



Monday
November 9, 1998

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

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

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

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between October 1998 and October 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.

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

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

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

The Regulatory Flexibility Act (under section 610) also requires agencies to periodically review rules "which have or will have a significant economic impact upon a substantial number of small entities" and to annually publish a list of the rules that will be reviewed during the succeeding 12 months. The purpose of the review is to determine whether the rule should be continued without change, amended, or rescinded. In the October 29, 1997, Unified Agenda, the Department listed four rules that were to be reviewed in the succeeding 12 months.

The Employment Standards Administration (ESA) reviewed Government Contractors: Nondiscrimination and Affirmative Action Obligations (41 CFR 60-2) that was last reviewed in 1970. ESA has determined there is a continued need for 41 CFR 60-2. ESA is simplifying the regulation to lessen the impact on small entities and plans to publish a Notice of Proposed Rulemaking in March 1999.

The Occupational Safety and Health Administration (OSHA) had four items on the last two years' review lists: Control of Hazardous Energy Sources (Lockout/Tagout), Occupational Exposure to Ethylene Oxide, Grain Handling Facilities, and Cotton Dust. OSHA held public hearings in July 1998 on the Cotton Dust and Grain Handling standards. OSHA expects to make a decision on whether and what action to

take regarding the Cotton Dust and Grain Handling standards in September 1999. Reports based on reviews of the Lockout/Tagout and the Occupational Exposure to Ethylene Oxide standards will be published in late 1998.

The Mine Safety and Health Administration (MSHA) conducted the 610 review of its regulations in 30 CFR part 48 addressing Training and Retraining of Miners. MSHA will be issuing final rules addressing supervisor and experienced miner training soon. In addition, based on comments received from the review and its experience, MSHA will develop an NPRM proposing more flexible training requirements.

The next 12-month review list for the Department of Labor is provided below and public comment is invited on the listing. A brief description of each rule, the legal basis for the rule, and the agency contact are provided with each agenda item. Agencies will report on the results of each review in the October 1999 regulatory agenda.

Employment Standards Administration

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

Occupational Safety and Health Administration

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

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

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

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

Mine Safety and Health Administration

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

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

Alexis M. Herman,
Secretary of Labor.

DOL

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2105	Production or Disclosure of Information or Materials	1290-AA17
2106	Equal Access to Justice Act	1290-AA18

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2107	Supplemental Standards of Ethical Conduct for Employees of the Department of Labor	1290-AA15

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2108	Coordinated Enforcement of Farm Labor Protective Statutes	1290-AA11
2109	Protection of Individual Privacy and Access to Records Under the Privacy Act of 1974	1290-AA16

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2110	Government Contractors: Nondiscrimination and Affirmative Action Obligations, Executive Order 11246 (ESA/OFCCP) (Section 610 Review) (Reg Plan Seq. No. 54)	1215-AA01
2111	Child Labor Regulations, Orders, and Statements of Interpretation (ESA/W-H) (Reg Plan Seq. No. 55)	1215-AA09
2112	Defining and Delimiting the Term "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H) (Reg Plan Seq. No. 56)	1215-AA14
2113	Application of the Fair Labor Standards Act to Domestic Service	1215-AA82
2114	Procedures for Predetermination of Wage Rates (29 CFR Part 1) and Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (29 CFR Part 5) (Reg Plan Seq. No. 57)	1215-AA94
2115	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
2116	Records To Be Kept by Employers Under the Fair Labor Standards Act	1215-AB03
2117	Assessment and Collection of User Fees	1215-AB06
2118	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models	1215-AB09
2119	Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects Under the Fair Labor Standards Act	1215-AB11
2120	Implementation of the 1996 Amendments to the Fair Labor Standards Act	1215-AB13
2121	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
2122	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
2123	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities	1215-AB23

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

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2124	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era	1215-AA62

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Employment Standards Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2125	Standards for Waivers Under Section 503 of the Rehabilitation Act	1215-AA84
2126	Benefits Under the Federal Coal Mine Safety and Health Act of 1977, as Amended Affecting the Black Lung Benefits Act	1215-AA99
2127	Federal Employees' Compensation Act; Claims for Compensation for Work-Related Injury/Death	1215-AB07
2128	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
2129	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act	1215-AA43
2130	Reporting by Labor Relations Consultants and Other Persons	1215-AB14

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2131	Use and Disclosure of Federal Employees' Compensation Act Claims File Material	1215-AB18
2132	Technical Amendments of Rules Relating to Labor-Management Standards and Standards of Conduct for Federal Sector Labor Organizations	1215-AB22

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2133	Disaster Unemployment Assistance Program, Amendment to Regulations	1205-AB02
2134	Federal-State Unemployment Compensation Program; Unemployment Insurance Performance System	1205-AB10
2135	Airline Deregulation: Employee Benefit Program	1205-AB17
2136	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the U.S.; Administrative Measures To Improve Program Performance	1205-AB19

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2137	Trade Adjustment Assistance for Workers—Implementation of 1988 Amendments	1205-AB05
2138	Trade Adjustment Assistance for Workers—Transitional Adjustment Assistance NAFTA-TAA	1205-AB07
2139	Welfare-to-Work (WTW) Grants (Reg Plan Seq. No. 58)	1205-AB15
2140	Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records	1205-AB18
2141	Workforce Investment Act of 1998 (Reg Plan Seq. No. 59)	1205-AB20

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

Employment and Training Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2142	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring, and Enforcement	1205-AA37

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Employment and Training Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2143	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
2144	Establishment of Fees for Immigration Programs Administered by the Employment and Training Administration	1205-AB14
2145	Indian and Native American Welfare-to-Work Program	1205-AB16

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2146	Job Training Partnership Act: Indian and Native American Programs	1205-AA96
2147	Job Training Partnership Act: Migrant and Seasonal Farmworker Programs	1205-AA99
2148	Amendments to the Labor Certification Process for Temporary Agricultural Employment in the United States (H-2A)	1205-AB09

