR 5554

Action	Date	FR Cite
Hearings - Date Change Extension of Comment Period to 6/20/97	03/03/97	62 FR 9404
Extension of Comment Period to 8/1/97	06/13/97	62 FR 32252
NPRM Comment Period End	08/01/97	62 FR 32252
Availability of Report	12/16/97	62 FR 65777
Request for Comments Availability	12/23/97	62 FR 67013
Extension of Comment Period	01/16/98	63 FR 2642
Final Action	06/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA53

1966. LONGWALL EQUIPMENT (INCLUDING HIGH-VOLTAGE)

Priority: Other Significant

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

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: 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-

DOL—MSHA

Final Rule Stage

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 final rule will 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	10/00/98	

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.

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RIN: 1219-AA75

1967. INDEPENDENT LABORATORY TESTING

Priority: Substantive, Nonsignificant

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

Legal Authority: 30 USC 957

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

Legal Deadline: None

Abstract: 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 certified mine equipment performed by independent laboratories which will improve the health and safety of miners. 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 Period End	02/21/95	
Public Hearing Notice	10/10/95	60 FR 52640
Public Hearing	04/30/96	61 FR 15743
Comment Period Closed	05/31/96	61 FR 15743
Final Action	12/00/98	

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

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RIN: 1219-AA87

1968. 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
Public Hearing	05/02/95	60 FR 16589
Record Closed	06/05/95	60 FR 16558
Extension of Comment Period	02/05/96	60 FR 65509
Final Action	12/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1219-AA92

1969. IMPROVING AND ELIMINATING REGULATIONS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

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

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 1 to 199

Legal Deadline: None

Abstract: In response to the President's directive, MSHA conducted a review of its existing regulations to identify

DOL—MSHA

Final Rule Stage

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.

Timetable:

Action	Date	FR Cite
NPRM - Phase 1 Removal of 30 CFR 21 and 24	08/30/96	61 FR 45925
Final Rule - Phase 1 Removal of 30 CFR 21 and 24	04/00/98	
Final Rule - Phase 2 Removal of 30 CFR 26 and 29	09/00/98	
Final Rule - Phase 3 Update of Reference IR 1240	09/00/98	
Final Rule - Phase 4 Removal of 30 CFR 75, subparts	09/00/98	

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

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).

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RIN: 1219-AA98

1970. 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	04/28/97	62 FR 22998
NPRM Comment Period End	07/14/97	62 FR 35113
Final Action	04/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB00

1971. CRITERIA AND PROCEDURES FOR PROPOSED ASSESSMENT OF CIVIL PENALTIES

Priority: Info./Admin./Other

Legal Authority: 30 USC 957; PL 104-134 Debt Collection Improvement Act of 1996

CFR Citation: 30 CFR 100

Legal Deadline: Final, Statutory, October 26, 1996.

Abstract: This final rule revises MSHA's statutory penalties found in sections 110(a), 110(b), 110(c), and 110(g) of the Mine Act and the specific penalty amounts established in 30 CFR part 100 as mandated by the Debt Collection Improvement Act of 1996 (DCIA). The DCIA requires that civil penalties be increased by up to 10 percent within 6 months of its enactment. It also requires subsequent increases at least once every 4 years using a formula based on the Consumer Price Index.

Timetable:

Action	Date	FR Cite
NPRM	09/08/97	62 FR 47330
NPRM Comment Period End	11/07/97	
Final Action	04/00/98	

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
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RIN: 1219-AB03

1972. OBSERVATION OF OPERATOR NOISE MONITORING

Priority: Other Significant

Legal Authority: 30 USC 813

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 62; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: Section 62.120(f) of MSHA's comprehensive proposed rule on occupational noise exposure would require operators to establish a system of monitoring which effectively evaluates each miner's noise exposure.

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Final Rule Stage

Consistent with the Federal Mine Safety and Health Act of 1977 (Mine Act), and in response to comments, MSHA published a supplemental noise proposal to include a new provision providing affected miners and their representatives with an opportunity to observe this monitoring.

Section 103(c) of the Mine Act requires, among other things, that when the Secretary issues regulations requiring operator monitoring, "such regulations shall provide the miners or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof." The supplemental noise proposal would implement section 103(c) of the Mine Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/97	62 FR 68497
NPRM Comment Period End	02/07/98	
Public Hearing	03/10/98	62 FR 68497
Final Action	06/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB05

1973. • EXPERIENCED MINER AND SUPERVISOR TRAINING

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48.2(b); 30 CFR 48.22(b); 30 CFR 48.6; 30 CFR 48.26

Legal Deadline: None

Abstract: MSHA proposed to amend the definition of "experienced miner" to mean a miner who has had one year of mining experience and, for new miners hired after October 13, 1978, has completed new miner training. MSHA proposed to strengthen the training requirements for experienced miners by adding course requirements. Also, MSHA proposed to delete the supervisory personnel exemption from the training requirements. The comments received by MSHA on its September 1991 proposed rule

addressed such issues as the appropriate training for different types of mining, the need for training of contractors, training for construction workers, and other suggested training changes. MSHA reviewed these comments to determine the appropriateness of any further changes to the Agency's training regulations. Public hearings on the proposed rule were held in July 1992.

Timetable:

Action	Date	FR Cite
NPRM	09/21/91	56 FR 48376
NPRM Comment Period End	08/24/92	57 FR 29853
Final Action	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1219-AB13

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Mine Safety and Health Administration (MSHA)

1974. 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

Government Levels Affected: None

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RIN: 1219-AA54

1975. 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 may 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

DOL—MSHA

Long-Term Actions

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
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RIN: 1219-AA72

1976. 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.

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
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RIN: 1219-AA90

1977. • VERIFICATION OF DUST CONTROL PLAN

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: Under the Federal Mine Safety and Health Act of 1997 (Mine Act) and its implementing regulations, all underground coal mine operators are required to develop and follow a mine ventilation plan approved by MSHA. The dust control portion of the mine ventilation plan is the key element of an operator's strategy to control respirable coal mine dust. Although such plans are required to be

designed to control respirable dust in the work environment, there is no current requirement that provides for early in-mine verification of the proposed plan's effectiveness under typical mining conditions. Consequently, plans may be implemented that may later be shown as inadequate to control respirable dust. To minimize this from occurring, the Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers recommended in its report to the Secretary of Labor that MSHA should require coal mine operators to verify the adequacy of the dust control provisions in new or revised plans by demonstrating that the plan will be effective under typical mining conditions. Therefore, MSHA intends to publish a proposed rule which would require mine operators to verify a plan's adequacy in controlling respirable dust.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB14

DEPARTMENT OF LABOR (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

1978. 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 have established 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. However, in light of the comments MSHA received and other Agency priorities, MSHA has decided not to proceed with this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/02/94	59 FR 54855
NPRM Comment Period End	02/06/95	59 FR 60101
Withdrawn	02/15/98	

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

DOL—MSHA

Completed Actions

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 RIN: 1219-AA79

1979. MINE SHIFT ATMOSPHERIC CONDITION; RESPIRABLE DUST SAMPLE

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

Timetable:

Action	Date	FR Cite
Notice of Coal Mine Respirable Dust Standard Noncompliance Determinations	02/18/94	59 FR 8356

Action	Date	FR Cite
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
Supplemental Data to Record	09/30/94	59 FR 50007
Reopen Record	03/12/96	61 FR 10012
Final Action	02/03/98	63 FR 5664
Final Action Effective	03/02/98	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: MSHA supplemented the record with additional information on September 9, 1994, with a notice in the Federal Register on September 30, 1994. The record closed November 30, 1994. MSHA reopened the record in March 1996, and held a public hearing in May 1996. The record closed on June 10, 1996. A final notice was issued on December 31, 1997.