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2149	Definition of Collective Bargaining Agreement (ERISA Section 3(40))	1210-AA48
2150	Revision of the Form 5500 Series and Implementing and Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA) (Reg Plan Seq. No. 60)	1210-AA52
2151	Reporting Requirements for MEWAs Providing Medical Care Benefits	1210-AA64
2152	Elimination of Filing Requirements for Summary Plan Descriptions	1210-AA66
2153	Requirement to Furnish Plan Documents Upon Request by the Secretary of Labor	1210-AA67
2154	Civil Penalty for Failure to Furnish Certain Plan Documents	1210-AA68
2155	Amendments to Summary Plan Description Regulations (Reg Plan Seq. No. 61)	1210-AA69
2156	Electronic Disclosure of Employee Benefit Plan Information	1210-AA71
2157	Amendment of Small Plan Exemption From Audit Requirement	1210-AA73

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Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2158	Regulations Implementing the Health Care Access, Portability and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996 (Reg Plan Seq. No. 62)	1210-AA54
2159	Amendment of Summary Plan Description and Related ERISA Regulations To Implement Statutory Changes in the Health Insurance Portability and Accountability Act of 1996 (Reg Plan Seq. No. 63)	1210-AA55
2160	Enforcement Policy on AICPA SOP 92-6	1210-AA57
2161	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
2162	Amendments to Employee Benefit Plan Claims Procedures Regulation (Reg Plan Seq. No. 64)	1210-AA61
2163	Health Care Standards for Mothers and Newborns (Reg Plan Seq. No. 65)	1210-AA63
2164	Interpretive Bulletin on Payroll Deduction Programs for Contributions to Individual Retirement Accounts	1210-AA70
2165	National Medical Support Notice (Reg Plan Seq. No. 66)	1210-AA72

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Pension and Welfare Benefits Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2166	Adequate Consideration	1210-AA15

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Pension and Welfare Benefits Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2167	Civil Penalties Under ERISA Section 502(l)	1210-AA37
2168	Reporting and Disclosure Under the Employee Retirement Income Security Act of 1974	1210-AA44
2169	Rulemaking Relating to Notice Requirements for Continuation of Health Care Coverage	1210-AA60
2170	Interim Rules Relating to Mental Health Benefits Parity	1210-AA62
2171	Individual Benefits Reporting Requirements for Defined Contribution Plans	1210-AA65

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2172	Training and Retraining of Miners	1219-AB02
2173	Occupational Exposure to Coal Mine Dust (Lowering Exposure Limit) (Reg Plan Seq. No. 67)	1219-AB08

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

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2174	Air Quality, Chemical Substances, and Respiratory Protection Standards	1219-AA48
2175	Diesel Particulate (Underground Coal) (Reg Plan Seq. No. 68)	1219-AA74
2176	Belt Entry Use As Intake Aircourses To Ventilate Working Sections	1219-AA76
2177	Metal/Nonmetal Impoundments	1219-AA83
2178	Surface Haulage	1219-AA93
2179	Safety Standards for the Use of Roof-Bolting Machines	1219-AA94
2180	Safety Standard Revisions for Underground Anthracite Mines	1219-AA96
2181	Electrical Standards for Metal and Nonmetal Mines	1219-AB01
2182	Self-Contained Self-Rescue Devices in Underground Metal and Nonmetal Mines	1219-AB06
2183	X-Ray Surveillance Program for Surface Coal Miners (Reg Plan Seq. No. 69)	1219-AB09
2184	Diesel Particulate (Underground Metal and Nonmetal Mines) (Reg Plan Seq. No. 70)	1219-AB11
2185	Verification of Dust Control Plan (Reg Plan Seq. No. 71)	1219-AB14
2186	Training and Retraining of Miners: Supervisor Training	1219-AB16

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Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2187	Hazard Communication	1219-AA47
2188	Noise Standard (Reg Plan Seq. No. 72)	1219-AA53
2189	Longwall Equipment (Including High-Voltage)	1219-AA75
2190	Independent Laboratory Testing	1219-AA87
2191	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA92
2192	Improving and Eliminating Regulations	1219-AA98
2193	Safety Standards for Underground Coal Mine Ventilation	1219-AB10

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Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2194	Confined Spaces	1219-AA54

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

Sequence Number	Title	Regulation Identifier Number
2195	Carbon Monoxide Monitor Approval	1219-AA72
2196	Safety Standards for Methane in Metal and Nonmetal Mines	1219-AA90
2197	Respirable Crystalline Silica Standard	1219-AB12

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2198	Coal Mine Dust	1219-AA81
2199	Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines	1219-AB00
2200	Criteria and Procedures for Proposed Assessment of Civil Penalties	1219-AB03
2201	Observation of Operator Noise Monitoring	1219-AB05
2202	Experienced Miner and Supervisor Training	1219-AB13
2203	Safety Standards for Reporting Daily Inspections of Surface Coal Mines	1219-AB15

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

Sequence Number	Title	Regulation Identifier Number
2204	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA21
2205	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance	1291-AA28
2206	Implementation of the Nondiscrimination and Equal Opportunity Requirements of the Workforce Investment Act of 1998	1291-AA29

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

Sequence Number	Title	Regulation Identifier Number
2207	Audits of States, Local Governments, and Nonprofit Organizations	1291-AA26
2208	Audit Requirements for Grants, Contracts, and Other Agreements	1291-AA27

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

Sequence Number	Title	Regulation Identifier Number
2209	Department of Labor Acquisition Regulation	1291-AA20

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

Sequence Number	Title	Regulation Identifier Number
2210	Administrative Requirements for Grantees To Reflect Single Audit Act Amendments	1291-AA25

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Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2211	Standards Advisory Committee on Metalworking Fluids (Reg Plan Seq. No. 73)	1218-AB58
2212	Control of Hazardous Energy Sources (Lockout/Tagout)(Section 610 Review)	1218-AB59
2213	Occupational Exposure to Ethylene Oxide (Section 610 Review)	1218-AB60
2214	Fall Protection in the Construction Industry	1218-AB62
2215	Process Safety Management of Highly Hazardous Chemicals	1218-AB63
2216	Safety Standards for Scaffolds Used in the Construction Industry—Part II	1218-AB68
2217	Occupational Exposure to Crystalline Silica (Reg Plan Seq. No. 74)	1218-AB70
2218	Grain Handling Facilities (Section 610 Review)	1218-AB73
2219	Cotton Dust (Section 610 Review)	1218-AB74

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Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2220	Steel Erection (Part 1926) (Safety Protection for Ironworkers) (Reg Plan Seq. No. 75)	1218-AA65
2221	Access and Egress in Shipyards (Part 1915, Subpart E) (Phase I) (Shipyards: Emergency Exits and Aisles)	1218-AA70
2222	Prevention of Work-Related Musculoskeletal Disorders (Reg Plan Seq. No. 76)	1218-AB36
2223	Safety and Health Programs (for General Industry and the Maritime Industries) (Reg Plan Seq. No. 77)	1218-AB41
2224	Occupational Exposure to Hexavalent Chromium (Preventing Occupational Illness: Chromium)	1218-AB45
2225	Occupational Exposure to Tuberculosis (Reg Plan Seq. No. 78)	1218-AB46
2226	Confined Spaces in Construction (Part 1926): Preventing Suffocation/Explosions in Confined Spaces	1218-AB47
2227	Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Phase II) (Shipyards: Fire Safety)	1218-AB51
2228	Permissible Exposure Limits (PELs) for Air Contaminants (Reg Plan Seq. No. 79)	1218-AB54
2229	Plain Language Revision of Existing Standards (Phase I) (Reg Plan Seq. No. 80)	1218-AB55
2230	Nationally Recognized Testing Laboratories Programs: Fees	1218-AB57
2231	Flammable and Combustible Liquids	1218-AB61
2232	Revocation of Certification Records for Tests, Inspections, and Training	1218-AB65
2233	Plain Language Revision of the Mechanical Power-Transmission Apparatus Standard	1218-AB66
2234	Requirement To Pay for Personal Protective Equipment (Reg Plan Seq. No. 81)	1218-AB77
2235	Consolidation of Records Maintenance Requirements in OSHA Standards	1218-AB78
2236	Consultation Agreements	1218-AB79

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Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2237	Respiratory Protection (Proper Use of Modern Respirators)	1218-AA05
2238	Recording and Reporting Occupational Injuries and Illnesses (Simplified Injury/Illness Recordkeeping Requirements) (Reg Plan Seq. No. 82)	1218-AB24
2239	Powered Industrial Truck Operator Training (Industrial Truck Safety Training)	1218-AB33
2240	Permit Required Confined Spaces (General Industry: Preventing Suffocation/Explosions In Confined Spaces)	1218-AB52

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

Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2241	Longshoring and Marine Terminals (Parts 1917 and 1918)— Reopening of the Record (Vertical Tandem Lifts (VTLs))	1218-AA56
2242	Scaffolds in Shipyards (Part 1915—Subpart N) (Phase I)	1218-AA68
2243	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates: Protecting Reproductive Health	1218-AA84

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

Sequence Number	Title	Regulation Identifier Number
2244	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2245	Indoor Air Quality in the Workplace	1218-AB37
2246	General Working Conditions for Shipyard Employment	1218-AB50
2247	Fire Brigades	1218-AB64
2248	Electric Power Transmission and Distribution; Electrical Protective Equipment in the Construction Industry	1218-AB67
2249	Safety and Health Programs for Construction	1218-AB69
2250	Control of Hazardous Energy (Lockout) in Construction (Part 1926) (Preventing Construction Injuries/Fatalities; Lockout)	1218-AB71
2251	Occupational Exposure to Beryllium	1218-AB76
2252	Walking Working Surfaces and Personal Fall Protection Systems (1910) (Slips, Trips and Fall Prevention)	1218-AB80

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2253	Standards Improvement Project	1218-AB53

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

Proposed Rule Stage

2105. PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

Priority: Substantive, Nonsignificant

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

CFR Citation: 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	12/00/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1290-AA17

2106. 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	12/00/98	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Robert A. Shapiro, Associate Solicitor for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room N2428, FP Building, Washington, DC 20210
Phone: 202 219-8201
Fax: 202 219-6896
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RIN: 1290-AA18

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

Final Rule Stage

2107. 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	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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

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RIN: 1290-AA15

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

Completed Actions

2108. 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	
Withdrawn	08/26/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Since 1980, a number of changes have taken place in DOL's farm labor activities, such as: The Farm Labor Contractor Registration Act has been replaced by the Migrant and Seasonal Agricultural Worker Protection Act; the title of the head of the National Committee has been changed from Under Secretary to Deputy Secretary; the Immigration Reform and Control Act of 1986 has amended the Immigration and Nationality Act, authorizing DOL to enforce work contracts executed by employers of alien (H-2A) farmworkers; the role of States in operating the Employment Service under the Wagner-Peyser Act was enhanced in 1982; regional offices of the Employment

Standards Administration no longer exist and the regional farm labor enforcement role is now coordinated by the Regional Administrator for Wage and Hour; and the Assistant Secretary for Policy has assumed a role in farm labor programs at the national level. These and other changes necessitate updating the coordinated enforcement regulations.