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RIN: 1219-AA82

1980. NATIONAL MINE HEALTH AND SAFETY ACADEMY

Priority: Info./Admin./Other

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 47

Legal Deadline: None

Abstract: This final rule amends existing sections 47.10 and 47.50 regarding tuition fees and room and board charges at the Academy by adding new provisions allowing MSHA discretion to waive such fees and charges for persons invited by MSHA to participate in an MSHA-sponsored program which will contribute to an improvement in the conduct, supervision, or management of a Mine Act function or activity or a function related to an MSHA appropriation.

Timetable:

Action	Date	FR Cite
Final Action	11/13/97	62 FR 60984
Final Action Effective	11/28/97	

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
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RIN: 1219-AB04

DEPARTMENT OF LABOR (DOL)**Final Rule Stage****Office of the Assistant Secretary for Administration and Management (OASAM)****1981. • AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS**

Priority: Info./Admin./Other

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

CFR Citation: 29 CFR 99

Legal Deadline: None

Abstract: The Department of Labor hereby adds title 29 CFR 99 "Audits of States, Local Governments, and Non-Profit Organizations" as a new regulation which codifies the revised

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/98	

Small Entities Affected: None

DOL—OASAM

Final Rule Stage

Government Levels Affected: State, Local

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

Agency Contact: Al Stewart, Director, Office of the Acquisition Advocate, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room N5425, FP Building, Washington, DC 20210
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RIN: 1291-AA26

1982. • AUDIT REQUIREMENTS FOR GRANTS, CONTRACTS, AND OTHER AGREEMENTS

Priority: Info./Admin./Other

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

CFR Citation: 29 CFR 96

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/98	

Small Entities Affected: None

Government Levels Affected: State, Local

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

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RIN: 1291-AA27

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

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

1983. DEPARTMENT OF LABOR ACQUISITION REGULATION

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

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RIN: 1291-AA20

1984. 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	04/00/99	

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

DOL—OASAM

Long-Term Actions

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Phone: 202 219-8927
RIN: 1291-AA21

1985. ADMINISTRATIVE REQUIREMENTS FOR GRANTEES TO REFLECT SINGLE AUDIT ACT AMENDMENTS

Priority: Info./Admin./Other

Major: Undetermined

Legal Authority: 5 USC 301; OMB Circular A-110; OMB Circular A-102

CFR Citation: 29 CFR 95 (Revision); 29 CFR 97 (Revision)

Legal Deadline: Other, Statutory, August 29, 1997.
Interim Final Rule

Abstract: Interim Final Rule to amend DOL's Administrative Requirements for

Grants To Reflect Single Audit Act Amendments of 1996 and the June 24, 1996 revision of OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations." The amendment will provide uniform fiscal and administrative requirements applicable to all types of grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/29/97	62 FR 45937
Interim Final Rule Effective	09/29/97	
Interim Final Rule Comment Period End	10/28/97	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

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RIN: 1291-AA25

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

1986. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.147

Legal Deadline: None

Abstract: As required by section 610 of the Regulatory Flexibility Act and section 5 of Executive Order 12866, OSHA has reviewed the Agency's standard for the protection of employees from exposure to lockout/tagout hazards, 29 CFR 1910.147, to determine whether the rule should be continued without change or should be amended or rescinded, consistent with the objectives of the rule and of the Occupational Safety and Health Act, to minimize any significant impact on a substantial number of small entities. After a thorough review of the Agency's experience in enforcing this standard, the available literature, and comments received in connection with this review, OSHA has determined that there is a continued need for the rule, that the rule does not appear to overlap, duplicate, or conflict with other Federal rules or with other State and local rules, and that no

technological, economic, or other factors have arisen since the rule was published that would necessitate amendment or rescission of the rule at this time. OSHA has also concluded that no change that is consistent with the objectives of the OSHA Act can be made to the rule that will further minimize any significant impact on a substantial number of small entities. OSHA will be responding to comments received during this review of the standard by preparing materials to assist employers in complying with the rule.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
End Review	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marthe Kent, Acting Deputy Director, Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3641, FP Building, Washington, DC 20210
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RIN: 1218-AB59

1987. OCCUPATIONAL EXPOSURE TO ETHYLENE OXIDE (SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.1047

Legal Deadline: None

Abstract: OSHA has undertaken a review of the ETO standard in accordance with the requirements of the Regulatory Flexibility Act and section 5 of EO 12866. The review has considered the continued need for the rule, the impacts of the rule, comments on the rule received from the public, the complexity of the rule, whether the rule overlaps, duplicates or conflicts with other Federal, State, or local regulations, and the degree to which technology, economic conditions or other factors may have changed since the rule was last evaluated. The Agency's findings with respect to this review will be published in a report available to the public in 1998.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
End Review	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

DOL—OSHA

Prerule Stage

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RIN: 1218-AB60

1988. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910.119

Legal Deadline: None

Abstract: The notice will propose to make corrections and technical amendments to the final rule on Process Safety Management of Highly Hazardous Chemicals, published in the Federal Register on February 24, 1992, at 57 FR 6356. In addition, it will propose to modify the final rule by adding certain chemicals included in the Environmental Protection Agency's Risk Management Program but not in the OSHA final rule. OSHA has been requested to bring its chemical list into closer alignment with the Environmental Protection Agency's program. OSHA is also considering issuing an Advance Notice of Proposed Rulemaking to address issues related to reactive chemicals raised by the explosion of a chemical plant in Lodi, New Jersey in 1995.

Timetable:

Action	Date	FR Cite
ANPRM Reactives	04/00/98	
NPRM Process Safety Management	09/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB63

1989. FIRE BRIGADES

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910.156

Legal Deadline: None

Abstract: Fighting fires as members of fire brigades presents a significant risk of harm to employees. To mitigate these risks, OSHA promulgated a standard for fire brigades in 1980. However, the standard is now more than 16 years old, and does not reflect current advances in technology and safety. Consequently, under this action the existing fire brigade standard would be revised to reflect the latest technology in safety, particularly with respect to personal protective equipment and emergency procedures. Gaps in coverage would also be addressed, since the existing fire brigade standard does not cover wildland fire fighting or crash-rescue type fire fighting. OSHA may rely on the Negotiated Rulemaking process to revise this standard and the States are expected to play a major role in any rulemaking on this issue.