Agency Contact: Ruth Samardick, Chief, 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

2109. 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 over 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

DOL—OS

Completed Actions

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	10/22/98	63 FR 56739
Final Action Effective	12/01/98	

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

Agency Contact: Miriam McD. Miller, Co-Counsel for Administrative Law, Division of Legislation and Legislative Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room N2428, FP Building, Washington, DC 20210
Phone: 202 219-8188
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RIN: 1290-AA16
**DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)**
Proposed Rule Stage
**2110. GOVERNMENT CONTRACTORS:
NONDISCRIMINATION AND
AFFIRMATIVE ACTION OBLIGATIONS,
EXECUTIVE ORDER 11246
(ESA/OFCCP) (SECTION 610 REVIEW)**

Regulatory Plan: This entry is Seq. No. 54 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA01
**2111. CHILD LABOR REGULATIONS,
ORDERS, AND STATEMENTS OF
INTERPRETATION (ESA/W-H)**

Regulatory Plan: This entry is Seq. No. 55 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA09
**2112. DEFINING AND DELIMITING THE
TERM "ANY EMPLOYEE EMPLOYED
IN A BONA FIDE EXECUTIVE,
ADMINISTRATIVE, OR
PROFESSIONAL CAPACITY" (ESA/W-
H)**

Regulatory Plan: This entry is Seq. No. 56 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA14
**2113. 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
NPRM	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

Phone: 202 693-0051

Fax: 202 219-5122

RIN: 1215-AA82
**2114. PROCEDURES FOR
PREDETERMINATION OF WAGE
RATES (29 CFR PART 1) AND LABOR
STANDARDS PROVISIONS
APPLICABLE TO CONTRACTS
COVERING FEDERALLY FINANCED
AND ASSISTED CONSTRUCTION (29
CFR PART 5)**

Regulatory Plan: This entry is Seq. No. 57 in Part II of this issue of the **Federal Register**.

RIN: 1215-AA94
**2115. 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
Second NPRM	12/00/98	

Regulatory Flexibility Analysis Required: No

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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RIN: 1215-AA96

2116. 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	04/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
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Fax: 202 219-5122

RIN: 1215-AB03

2117. 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	11/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

DOL—ESA

Proposed Rule Stage

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RIN: 1215-AB06

2118. LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING NONIMMIGRANTS ON H-1B VISAS IN SPECIALTY OCCUPATIONS AND AS FASHION MODELS**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101(a)(15)(H)(i)(b); 8 USC 1182(n); 8 USC 1184; 29 USC 49 et seq; PL 102-232**CFR Citation:** 20 CFR 655, subparts H & I**Legal Deadline:** None**Abstract:** This proposed rule is a republication for notice and public comment of various provisions of the Department's final rule implementing provisions of the Immigration and Nationality Act as it relates to the temporary employment in the United States of nonimmigrants admitted under H-1B visas. As part of the DOL regulatory reinvention efforts, Regulations, 29 CFR part 507, which duplicate 20 CFR part 655, subparts H and I, have been removed from title 29. (See 61 FR 51013.)**Timetable:**

Action	Date	FR Cite
NPRM	10/31/95	60 FR 55339
NPRM Comment Period End	11/30/95	
NPRM	12/00/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

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RIN: 1215-AB09

2119. 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	04/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Federal**Agency Contact:** John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

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RIN: 1215-AB11

2120. IMPLEMENTATION OF THE 1996 AMENDMENTS TO THE FAIR LABOR STANDARDS ACT**Priority:** Other Significant**Legal Authority:** PL 104-188, sec 2101 to 2105; 29 USC 201 et seq**CFR Citation:** 29 CFR 4; 29 CFR 531; 29 CFR 541; 29 CFR 778; 29 CFR 785; 29 CFR 790; 29 CFR 870; 41 CFR 50-202**Legal Deadline:** None**Abstract:** The "Small Business Job Protection Act of 1996" (H.R. 3448) was enacted on August 20, 1996, as Public Law 104-188. Title II of this enactment

amended the Portal-to-Portal Act (PA) and the Fair Labor Standards Act (FLSA). The PA amendment excludes (under certain circumstances) from compensable "hours worked" the time spent by an employee in home-to-work travel in an employer-provided vehicle. The FLSA amendments: (1) increase the \$4.25 Federal minimum hourly wage by \$.90 in two steps over two years (i.e., to \$4.75 on October 1, 1996, and to \$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	12/00/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Federal**Agency Contact:** John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210

Phone: 202 693-0051

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RIN: 1215-AB13

2121. 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)

DOL—ESA

Proposed Rule Stage

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
 Phone: 202 693-0051
 Fax: 202 219-5122
RIN: 1215-AB20

2122. LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (29 CFR PART 5) DEFINITION OF "SITE OF THE WORK" UNDER THE DAVIS-BACON ACT

Priority: Substantive, Nonsignificant
Legal Authority: 40 USC 276a to 276a-7; 40 USC 276c

CFR Citation: 29 CFR 5

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
 Phone: 202 693-0051
 Fax: 202 219-5122
RIN: 1215-AB21

2123. • AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING INDIVIDUALS WITH DISABILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 706; 29 USC 793; EO 11758

CFR Citation: 41 CFR 60-741 (Revision)

Legal Deadline: None

Abstract: OFCCP proposes to revise the regulation implementing section 503 of the Rehabilitation Act of 1973, as amended, to conform to the recently revised section 60-1.20(a) of the regulation implementing E.O. 11246, as amended. The section authorizes OFCCP to use a range of methods to evaluate a contractor's compliance with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210
 Phone: 202 693-0102
 TDD: 800 326-2577
 Fax: 202 219-6195
RIN: 1215-AB23

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

Final Rule Stage

2124. 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.