Timetable:

Action	Date	FR Cite
Notice of Intent To Form Negotiated Rulemaking Committee for Fire Brigades	06/00/98	
Approval of Charter	09/00/98	
Appointment of Members	11/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB64

1990. GRAIN HANDLING FACILITIES (SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.272

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	09/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Deputy Director, Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3641, FP Building, Washington, DC 20210

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RIN: 1218-AB73

1991. COTTON DUST (SECTION 610 REVIEW)

Priority: Other Significant

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910.1043

Legal Deadline: None

Abstract: OSHA is undertaking a review of its cotton dust standard (29 CFR 1910.1043) in accordance with the requirements of section 610 of the Regulatory Flexibility Act and section 5 of EO 12866. The review will cover the continued need for the rule; the

DOL—OSHA

Prerule Stage

nature of complaints or comments received from the public concerning the rule; the complexity of the rule; the extent to which the rule overlaps, duplicates or conflicts with other Federal rules and, to the extent feasible, with State and local rules; and the degree to which technology, economic conditions, or other factors have

changed in the industries affected by the rule.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	09/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1218-AB74

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Occupational Safety and Health Administration (OSHA)

1992. LONGSHORING AND MARINE TERMINALS (PARTS 1917 AND 1918)—REOPENING OF THE RECORD (TANDEM LIFTS)

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

Unfunded Mandates: Undetermined

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

Legal Authority: 33 USC 941; 29 USC 655

CFR Citation: 29 CFR 1918.11

Legal Deadline: None

Abstract: OSHA issued a final rule on Longshoring on July 25, 1997 (62 FR 40142). However, OSHA is reopening the record to address the issue of tandem lifts. Tandem lifts involve the lifting of two intermodal containers, secured together with twist locks, at the same time. Because some commenters to the record questioned the safety of allowing such tandem lifts and the record does not contain adequate information to allow the Agency to address this issue, OSHA is reopening the rulemaking record to address this issue only.

Timetable:

Action	Date	FR Cite
NPRM	06/06/94	59 FR 28594
NPRM Comment Period End	09/23/94	
Final Rule on Longshoring	07/25/97	62 FR 40142
Public Meeting	01/27/98	62 FR 52671
Second NPRM	12/00/98	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

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RIN: 1218-AA56

1993. STEEL ERECTION (PART 1926) (SAFETY PROTECTION FOR IRONWORKERS)

Priority: Economically Significant

Unfunded Mandates: Undetermined

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

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750 (Revision); 29 CFR 1926.751 (Revision); 29 CFR 1926.752 (Revision)

Legal Deadline: None

Abstract: On December 29, 1992, the Occupational Safety and Health Administration (OSHA) announced its intention to form a negotiated rulemaking advisory committee to negotiate issues associated with a revision of the existing steel erection standard. The Steel Erection Negotiated Rulemaking Advisory Committee (SENAC), a 20-member committee, was established, and the SENAC charter was signed by Secretary Reich on May 26, 1994, and was recently re-chartered for a 2-year period. Four of the primary issues the committee

negotiated include the need to expand the scope and application of the existing standard, construction specifications and work practices, written construction safety erection plans, and fall protection. The Committee met 11 times over an 18-month period and completed work on the draft regulatory text for the proposed steel erection standard on December 1, 1995.

The negotiated rulemaking process has been successful in bringing together the interested parties that will be affected by the proposed revision to the steel erection rule to work out contrasting positions, find common ground on the major issues, and develop language for a proposed rule. The use of this process and a neutral facilitator allowed the stakeholders to develop an ownership stake in the proposal that they would not have had without the use of this process.

The process has led to a proposed revision to subpart R of 29 CFR 1926 that contains innovative provisions that will help to minimize the major causes of steel erection injuries and fatalities. Many of these provisions could not have been developed without this process, which has brought together industry experts, via face-to-face negotiations, to discuss different approaches to resolving the issues. This process has proved mutually beneficial to all the parties involved (including OSHA), with each Committee member participating in resolving the issues and developing practical and effective rules to make the steel erection industry safer.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
Notice of Committee Establishment	05/11/94	59 FR 24389
NPRM	06/00/98	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Russell B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3306, FP Building, Washington, DC 20210
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RIN: 1218-AA65

1994. SAFETY AND HEALTH PROGRAMS (FOR GENERAL INDUSTRY AND SHIPYARDS)

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655; 29 USC 652; 29 USC 654; 29 USC 657

CFR Citation: 29 CFR 1910; 29 CFR 1915

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration (OSHA), many of the States, members of the safety and health community, insurance companies, professional organizations, companies participating in the Agency's Voluntary Protection Program, and many proactive employers in all industries have recognized the value of worksite-specific safety and health programs in preventing job-related injuries, illnesses, and fatalities. The effectiveness of these programs is seen most dramatically in the reductions in job-related injuries and illnesses, workers' compensation costs, and absenteeism that occur after employers implement such programs. To assist employers in establishing safety and health programs, OSHA in 1989 (54 FR 3904) published nonmandatory guidelines that were based on a distillation of the best safety and health management practices observed by OSHA in the years since the Agency was established. OSHA's decision to expand on these guidelines by developing a safety and health programs rule is based on the Agency's recognition that occupational injuries, illnesses, and fatalities are continuing

to occur at an unacceptably high rate; for example, an average of 17 workers were killed each day in 1995 in occupational fatalities.

Although the precise scope of the standard (e.g., what industries will be covered, what sizes of firms will be covered) has not yet been determined, the safety and health programs contained in the proposed rule will include at least the following elements: management leadership of the program; active employee participation in the program; analysis of the worksite to identify serious safety and health hazards of all types; training; and program evaluation. In addition, in response to extensive stakeholder involvement, OSHA has, among other things, focused the rule on serious hazards, deleted required medical surveillance, and reduced burdens on small business.

Timetable:

Action	Date	FR Cite
NPRM	09/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Separate standards are being developed for the construction (29 CFR 1926) and the maritime (29 CFR 1915, 1917 and 1918) industries, which are being coordinated with this standard.

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RIN: 1218-AB41

1995. FIRE PROTECTION IN SHIPYARD EMPLOYMENT (PART 1915, SUBPART P) (PHASE II) (SHIPYARDS: FIRE SAFETY)

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

Unfunded Mandates: Undetermined

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

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

CFR Citation: 29 CFR 1915.1 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 various OSHA shipyard standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer is subject to both the "shipyard" standards and OSHA's general industry standards. This sometimes results in inconsistent and 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 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 was endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards. The operations that are addressed in this rulemaking relate to fire brigades, fire extinguishers, sprinkler systems, detection systems, alarm systems, fire watches, and emergency plans. One hundred thousand workers are potentially exposed to these hazards annually. This standard will be developed using the negotiated rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martonik, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200

DOL—OSHA

Proposed Rule Stage

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 RIN: 1218-AB51

1996. PERMISSIBLE EXPOSURE LIMITS (PELS) FOR AIR CONTAMINANTS

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 29 USC 655 (b)

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: OSHA enforces hundreds of permissible exposure limits (PELs) for toxic air contaminants found in U.S. workplaces. These PELs set OSHA-enforceable limits on the magnitude and duration of employee exposure to each contaminant. The amount of exposure permitted by a given PEL depends on the toxicity and other characteristics of the particular substance. OSHA's PELs for air contaminants are codified in 29 CFR 1910.1000, Tables Z-1, Z-2, and Z-3. The air contaminant limits were adopted by OSHA in 1971 from existing national consensus standards issued by the American Conference of Governmental Industrial Hygienists and the American National Standards Institute. These PELs, which have not been updated since 1971, thus reflect the results of research conducted in the 1950s and 1960s. Since then, much new information has become available that indicates that, in most cases, these early limits are outdated and insufficiently protective of worker health. To correct this situation, OSHA published a proposal in 1988 updating the air contaminant limits in general industry. That proposal became a final rule in 1989 (54 FR 2332); it lowered the existing PEL for 212 toxic air contaminants and established PELs for 164 previously unregulated air contaminants. On June 12, 1992 (57 FR 26001), OSHA proposed a rule that would have extended these limits to workplaces in the construction, maritime, and agriculture industries. However, on July 10, 1992, the Eleventh Circuit Court of Appeals vacated the 1989 final rule on the

grounds that "(1) OSHA failed to establish that existing exposure limits in the workplace presented significant risk of material health impairment or that new standards eliminated or substantially lessened the risk; (2) OSHA did not meet its burden of establishing that its 428 new permissible exposure limits (PELs) were either economically or technologically feasible." The Court's decision to vacate the rule forced the Agency to return to the earlier, insufficiently protective limits.

OSHA continues to believe that establishing a rulemaking approach that will permit the Agency to update existing air contaminant limits and establish new ones as toxicological evidence of the need to do so becomes available is a high priority. The rulemaking described in this Regulatory Plan entry reflects OSHA's intention to move forward with this process. In determining how to proceed, OSHA is being guided by the OSH Act and the Eleventh District Court decision regarding the extent of the risk and feasibility analyses required to support revised and new air contaminant limits. The Agency will rely on a risk-based prioritization system to identify those air contaminants that present significant risks to exposed employees and for which technologically and economically feasible controls exist. State-of-the-art risk assessment methodologies will be utilized for both carcinogens and noncarcinogens, and the determinations of feasibility contained in the economic analysis accompanying the proposal will be extensive. OSHA published (61 FR 1947) the substances selected for proposed new PELs for the first update of the air contaminants rule: carbon disulfide, carbon monoxide, chloroform, dimethyl sulfate, epichlorohydrin, ethylene dichloride, glutaraldehyde, n-hexane, 2-hexanone, hydrazine, hydrogen sulfide, manganese and compounds, mercury and compounds, nitrogen dioxide, perchloroethylene, sulfur dioxide, toluene, toluene diisocyanate, trimellitic anhydride, and vinyl bromide. The specific hazards associated with the air contaminants preliminarily selected for regulation include cancer, neurotoxicity, respiratory sensitivity, etc. Using the same criteria as those used in the Priority Planning Process, OSHA evaluated each substance: severity of

the health effect, the number of exposed workers, toxicity of the substance, uses and prevailing exposure levels of the substance, the potential risk reduction, availability and quality of information useful in quantitative risk assessment to ensure that significant risks are addressed and that workers will experience substantial benefits in the form of enhanced health and safety. Publication of the proposal will allow OSHA to institutionalize a mechanism for updating and extending its air contaminant limits, which will, at the same time, provide added protection to many workers who are currently being overexposed to toxic substances in the workplace. OSHA is also considering supplemental mechanisms proposed by stakeholders to increase the effectiveness of the process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: During the rulemaking, OSHA will meet with small business stakeholders to discuss their concerns, and will conduct an initial Regulatory Flexibility Screening Analysis to identify any significant impacts on a substantial number of small entities.

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RIN: 1218-AB54

1997. PLAIN LANGUAGE REVISION OF EXISTING STANDARDS (PHASE I)

Priority: Other Significant

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

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

DOL—OSHA

Proposed Rule Stage

CFR Citation: 29 CFR 1910.107; 29 CFR 1910.108; 29 CFR 1910.94(c); 29 CFR 1910.94(d); 29 CFR 1910.35; 29 CFR 1910.36; 29 CFR 1910.37; 29 CFR 1910.38

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration (OSHA) adopted its initial package of workplace safety and health standards in the 1970's from various nationally recognized consensus standards and from standards that had already been promulgated by other Federal agencies. Section 6(a) of the Act permitted OSHA to adopt nationally recognized consensus standards, developed by groups such as the National Fire Protection Association (NFPA) and the American National Standards Institute (ANSI), and existing Federal standards for use as OSHA standards without public participation or public comment. Many of these 6(a) standards have been identified by the regulated community as being overly complex, difficult to read and follow, and out of date with current technology.

This project is part of a Presidential initiative to respond to the general criticism concerning the complexity and obsolescence of certain Federal regulations. OSHA believes that some of the Agency's section 6(a) standards in subpart E and subpart H of part 1910 meet the criteria for critical review set forth in the Presidential initiative. OSHA is initiating three separate rulemakings that will revise three of OSHA's most complex and out-of-date section 6(a) standards. These specific standards address means of egress (exit routes), spray finishing using flammable and combustible liquids; and dip tanks containing flammable and combustible liquids. 29 CFR 1910.107 and 1910.108, (spray finishing using flammable and combustible liquids and dip tanks, respectively) also contain substantive ventilation requirements that are duplicative with ventilation requirements contained in 29 CFR 1910.94, paragraphs (c) and (d). The purpose of these rulemakings is to simplify and clarify these standards and to write them in "plain language," as directed by the President's report.

Timetable:

Action	Date	FR Cite
NPRM Exit Routes (Means of Egress)	09/10/96	61 FR 47712

Action	Date	FR Cite
Hearing on Exit Routes	04/29/97	62 FR 9402
NPRM Dip Tanks	04/00/98	
NPRM Spray Finishing	09/00/98	
Final Action Exit Routes (Means of Egress)	12/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Means of Egress, 29 CFR 1910 subpart E, Spray Finishing Using Flammable and Combustible Materials, 29 CFR 1910.107, Dip Tanks Containing Flammable and Combustible Liquids, 29 CFR 1910.108 are three standards selected by OSHA for plain language revision under a Presidential Initiative. 29 CFR 1910.94(c) will be combined with 29 CFR 1910.107 to eliminate duplicative standards, as will 29 CFR 1910.94(d) and 29 CFR 1910.108.

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RIN: 1218-AB55

1998. NATIONALLY RECOGNIZED TESTING LABS PROGRAMS: FEES

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1910.7

Legal Deadline: None

Abstract: A number of OSHA standards require that certain products and equipment used in the workplace be tested and certified by a laboratory that has been recognized and accredited by OSHA. Through the Nationally Recognized Testing Laboratory (NRTL) Program to date, OSHA has recognized 14 laboratories operating approximately 36 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 in Circular Number A-25.

Timetable:

Action	Date	FR Cite
NPRM	12/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Witt, Director, Directorate of Technical Support, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3653, FP Building, Washington, DC 20210

Phone: 202 219-7056

RIN: 1218-AB57

1999. FLAMMABLE AND COMBUSTIBLE LIQUIDS

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 1910.106

Legal Deadline: None

Abstract: This project responds to a presidential initiative of March 1995 to revise confusing or overly detailed standards by rewriting them in plain language. With this project, OSHA is initiating rulemaking that will revise the regulations contained in 29 CFR 1910.106 addressing flammable and combustible liquid storage. The purpose of this rulemaking will be to solicit public participation in the revision of this standard into plain language.

Timetable:

Action	Date	FR Cite
NPRM	08/00/98	

Small Entities Affected: None

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: John Martonik, Acting Director, Safety Standards Programs,

DOL—OSHA

Proposed Rule Stage

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RIN: 1218-AB61

2000. FALL PROTECTION IN THE CONSTRUCTION INDUSTRY

Priority: Other Significant

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

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA is considering a revision of its existing standards for fall protection in construction to expand coverage to telecommunication towers and tanks and other construction operations; to eliminate certain paperwork requirements and to make editorial revisions. OSHA is also considering raising a number of issues that may lead to further changes to the fall protection rules as they now apply to roofing work, residential construction operations, climbing reinforcement steel and to vendors delivering materials (for example, roofing materials). The Federal Register notice will raise issues that have arisen since OSHA last revised the fall protection standard for construction workers in August 1994.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1218-AB62