DOL—ESA

Final Rule Stage

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	10/00/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210

Phone: 202 693-0102

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Fax: 202 219-6195

RIN: 1215-AA62

2125. STANDARDS FOR WAIVERS UNDER SECTION 503 OF THE REHABILITATION ACT

Priority: Substantive, Nonsignificant

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

CFR Citation: 41 CFR 60-741

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/14/96	61 FR 5902
NPRM Comment Period End	04/15/96	
Final Action	03/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James I. Melvin, Director, Division of Policy, Planning, and Program Development, OFCCP,

Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210

Phone: 202 693-0102

TDD: 800 326-2577

Fax: 202 219-6195

RIN: 1215-AA84

2126. BENEFITS UNDER THE FEDERAL COAL MINE SAFETY AND HEALTH ACT OF 1977, AS AMENDED AFFECTING THE BLACK LUNG BENEFITS ACT

Priority: Other Significant

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

Legal Authority: 30 USC 901 et seq

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

Legal Deadline: None

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

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

Timetable:

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

Regulatory Flexibility Analysis

Required: 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: 202 693-0046

Fax: 202 219-8568

RIN: 1215-AA99

2127. 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	10/00/98	

Regulatory Flexibility Analysis

Required: No

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

DOL—ESA

Final Rule Stage

2128. 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	10/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Employment Standards Administration (ESA)

2129. ENFORCEMENT OF CONTRACTUAL OBLIGATIONS FOR TEMPORARY ALIEN AGRICULTURAL WORKERS ADMITTED UNDER SECTION 216 OF THE IMMIGRATION AND NATIONALITY ACT

Priority: Substantive, Nonsignificant
Legal Authority: PL 99-603
CFR Citation: 29 CFR 501

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

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: John R. Fraser, Deputy Director, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210
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RIN: 1215-AA43

2130. 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

DOL—ESA

Long-Term Actions

information-supplying activities were undertaken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

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

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and Standards, OLMS, Department of Labor,

Employment Standards Administration, 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)

2131. 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	10/22/98	63 FR 56752
Final Action Effective	11/23/98	

Regulatory Flexibility Analysis Required: No

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**2132. • TECHNICAL AMENDMENTS OF RULES RELATING TO LABOR-MANAGEMENT STANDARDS AND STANDARDS OF CONDUCT FOR FEDERAL SECTOR LABOR ORGANIZATIONS****Priority:** Info./Admin./Other

Legal Authority: 29 USC 401 et seq; 29 USC 7120; 29 USC 7134; Secretary's Order 5-96

CFR Citation: 29 CFR 402 to 406; 29 CFR 457 to 458; 29 CFR 408 to 409; 29 CFR 417; 29 CFR 452 to 453

Legal Deadline: None

Abstract: The final rule makes two corrections to the final rule published in the Federal Register on June 19,

1998, 63 FR 33778. These two corrections, which were inadvertently omitted from the June 19th final rule, change the OMB control number in 29 CFR section 406.10 and 408.13 to "1215-0188."

Timetable:

Action	Date	FR Cite
Final Action	06/19/98	63 FR 33778
Final Action Effective	06/19/98	
Final Action - Amendment Correction	09/03/98	63 FR 46887
Final Action Effective	09/03/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Phone: 202 219-7373

Fax: 202 219-6459

RIN: 1215-AB22

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

2133. 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 solicits public comment and suggestions relative to these

provisions and on other provisions for review and potential revision in a future NPRM. Second, an interim final rule was published May 11, 1995, with a 60-day comment period. This rule simplified the monetary assistance provisions by removing cumbersome administrative provisions and inconsistencies in the computation of a weekly amount.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/94	59 FR 63670

DOL—ETA

Proposed Rule Stage

Action	Date	FR Cite
ANPRM Comment Period End	02/06/95	
Interim Final Rule NPRM	05/11/95 12/00/98	60 FR 25560

Regulatory Flexibility Analysis Required: Yes

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
Phone: 202 219-5616

RIN: 1205-AB02

2134. 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; 20 CFR 609.6(f); 20 CFR 614.6(f)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	01/16/97	62 FR 2543

Action	Date	FR Cite
ANPRM Comment Period End	03/17/97	
NPRM	05/00/99	

Regulatory Flexibility Analysis Required: 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: sking@doleta.gov

RIN: 1205-AB10

2135. 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	03/00/99	

Regulatory Flexibility Analysis Required: No

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

2136. • LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE U.S.; ADMINISTRATIVE MEASURES TO IMPROVE PROGRAM PERFORMANCE

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

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/02/98	63 FR 53243
NPRM Comment Period End	12/01/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James Norris, Director, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4456, FP Building, Washington, DC 20210
Phone: 202 219-5263
Fax: 202 208-5844
Email: jnorris@doleta.gov

RIN: 1205-AB19

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Employment and Training Administration (ETA)

2137. 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	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1205-AB05

2138. 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	03/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1205-AB07

2139. WELFARE-TO-WORK (WTW) GRANTS

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

RIN: 1205-AB15

2140. • FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF STATE RECORDS

Priority: Other Significant

Legal Authority: 42 USC 1302 (a); 42 USC 503; Secretary's Orders 4-75 and 14-75; 42 USC 132.06-7

CFR Citation: 20 CFR 603

Legal Deadline: None

Abstract: The Employment and Training Administration of the Department of Labor is preparing to issue a final rule on confidentiality and disclosure of State records in the Federal-State Unemployment Compensation program. The final rule modifies and expands the regulations implementing the Income and Eligibility Verification System (IEVS) to include all of the requirements of statutory provisions relating to confidentiality and disclosure of State records compiled or maintained for purposes of the Federal-State Unemployment Compensation program.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Additional Information: Formerly RIN 1205-AA74; was taken off regulatory agenda in 1994 due to inactivity. An NPRM was published 3/23/92 at 57 FR 100064 with comment period ending 5/22/92.