2001. REVOCATION OF CERTIFICATION RECORDS FOR TESTS, INSPECTIONS, AND TRAINING

Priority: Other Significant

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

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1926

Legal Deadline: None

Abstract: OSHA is proposing to revoke certain requirements for employers to prepare and maintain records (certification records) which certify that employers have performed certain tests or inspections of equipment or machinery or that the employer has conducted certain training specified in the standards. The purpose of proposing to revoke these certification records is to minimize the paperwork burdens imposed on employers. OSHA does not believe there will be any reduction in employee safety and health as a result of reducing requirements to fill out and maintain certification records.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Martonik, Acting Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210
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RIN: 1218-AB65

2002. • REQUIREMENT TO PAY FOR PERSONAL PROTECTIVE EQUIPMENT

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Generally, OSHA standards require that personal protective equipment (PPE) be provided and used

when necessary to protect employees from hazards which can cause them injury or physical harm. The Agency is proposing to revise its PPE standards to clarify who is required to pay for such PPE.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martonik, Acting Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210
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RIN: 1218-AB77

2003. • CONSULTATION AGREEMENTS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 570(c)

CFR Citation: 29 CFR 1908

Legal Deadline: None

Abstract: This proposed amendment to 29 CFR 1908 is intended to provide for full employee involvement in the consultative process in line with the President's directive to enhance worker participation in the 7(c)(1) consultation program. (The New OSHA: Reinventing Worker Safety and Health, May 1995).

Timetable:

Action	Date	FR Cite
NPRM	11/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB79

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

Final Rule Stage

2004. RESPIRATORY PROTECTION (PROPER USE OF MODERN RESPIRATORS)

Priority: Economically Significant. Major under 5 USC 801.

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

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

Legal Authority: 29 USC 655(b)

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

Legal Deadline: None

Abstract:

In January 1998, OSHA published the final respiratory protection standard, except for the reserved provision on assigned protection factors, which are numbers that estimate the degree of performance of the various classes of respirators. OSHA has developed a statistical model for analyzing available data to be used to derive APFs. Accordingly, OSHA will request further public comment on the analyses conducted using that model, the ANSI Z88.2-1992 APFs, the NIOSH Respirator Decision Logic APFs, and other relevant methodologies for deriving APFs to make certain that public input is received and fully considered before final APFs are incorporated. OSHA expects to complete the rulemaking on APFs in 1998.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal, 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

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RIN: 1218-AA05

2005. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL, AND THEIR ACETATES: PROTECTING REPRODUCTIVE HEALTH

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655; 29 USC 657

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. OSHA is working toward promulgation of a final rule in 1998.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	03/23/93	58 FR 15526
NPRM Comment Period End	06/07/93	
Final Action	12/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AA84

2006. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES (SIMPLIFIED INJURY/ILLNESS RECORDKEEPING REQUIREMENTS)

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 657; 29 USC 673

CFR Citation: 29 CFR 1904; 29 CFR 1952.4

Legal Deadline: None

Abstract:

Over the years, concerns about the reliability and utility of injury and illness data derived from the employer-maintained OSHA records have been raised by Congress, the National Institute for Occupational Safety and Health (NIOSH), the Bureau of Labor Statistics (BLS), the National Academy of Sciences, the Office of Management and Budget (OMB), the General Accounting Office, business, and labor, as well as OSHA. In the late 1980s, to facilitate national policy dialogues, OSHA contracted with Keystone Center to bring together representatives of industry, labor, government, and academia in a year-long effort to discuss problems with OSHA's injury and illness recordkeeping system. Keystone issued a report with specific recommendations on how to improve the system. Early in 1996, OSHA held several meetings with stakeholders from business, labor, and government in order to obtain feedback on a draft OSHA recordkeeping proposal and to gather related information. As a result of these efforts, OSHA published a Notice of Proposed Rulemaking (NPRM) in the February 2, 1996 Federal Register that contained revised recordkeeping

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requirements, new recordkeeping forms, and new interpretive material. The stated goals of the NPRM were to improve the Nation's injury and illness statistics, simplify the injury and illness recordkeeping system, and reduce the burden of the new rule on employers. Benefits will include: (1) a system that is more compatible with modern computer technology and is easier for employers, employees and government to use; (2) more reliable and useful records; (3) for the first time, comprehensive injury and illness records for construction sites; and (4) greater employee involvement in and awareness of safety and health matters. The original 90-day public comment period was extended another 60 days and ended July 1, 1996. In addition, two public meetings were held in Washington, DC (March 26-29 and April 30-May 1). Over 450 sets of comments were entered into Docket R-02, along with 1200 pages of input derived from nearly 60 presentations given at the public meetings.

OSHA is now planning to issue a final rule that incorporates changes based upon an analysis of the comments and testimony received during the public comment period discussed above.

Timetable:

Action	Date	FR Cite
NPRM	02/02/96	61 FR 4030
NPRM Comment Period End	07/02/96	
Final Action	03/00/99	
Final Action Effective	01/01/00	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Ruth McCully, Acting Information Technology Coordinator, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3507, FP Building, Washington, DC 20210

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RIN: 1218-AB24

2007. POWERED INDUSTRIAL TRUCK OPERATOR TRAINING (INDUSTRIAL TRUCK SAFETY TRAINING)

Priority: Substantive, Nonsignificant

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: Operation of powered industrial trucks, such as forklifts, is the second leading cause of fatalities in the private sector, second only to 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 vehicle operator's 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 rule will apply to general industry, the maritime industries and construction.

Timetable:

Action	Date	FR Cite
NPRM	03/14/95	60 FR 13782
NPRM Second and Hearing	01/30/96	61 FR 3092
NPRM Comment Period End	08/15/96	
Final Action	09/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB33

2008. PERMIT REQUIRED CONFINED SPACES (GENERAL INDUSTRY: PREVENTING SUFFOCATION/EXPLOSIONS IN CONFINED SPACES)

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None

Abstract: OSHA issued a final standard governing employee entry into confined spaces in general industry on January 14, 1993 (58 FR 4462). The standard was challenged by a number of parties including the United Steelworkers of America. OSHA reached a settlement agreement with the steelworkers in June 1994. As part of this settlement agreement, OSHA issued a proposal on November 28, 1994 (59 FR 60735) to clarify paragraph (k) of the rule, Rescue and Emergency Services. OSHA also proposed to allow more flexibility in the point of retrieval line attachment and asked whether the standard should provide affected employees or their representatives with the opportunity to observe the evaluation of confined spaces, including atmospheric testing, 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. The final rule is expected to be issued in June 1998.

Timetable:

Action	Date	FR Cite
NPRM	11/28/94	59 FR 60735
NPRM Comment Period End	02/27/95	
Final Action	06/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB52

DOL—OSHA

Final Rule Stage

2009. STANDARDS IMPROVEMENT PROJECT

Priority: Other Significant

Unfunded Mandates: Undetermined

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. In 1995, OSHA developed a list of standards it proposed 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 in March 1996 by revoking various non-substantive provisions that the

Agency believed were unnecessary or ineffective in protecting worker health or safety. The Agency followed up this effort by issuing a final and a proposed rule addressing substantive changes. The first of these, issued on June 20, 1996, eliminated duplicative standards by replacing them with cross references to eliminate any possible confusion and to reduce the volume of the rules. The second one, published on July 22, 1996, proposed to reduce the burden imposed on employers by selected medical surveillance provisions of existing rules, change the emergency-response provisions of the vinyl chloride standard, and eliminate a number of duplicative or unnecessary provisions. A final rule addressing these changes will be issued in 1998. This Standards Improvement Project had two other components: elimination of requirements and appendices associated with the Agency's Longshoring and Marine Terminals Standards (completed in July 1997) and revision and streamlining of the Agency's respirator standard and appendices, which was completed in January 1998.