Agency Contact: Anne Gallagher, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4512, FP Building, Washington, DC 20210

Phone: 202 219-5201

Fax: 202 219-8506

RIN: 1205-AB18

2141. • WORKFORCE INVESTMENT ACT OF 1998

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

RIN: 1205-AB20

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Employment and Training Administration (ETA)

2142. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING, AND ENFORCEMENT

Priority: Other Significant

Legal Authority: 29 USC 49k

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under title VI of the Job Training Partnership Act.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: State, Local, Federal

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

Phone: 202 219-5257

RIN: 1205-AA37

2143. 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

Regulatory Flexibility Analysis

Required: No

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: 202 219-5263

Fax: 202 219-5844

Email: jnorris@doleta.gov

RIN: 1205-AA66

2144. 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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Additional Information: Funding of ETA immigration programs has been reduced by 39 percent since FY 1995. The fee proceeds would be used to offset the costs of administering the alien labor certification program.

However, in each of Fiscal Years 1999 and 2000 regular appropriations of \$41 million would be required in addition to user fees to work off a large backlog of applications already in the pipeline and future growing backlogs created primarily by appropriations reduction in FY 1996 and 1997.

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

Phone: 202 219-5263

Fax: 202 219-5844

Email: jnorris@doleta.gov

RIN: 1205-AB14

2145. 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, Citation mandates Secretary to prescribe regulations within 90 days of enactment to publish Interim Final rule by 10/31/98.

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

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Tribal

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

DOL—ETA

Long-Term Actions

Fax: 202 219-6338
Email: dowdt@doleta.gov

RIN: 1205-AB16

DEPARTMENT OF LABOR (DOL)

Completed Actions

Employment and Training Administration (ETA)

2146. 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
Withdrawn	08/26/98	

Regulatory Flexibility Analysis

Required: 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: 202 219-8502

RIN: 1205-AA96

2147. 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
Withdrawn	08/26/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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-AA99

2148. 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:

Action	Date	FR Cite
Withdrawn	08/31/98	

Regulatory Flexibility Analysis

Required: No

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: 202 219-5263

RIN: 1205-AB09

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

Proposed Rule Stage

2149. 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	09/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1210-AA48

2150. REVISION OF THE FORM 5500 SERIES AND IMPLEMENTING AND RELATED REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)

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

RIN: 1210-AA52

2151. 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: 29 CFR 2520

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 45-204, 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	06/00/99	

Regulatory Flexibility Analysis

Required: 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 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-AA64

2152. 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.

DOL—PWBA

Proposed Rule Stage

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

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

Legal Deadline: None

Abstract: This rulemaking will remove from the CFR certain regulations that have been superseded by amendments to title I of ERISA effected by the Taxpayer Relief Act of 1997 (PL 105-34) that eliminate the requirement for plan administrators to file summary plan descriptions (SPDs), summaries 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	03/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

RIN: 1210-AA66

2153. 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 2520.104a-8

Legal Deadline: None

Abstract: This rulemaking will implement an amendment to title I of ERISA made by section 1503 of the Taxpayer Relief Act of 1997 (PL 105-

34) which requires plan administrators to furnish copies of any documents relating to the plan to the Department on request.

Timetable:

Action	Date	FR Cite
NPRM	03/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

RIN: 1210-AA67

2154. 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: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

RIN: 1210-AA68

2155. AMENDMENTS TO SUMMARY PLAN DESCRIPTION REGULATIONS

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

RIN: 1210-AA69

2156. • ELECTRONIC DISCLOSURE OF EMPLOYEE BENEFIT PLAN INFORMATION

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

Legal Authority: 29 USC 1024; 29 USC 1135; Taxpayer Relief Act (PL 105-34); Secretary of Labor's Order No. 1-87, April 21, 1987

CFR Citation: 29 CFR 2520.104b

Legal Deadline:

NPRM, Statutory, December 31, 1998.

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/98	

Regulatory Flexibility Analysis

Required: 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., Rm N5669, FP Building, Washington, DC 20210

DOL—PWBA

Proposed Rule Stage

Phone: 202 219-8521

RIN: 1210-AA71

2157. • AMENDMENT OF SMALL PLAN EXEMPTION FROM AUDIT REQUIREMENT

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; 29 USC 1024; 29 USC 1191c; Secretary of Labor's Order No. 1-87, April 21, 1987

CFR Citation: 29 CFR 2520.104-41; 29 CFR 2520.104.46

Legal Deadline: None

Abstract: This initiative would amend the conditions under which small pension plans (i.e., those with fewer than 100 participants) will be exempt from the requirements of section 103(a)(3)(A) to engage an independent qualified public accountant and to include the report of such accountant as part of the plan's annual report. Specifically, the amendment would condition the availability of the exemption on plan assets being held by an approved institution, the approved institution providing a certification of the assets held, and the availability of such certifications to plan participants and beneficiaries. This initiative is being undertaken to improve security and accountability with respect to

assets of small employee pension benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/98	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: John Keene, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Room N5669, FP Building, Washington, DC 20210
Phone: 202 219-8521

RIN: 1210-AA73

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2158. REGULATIONS IMPLEMENTING THE HEALTH CARE ACCESS, PORTABILITY AND RENEWABILITY PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

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

RIN: 1210-AA54

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 is considering comments received from the public 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.

Phone: 202 219-8515

RIN: 1210-AA57

2159. AMENDMENT OF SUMMARY PLAN DESCRIPTION AND RELATED ERISA REGULATIONS TO IMPLEMENT STATUTORY CHANGES IN THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

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

RIN: 1210-AA55

Timetable:

Action	Date	FR Cite
Request for Comments	03/13/97	62 FR 11424
NPRM Comment Period End	05/12/97	
Final Action	11/00/98	

2161. 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.
Other, Statutory, September 30, 1997, Specifies 6/30/99 as latest date for the regulation to take effect. Regulation not effective until 18 months after final. Final, Statutory, December 31, 1997.

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 policies or contracts issued to or for the benefit of employee benefit plans which are supported by assets in the insurers' general accounts. Subsection 401(c) specifies the timetable by which the Secretary must

2160. 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

Regulatory Flexibility Analysis

Required: 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 N5669, FP Building, Washington, DC 20210

DOL—PWBA

Final Rule Stage

issue regulatory guidance concerning this provision.

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

Phone: 202 219-8194

Fax: 202 219-7291

RIN: 1210-AA58

2162. AMENDMENTS TO EMPLOYEE BENEFIT PLAN CLAIMS PROCEDURES REGULATION

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

RIN: 1210-AA61

2163. HEALTH CARE STANDARDS FOR MOTHERS AND NEWBORNS

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

RIN: 1210-AA63

2164. • INTERPRETIVE BULLETIN ON PAYROLL DEDUCTION PROGRAMS FOR CONTRIBUTIONS TO INDIVIDUAL RETIREMENT ACCOUNTS

Priority: Info./Admin./Other

Major: Undetermined

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

CFR Citation: 29 CFR 2509

Legal Deadline: None

Abstract: This interpretive bulletin will compile for ease of reference the views of the Department of Labor (the Department) concerning the circumstances under which the use of a payroll deduction program for forwarding employee monies to an individual retirement account annuity will not constitute an employee pension benefit plan subject to title I of the Employee Retirement Security Act of 1974 (ERISA). This guidance is intended to assist employers in their efforts to provide retirement savings opportunities to employees by clarifying the circumstances under

which the use of payroll deduction programs will not implicate provisions of parts 1 (Reporting and Disclosure), 4 (Fiduciary Responsibility) and 5 (Administration and Enforcement) of title I of ERISA.

Timetable:

Action	Date	FR Cite
Final Action	12/00/98	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Susan G. 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-AA70

2165. • NATIONAL MEDICAL SUPPORT NOTICE

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

RIN: 1210-AA72

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Pension and Welfare Benefits Administration (PWBA)

2166. 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

Action	Date	FR Cite
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NPRM Comment Period End	07/18/88	
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Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

Phone: 202 219-4592

RIN: 1210-AA15

2167. 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

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Long-Term Actions

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		

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

Phone: 202 219-8610

RIN: 1210-AA37

2168. 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. On the basis of 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	
Complete Review	06/30/95	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: 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

2169. RULEMAKING RELATING TO NOTICE REQUIREMENTS FOR CONTINUATION OF HEALTH CARE COVERAGE

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 1135; 29 USC 1136

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: This rulemaking will provide guidance concerning the notification requirements pertaining to continuation coverage under the Employee Retirement Income Security Act of 1974 (ERISA). Section 606 of ERISA requires that group health plans provide employees notification of the continuation coverage provisions of the plan and imposes notification obligations upon plan administrators, employers, employees, and qualified beneficiaries relating to certain qualifying events.

Timetable:

Action	Date	FR Cite
ANPRM	09/23/97	62 FR 49894
ANPRM Comment Period End	11/24/97	
NPRM	12/00/99	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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

Phone: 202 219-8521

RIN: 1210-AA60

2170. 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: 29 CFR 2590

Legal Deadline: None

Abstract: The Mental Health Parity Act of 1996 (MHPA) was enacted on September 26, 1996 (P.L. 104-204). MHPA amended the Public Health Service Act (PHSA) and the Employee Retirement Income Security Act of 1974, 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	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITIES CONT: Secs. 107, 209, 505, 701-703, 711, 712 731-734 of ERISA (29 U.S.C. 1027, 1059, 1135, 1171-1173, 1181 1182, 1191-1194), as

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Long-Term Actions

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, 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

2171. INDIVIDUAL BENEFITS REPORTING REQUIREMENTS FOR DEFINED CONTRIBUTION PLANS

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 2520.105-1

Legal Deadline: None

Abstract: ERISA sections 105 and 209 require the furnishing of statements of accrued and vested pension benefits upon request of a participant or beneficiary, upon a participant's termination of service with an employer, and upon a participant's incurring a one-year break in service.

This regulation will provide guidance with respect to the furnishing of individual benefit reports to participants and beneficiaries in defined contribution pension plans.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1210-AA65

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

2172. TRAINING AND RETRAINING OF MINERS

Priority: Substantive, Nonsignificant

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

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48

Legal Deadline: None

Abstract: 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 reviewed these training requirements as part of its Regulatory Flexibility review to determine if

changes are appropriate. Based on comments and MSHA's experience, the Agency will develop an NPRM to reflect more flexible requirements.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/97	
End Review	10/00/98	
NPRM	04/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

Agency Contact: Carol J. Jones, Acting Director, Office of Standards,

Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203

Phone: 703 235-1910

Fax: 703 235-5551

Email: cjones@msha.gov

RIN: 1219-AB02

2173. OCCUPATIONAL EXPOSURE TO COAL MINE DUST (LOWERING EXPOSURE LIMIT)

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

RIN: 1219-AB08

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

2174. 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. 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. MSHA will be issuing the final rule in phases. Phase 2 addresses respiratory protection. Phase 3 will address selected PELs. MSHA is also considering subsequent phases to update PELs applicable to hazards encountered in metal and nonmetal and

DOL—MSHA

Proposed Rule Stage

coal mines, revise requirements for exposure monitoring, improve precautions for handling restricted use chemicals, provide for observation of monitoring, and establish provisions for medical surveillance and transfer of miners required to use respirators and miners exposed to certain carcinogens.