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	07/25/97	62 FR 40141
FINAL Miscellaneous Changes	06/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1218-AB53

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Occupational Safety and Health Administration (OSHA)

2010. SCAFFOLDS IN SHIPYARDS (PART 1915—SUBPART N) (PHASE I) (SHIPYARDS: SAFER SCAFFOLDS)

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

Unfunded Mandates: Undetermined

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

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

CFR Citation: 29 CFR 1915.71

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the various OSHA standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. Shipyard employers have been subject to both

shipyard and general industry standards. This sometimes resulted in inconsistent and 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 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 was 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	04/12/94	59 FR 17290
Final Action	10/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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DOL—OSHA

Long-Term Actions

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RIN: 1218-AA68

2011. ACCESS AND EGRESS IN SHIPYARDS (PART 1915, SUBPART E) (PHASE I) (SHIPYARDS: EMERGENCY EXITS AND AISLES)

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

Unfunded Mandates: Undetermined

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

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

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

Legal Deadline: None

Abstract: In the 1980s, OSHA embarked on a project to update and consolidate OSHA standards that applied to the shipbuilding, shiprepair, and shipbreaking industry. Shipyard employers have been subject to both the "shipyard" standards and OSHA's general industry standards. This has sometimes 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 was 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	10/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AA70

2012. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910.121, 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 standard. OSHA issued an interim final standard on December 19, 1986 (51 FR 45654) to comply with the law's requirements. OSHA issued a permanent final rule for provisions on training to replace this interim rule on March 9, 1989 (29 CFR 1910.120).

On December 22, 1987, as part of an omnibus budget reconciliation bill (PL 100-202), 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

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: Undetermined

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RIN: 1218-AB27

2013. PREVENTION OF WORK-RELATED MUSCULOSKELETAL DISORDERS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 651; 29 USC 652; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926; 29 CFR 1928

Legal Deadline: None

Abstract: Work-related musculoskeletal disorders (MSDs) are a leading cause of pain, suffering, and disability in American workplaces. Since the 1980's, the Occupational Safety and Health Administration (OSHA) has had a number of initiatives related to addressing these problems, including enforcement under the general duty clause, issuance of guidelines for the meatpacking industry, and development of other compliance-assistance materials.

Ultimately, the Agency decided that, given the increasing magnitude of the problem, a regulatory approach should be explored to ensure that the largest possible number of employers and

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employees become aware of the problems and ways of preventing work-related musculoskeletal disorders. An open process to develop and consider regulatory alternatives was initiated with the publication of an advance notice of proposed rulemaking on August 3, 1992 (57 FR 34192). About 300 comments were received in response to that request. In addition to the public comments, OSHA has examined and analyzed the extensive scientific literature documenting the problem of work-related musculoskeletal disorders, the causes of the problem, and effective solutions; conducted a telephone survey of over 3,000 establishments regarding their current practices to prevent work-related musculoskeletal disorders; and completed a number of site visits to facilities with existing programs. The Agency has also held numerous stakeholder meetings to solicit input from individuals regarding the possible contents of a standard to prevent work-related musculoskeletal disorders, and on a draft proposed regulatory text and supporting documents. Agency representatives have delivered numerous outreach presentations to people who are interested in this subject; consulted professionals in the field to obtain expert opinions on various aspects of the options considered by the Agency; and field-tested certain requirements under consideration for the standard. Information obtained from these activities is undergoing Agency review. Options for regulatory action are being considered.

The Agency believes that the scientific evidence supports the need for a standard and that the availability of effective and reasonable means to control these hazards has been demonstrated. The criteria that have been developed for setting OSHA priorities support the Agency's determination that action is needed now to reduce the incidence of work-related musculoskeletal disorders. The Agency is currently considering options to develop a proposed rule for ergonomics. The National Institute for Occupational Safety and Health (NIOSH) has recently issued a report evaluating the scientific basis for the relationship of workplace stressors to MSDs. The report concludes that such a relationship exists for many stressors.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/92	57 FR 34192
ANPRM Comment	02/01/93	
Period End		
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB36

2014. INDOOR AIR QUALITY IN THE WORKPLACE

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655

CFR Citation: Not yet determined

Legal Deadline: None

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

Every day, more than 20 million American workers face an unnecessary health threat because of indoor air pollution in the workplace. Thousands of heart disease deaths, hundreds of lung cancer deaths, respiratory disease, Legionnaire's disease, asthma, and other ailments are estimated to be linked to this occupational hazard. Further, America's workers are at risk of developing thousands of upper respiratory symptoms and 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.

After reviewing and analyzing available information, OSHA published a proposed rule on April 5, 1994. The proposal would require employers to write and implement indoor air quality compliance plans that would include inspection and maintenance of current building ventilation systems to ensure they are functioning as designed. In buildings where smoking is allowed, the proposal would require designated smoking areas that would be separate, enclosed rooms where the air would be exhausted directly to the outside. Other proposed provisions would require employers to maintain healthy air quality during renovation, remodeling and similar activities. The provisions for indoor air quality would apply to 70 million workers and more than 4.5 million nonindustrial indoor work environments, including schools and training centers, offices, commercial establishments, health care facilities, cafeterias and factory break rooms. ETS provisions would apply to all 6 million industrial and nonindustrial work environments under OSHA 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.

Timetable:

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

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DOL—OSHA

Long-Term Actions

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RIN: 1218-AB37

2015. OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM (PREVENTING OCCUPATIONAL ILLNESS: CHROMIUM)**Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 29 USC 655(b); 29 USC 657**CFR Citation:** Not yet determined**Legal Deadline:** None

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

The major illnesses associated with occupational exposures to hexavalent chromium are lung cancer and dermatoses. OSHA estimates that approximately one million workers are exposed to hexavalent chromium on a regular basis in all industries. The major uses of hexavalent chromium are: as a structural and anti-corrosive element in the production of stainless

steel, ferrochromium, iron and steel, and in electroplating, welding, and painting. After reviewing the petition, OSHA denied the request for an ETS and initiated a section (6)(b) rulemaking. Work on a proposed rule continues.

Timetable:

Action	Date	FR Cite
NPRM	09/00/99	

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

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RIN: 1218-AB45

2016. OCCUPATIONAL EXPOSURE TO TUBERCULOSIS**Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 29 USC 655(b)**CFR Citation:** 29 CFR 1910.1035**Legal Deadline:** None

Abstract: On August 25, 1993, the Occupational Safety and Health Administration (OSHA) was petitioned by the Labor Coalition to Fight TB in the Workplace to initiate rulemaking for a permanent standard to protect workers against occupational transmission of tuberculosis (TB). Although the Centers for Disease Control and Prevention (CDC) have developed recommendations for controlling the spread of TB in several work settings (e.g., correctional institutions, health-care facilities, and homeless shelters), the petitioners stated that in every recent TB outbreak investigated by the CDC, noncompliance with CDC's TB control guidelines was evident. After reviewing the available information, OSHA has preliminarily concluded that significant risk of occupational transmission of TB exists for some workers and has initiated a 6(b) standard rulemaking. The Agency has developed a proposed

rule that would require certain employers to take steps to eliminate or minimize employee exposure to TB. OSHA already regulates the biological hazard of bloodborne pathogens (e.g., HIV, hepatitis B) under 29 CFR 1910.1030 and believes that development of a TB standard is consistent with the Agency's mission and previous activity.

OSHA has consulted with parties outside of the Agency with regard to the developing proposal. The draft preliminary Risk Assessment was peer-reviewed by four individuals with specific knowledge in the areas of tuberculosis and risk assessment. In addition, OSHA has conducted stakeholder meetings with representatives of relevant professional organizations, trade associations, labor unions, and other groups. These meetings provided the opportunity for both general and frontline stakeholder representatives to present OSHA with their individual comments, observations, and concerns about the contents of a proposal. The proposal was also reviewed by and commented on by affected small business entities under the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) and reviewed by the Office of Management and Budget. In response to the consultations and reviews, OSHA made changes to improve the proposed standard.

The proposed standard was published in the Federal Register on October 17, 1997 (62 FR 54160). Informal public hearings have been scheduled to begin April 7, 1998 in Washington, DC; May 5 in Los Angeles, CA; May 19 in New York City; and June 2 in Chicago, IL.

Timetable:

Action	Date	FR Cite
SBREFA Panel	09/10/96	
NPRM	10/17/97	62 FR 54160
NPRM Comment Period End	02/17/98	62 FR 65388
Final Action	00/00/00	

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

Additional Information: During the rulemaking, OSHA met with small business stakeholders to discuss their concerns, and conducted an initial Regulatory Flexibility Analysis to

DOL—OSHA

Long-Term Actions

identify any significant impacts on a substantial number of small entities. In addition, OSHA is conducting a special study of homeless shelters and will designate certain hearing dates for persons who wish to testify on homeless shelter issues.

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RIN: 1218-AB46

2017. CONFINED SPACES IN CONSTRUCTION (PART 1926) (CONSTRUCTION: PREVENTING SUFFOCATION/EXPLOSIONS IN CONFINED SPACES)

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

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

CFR Citation: 29 CFR 1926.36

Legal Deadline: None

Abstract: In January 1993, OSHA issued a general industry rule on preventing suffocation/explosions in confined spaces (58 FR 4462). This standard does 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 proposed rule to extend the protection to construction workers, appropriate to their work environment. One million construction workers are exposed to this hazard annually. OSHA intends to issue a proposed rule addressing this construction industry hazard in the spring of 1999, after extensive discussion with the Advisory Committee on Construction Safety and Health and other stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB47

2018. GENERAL WORKING CONDITIONS IN SHIPYARDS (PART 1915, SUBPART F) (PHASE II) (SHIPYARDS: GENERAL WORKING CONDITIONS)

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

Unfunded Mandates: Undetermined

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

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

CFR Citation: 29 CFR 1915.1 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 various OSHA shipyard standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. Shipyard employers have been subject to both the "shipyard" standards and OSHA's general industry standards for landside operations. This has sometimes resulted in inconsistent and 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 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 was endorsed by the Shipyard Advisory Committee, which was chartered in 1989 to update and consolidate existing shipyard standards. The operations that are addressed in this rulemaking relate to housekeeping, illumination, sanitation, first aid, and lockout/tagout. About 75,000 workers are exposed annually to these hazards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: None

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RIN: 1218-AB50

2019. STANDARDS ADVISORY COMMITTEE ON METALWORKING FLUIDS

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In December 1993, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) petitioned OSHA to take emergency regulatory action to protect workers from the risks of occupational cancers and respiratory illnesses due to exposure to metalworking fluids. OSHA sent an interim response to the UAW stating that the decision to proceed with rulemaking would depend on the results of the OSHA Priority Planning Process. Following the Priority Planning Process report, which identified metalworking fluids as an issue worthy of Agency action, the Assistant Secretary asked the National Advisory Committee on Occupational Safety and Health (NACOSH) for a

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recommendation about how to proceed with metalworking fluids. NACOSH unanimously recommended that OSHA form a Standards Advisory Committee (SAC) to address the health risks caused by occupational exposure to metalworking fluids. The Assistant Secretary accepted the recommendation of NACOSH; OSHA has established a 15-member SAC to make recommendations regarding a standard, a guideline, or other appropriate response to the dangers of occupational exposures to metalworking fluids. The Committee has a balanced membership, including individuals appointed to represent the following affected interests: industry; labor; federal and state safety and health organizations; professional organizations; and national standards-setting groups.

Timetable:

Action	Date	FR Cite
Appointed Names	07/11/97	
Charter Approved	08/15/97	
First Meeting of Committee	09/02/97	
Recommendations	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Agency is particularly concerned with the potential impact a metalworking fluids rule would have on small businesses. OSHA has been working closely with the Small Business Administration to reach small employers to involve them in the process at the earliest possible time. At least 30 small business interests have been identified to date. Small business interests are represented on the SAC.

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RIN: 1218-AB58

2020. PLAIN LANGUAGE REVISION OF EXISTING STANDARDS (PHASE II)

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will eliminate existing text in the CFR.

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

CFR Citation: 29 CFR 1910.219; 29 CFR 1910.241-244

Legal Deadline: None

Abstract: OSHA has identified two standards from part 1910 that need to be revised as part of the President's initiative on Federal regulations discussed in the U.S. Department of Labor Report of June 15, 1995. These standards include 29 CFR 1910.219, Mechanical Power-Transmission Apparatus and 29 CFR 1910, subpart P, Hand and Portable Powered Tools and Other Hand-Held Equipment. OSHA intends to issue two separate rules that will address the following specific sections: Mechanical power-transmission apparatus guarding and maintenance and hand and portable powered tools guarding, use and maintenance. OSHA is developing plain language versions of each of these standards.

Timetable:

Action	Date	FR Cite
NPRM Mechanical Power-Transmission Apparatus	00/00/00	
NPRM - Hand and Portable Powered Tools and Other Hand-Held Equipment	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1218-AB66

2021. ELECTRIC POWER TRANSMISSION AND DISTRIBUTION; ELECTRICAL PROTECTIVE EQUIPMENT

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

Unfunded Mandates: Undetermined

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

Legal Authority: 29 USC 655(b)

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

Legal Deadline: None

Abstract: The annual fatality rate for power line workers is over 50 deaths per 100,000 employees. The standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 20 years old. OSHA is developing a revision of this standard that will prevent many of these fatalities, that will add flexibility to the standard, and that will update and streamline the standard. In addition, the corresponding standard for general industry will be revised so that requirements for similar work performed during maintenance of electric power transmission and distribution installations are the same as those for construction.

Timetable:

Action	Date	FR Cite
NPRM	06/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB67

2022. SAFETY STANDARDS FOR SCAFFOLDS USED IN THE CONSTRUCTION INDUSTRY —PART II

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

Unfunded Mandates: Undetermined

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

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

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Legal Deadline: None

Abstract: Since the promulgation of a final rule for scaffolds used in construction in August 1996, several issues have been raised that require reevaluation of certain requirements and the possible need to add new requirements to address concerns not addressed in the present standard. These issues include: (1) access to platforms where decking extends past the ends of the scaffold; (2) changing the minimum width for roof brackets to less than 12 inches; (3) changing the grounding requirements during welding operations; (4) requiring the use of scaffold grade planks. This rulemaking action will address these issues.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB68

2023. SAFETY AND HEALTH PROGRAMS FOR CONSTRUCTION

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: In response to industry requests and OSHA's Advisory Committee on Construction Safety and Health (ACCSH) recommendation, OSHA has determined that the current safety and health program standards contained in subpart C of the construction standards, 29 CFR 1926, need to be revised to provide construction employers with a more comprehensive set of requirements to assist them in establishing safety and

health programs. Safety and Health programs have proven to be an effective, systematic method of identifying and correcting existing workplace safety and health hazards, as well as preventing those that might arise in the future.

The ACCSH has been working to revise the existing construction standards for safety and health programs and training since 1986. After the April 1996 meeting, ACCSH began in earnest to develop language and concepts to submit to OSHA for consideration as the proposed rule. Over 130 stakeholders representing small, medium and large contractors and host employers (such as petroleum producers; contractor associations; labor unions; other governmental agencies; and non-profit institutions) have participated in these ACCSH discussions.

Although the details of a new safety and health program standard are still being worked out, the safety and health program requirements will require employers to set up a program for managing workplace safety and health in order to reduce the incidence of occupational deaths, injuries, and illnesses. The standard will not impose duties on employers to control hazards that they are not already required to control. Instead, the standard will provide a basic framework for systematically identifying and controlling workplace hazards already covered by the OSH Act under section 5(a)(1) and current OSHA standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Separate standards are being developed for general industry (29 CFR 1910) and the maritime (29 CFR 1915, 1917 and 1918) industries.

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RIN: 1218-AB69

2024. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In 1994, OSHA initiated the Priority Planning Process. This process was aimed at identifying the top priority safety and health hazards. Crystalline silica was one of the priorities designated by this process for rulemaking. OSHA stated that crystalline silica would be added to OSHA's regulatory calendar as other standards were completed and resources became available. Silica exposure remains a serious threat to nearly 2 million U.S. workers including more than 100,000 in high risk jobs, including sandblasters, foundry workers, stonecutters, rock drillers, quarry workers and tunnelers. The seriousness of the health hazard is indicated by continuing deaths from accelerated silicosis in sandblasters and rock drillers and by recent studies which demonstrate a statistically significant increase in lung cancer among silica-exposed workers. In October 1996, the International Agency for Research on Cancer classified crystalline silica as "carcinogenic to humans." Exposure studies indicate that some workers are still exposed to very high levels. While OSHA currently has a permissible exposure limit for crystalline silica (10 mg/m³ divided by the percent of silica in the dust + 2, respirable dust and 30 mg/m³ divided by the percent of silica in the dust + 2, total dust), over 30% of OSHA-collected silica samples from 1982 through 1991 exceeded it. Additionally, recent studies suggest that the current OSHA standard is insufficient to protect against silicosis. For example, a recent study concluded that a 45-year exposure under the current OSHA standard would lead to a lifetime risk of silicosis of 35% to 47%. OSHA plans to publish a proposed rule on crystalline silica because the agency has concluded that there will be no significant progress in the prevention of silica-related diseases without the adoption of a full and comprehensive silica standard, including provisions for

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product substitution, engineering controls, training and education, respiratory protection and medical screening and surveillance. A full standard will improve worker protection, ensure adequate prevention programs, and further reduce silica-related diseases.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

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RIN: 1218-AB70

2025. CONTROL OF HAZARDOUS ENERGY (LOCKOUT) IN CONSTRUCTION (PART 1926) (PREVENTING CONSTRUCTION INJURIES/FATALITIES; LOCKOUT)

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1926

Legal Deadline: None

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

Hazards at construction sites resulting from the absence of effective lockout/tagout procedures to control hazardous energy appear to be caused

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

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

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RIN: 1218-AB71

2026. • OCCUPATIONAL EXPOSURE TO BERYLLIUM

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not yet determined

Legal Deadline: None

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

In 1977, OSHA proposed to reduce the 8-hour TWA exposure to beryllium from 2 ug/m³ to 1 ug/m³ based on evidence that beryllium caused lung

cancer in exposed workers. A hearing followed the proposal, but a final standard was never published. Since the previous OSHA hearing, NIOSH has updated its studies on beryllium exposed workers. The study results again demonstrate a significant excess of lung cancer among exposed workers. The International Agency for Research on Cancer (IARC), has concluded that beryllium is a lung carcinogen to humans.

In addition to lung cancer, a new OSHA beryllium standard would address chronic beryllium disease (CBD), a fatal disease involving lung fibrosis and other organ toxicity. Based on several recent studies involving workers employed in the beryllium ceramics industry, in beryllium production, and in Department of Energy facilities, there is no evidence that very low level beryllium exposure (less than 0.5 ug/m³) may cause CBD. A recent (1997) study from Japan concludes that the level necessary to protect workers from developing CBD cannot exceed 0.01 ug/m³. A new medical surveillance tool is now available that allows for the early detection of workers with CBD prior to any signs of clinical disease or symptoms. Beryllium-sensitized workers convert to CBD at an estimated rate of about 10% per year. This "beryllium sensitization" test is being used in clinical studies of current and past exposed workers. Recent study results indicate that between 5% and 15% of beryllium-exposed workers are sensitized and will eventually develop CBD. In 1997, DOE issued interim guidelines to protect beryllium-exposed workers at all DOE facilities. The guidelines include provisions for exposure monitoring, medical surveillance and re-location of beryllium-sensitized workers.

These guidelines, however, do not affect workers outside DOE facilities. Thus, OSHA needs to initiate rulemaking to protect beryllium-exposed workers from contracting CBD and lung cancer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

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RIN: 1218-AB76

2027. • CONSOLIDATION OF RECORDS MAINTENANCE REQUIREMENTS IN OSHA STANDARDS

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

Unfunded Mandates: Undetermined

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

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

Legal Deadline: None

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

these records, but will leave employee protections unchanged.

Timetable:

Action	Date	FR Cite
NPRM	09/00/99	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB78

DEPARTMENT OF LABOR (DOL)

Completed Actions

Occupational Safety and Health Administration (OSHA)

2028. WALKING WORKING SURFACES AND PERSONAL FALL PROTECTION SYSTEMS (PART 1910) (SLIPS, TRIPS, AND FALL PREVENTION)

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: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32; 29 CFR 1910.128; 29 CFR 1910.129; 29 CFR 1910.130; ...

Legal Deadline: None

Abstract: OSHA has had under consideration standards for walking and working surfaces and personal fall protection systems. OSHA is withdrawing its proposed rule for subpart D to focus on specific parts of that subpart in future rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	55 FR 13360

Action	Date	FR Cite
NPRM Comment Period End	08/22/90	
Hearing	09/11/90	55 FR 29224
Withdrawn	01/09/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 1218-AB04

2029. PROCEDURES FOR HANDLING DISCRIMINATION COMPLAINTS UNDER FEDERAL EMPLOYEE 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: This regulation provides procedures for handling employee discrimination complaints under the following Federal statutes: Safe Drinking Water Act; Federal Water Pollution Control Act; Toxic Substances Control Act; Solid Waste Disposal Act;

Clean Air Act; Energy Reorganization Act; and the Comprehensive Environmental Response, Compensation and Liability Act.

Timetable:

Action	Date	FR Cite
NPRM	03/16/94	59 FR 12506
NPRM Comment Period End	05/16/94	
Final Action	02/09/98	63 FR 6614
Final Action Effective	03/11/98	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: The RIN for the present 29 CFR 24 is 1215-AA83. The new regulation makes three major changes: (1) an October 1992 amendment to the Energy Reorganization Act made several changes in the processing of complaints by employees of contractors for the NRC and DOE; (2) the Secretary designated the Administrative Review Board (on his behalf) to review decisions by ALJ under the Environmental Employee Protection Provisions; (3) the Secretary transferred responsibility for enforcement of these employee protection provisions from the Administrator of the Wage and Hour Division to the Assistant Secretary for the Occupational Safety and Health Administration.

DOL—OSHA

Completed Actions

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RIN: 1218-AB75

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