Timetable:

Action	Date	FR Cite
ANPRM	07/06/83	48 FR 31171
ANPRM	11/19/85	50 FR 47702
NPRM	08/29/89	54 FR 35760
NPRM Comment Period End	08/30/91	56 FR 29201
NPRM Phase 3 - PELs - Reproposal	06/00/99	
Final Action Phase 2 - Respiratory Protection	06/00/99	

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

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

Phone: 703 235-1910

Fax: 703 235-5551

Email: cjones@msha.gov

RIN: 1219-AA48**2175. DIESEL PARTICULATE (UNDERGROUND COAL)**

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

RIN: 1219-AA74**2176. 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	

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

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

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

Phone: 703 235-1910

Fax: 703 235-5551

Email: cjones@msha.gov

RIN: 1219-AA76**2177. 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	04/00/99	

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

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

Phone: 703 235-1910

Fax: 703 235-5551

Email: cjones@msha.gov

RIN: 1219-AA83**2178. 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." The Agency issued an Advance Notice of Proposed Rulemaking (ANPRM) in July 1998 to share its ideas and to seek suggestions to reduce these surface haulage accidents. MSHA will consider all comments received on the ANPRM in developing the proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/98	63 FR 40800
NPRM	07/00/99	

Regulatory Flexibility Analysis**Required:** Yes

DOL—MSHA

Proposed Rule Stage

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Carol J. Jones, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
 Fax: 703 235-5551
 Email: cjones@msha.gov
RIN: 1219-AA93

2179. 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 (ANPRM) to obtain additional information and data on mine operators' experiences with these machines. MSHA will consider all comments received on the ANPRM in developing the proposed rule.

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	03/00/99	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting Director, Office of Standards,

Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
 Fax: 703 235-5551
 Email: cjones@msha.gov
RIN: 1219-AA94

2180. 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 those in 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	06/00/99	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
 Fax: 703 235-5551
 Email: cjones@msha.gov

RIN: 1219-AA96

2181. 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	04/00/99	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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DOL—MSHA

Proposed Rule Stage

Email: cjones@msha.gov
 RIN: 1219-AB01

2182. 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	04/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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 RIN: 1219-AB06

2183. X-RAY SURVEILLANCE PROGRAM FOR SURFACE COAL MINERS

Regulatory Plan: This entry is Seq. No. 69 in Part II of this issue of the **Federal Register**.
RIN: 1219-AB09

2184. DIESEL PARTICULATE (UNDERGROUND METAL AND NONMETAL MINES)

Regulatory Plan: This entry is Seq. No. 70 in Part II of this issue of the **Federal Register**.
RIN: 1219-AB11

2185. VERIFICATION OF DUST CONTROL PLAN

Regulatory Plan: This entry is Seq. No. 71 in Part II of this issue of the **Federal Register**.
RIN: 1219-AB14

2186. • TRAINING AND RETRAINING OF MINERS: SUPERVISOR TRAINING

Priority: Substantive, Nonsignificant
Legal Authority: 30 USC 825
CFR Citation: 30 CFR 48
Legal Deadline: None
Abstract: In 1991, MSHA published a proposed rule to revise portions of the existing part 48 regulations. In response to that proposal, MSHA received numerous comments from both industry and labor representatives. Some commenters recommended that

supervisors who are exposed to mine hazards should receive training under part 48 beyond that required for other miners. While these comments raised concerns that extended beyond the scope of that proposed rule, MSHA has evaluated the merits of these concerns and determined that they warrant Agency consideration. For this reason, MSHA is addressing them in this proposal. MSHA is proposing to increase the number of hours of annual refresher training for supervisors from 8 hours to 12 hours. The training needs of supervisors are broader in scope and require a greater depth of understanding than that needed by other miners. MSHA expects that better trained, more knowledgeable supervisors will contribute to their own safety and that of the miners under their supervision.

Timetable:

Action	Date	FR Cite
NPRM	11/00/98	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local

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RIN: 1219-AB16

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Mine Safety and Health Administration (MSHA)

2187. 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

DOL—MSHA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/31/92	56 FR 48720
Final Action	04/00/99	

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

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RIN: 1219-AA47

2188. NOISE STANDARD

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

RIN: 1219-AA53

2189. 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-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 End	12/18/95	
Final Action	12/00/98	

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

2190. 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 End	05/31/96	
Final Action	12/00/98	

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

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RIN: 1219-AA87

2191. 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	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AA92

2192. 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 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 has identified provisions in over 80 other regulations that need overhauling or the cleanup of non-substantive language. MSHA will also be considering new regulations that reflect "best practices" which are used widely in the mining industry to protect miners' safety and health. MSHA views 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	09/03/98	63 FR 47118
Final Rule Effective - Phase 1 Removal of 30 CFR 21 and 24	11/02/98	
Final Rule - Phase 2 Removal of 30 CFR 26 and 29	05/00/99	
Final Rule - Phase 3 Update of Reference IR 1240	05/00/99	
Final Rule - Phase 4 Subparts	05/00/99	
NPRM - Phase 5 Miscellaneous Technology Improvements	07/00/99	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

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RIN: 1219-AA98

2193. 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

Final Rule Stage

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

Timetable:

Action	Date	FR Cite
NPRM	07/14/98	63 FR 38066
Comment Period End	09/14/98	
Final Action	06/00/99	

Regulatory Flexibility Analysis Required: Yes**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

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

Mine Safety and Health Administration (MSHA)

2194. 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	

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

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RIN: 1219-AA54**2195. 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	

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

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RIN: 1219-AA72**2196. 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	

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

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DOL—MSHA

Long-Term Actions

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RIN: 1219-AA90

2197. 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 Pneumoconiosis 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: Next Action Undetermined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB12

DEPARTMENT OF LABOR (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

2198. COAL MINE DUST

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. The recommendations are both extensive and significant, and warrant thorough consideration by the Agency. MSHA, therefore, is proceeding with an in-depth evaluation of the recommendations and will respond to them in an orderly fashion.

MSHA has issued five Procedure Instruction Letters implementing some of the recommendations of the Advisory Committee. The Agency will notify the mining community as it determines how to implement other Advisory Committee

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
Withdrawn - Split Into Three Regs - 1219-AB08, 1219-AB09, 1219-AB14	08/17/98	

Regulatory Flexibility Analysis Required: Yes

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

2199. 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 has revised 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 will 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

DOL—MSHA

Completed Actions

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	04/22/98	63 FR 20026
Correction Notice for Final Rule	06/22/98	63 FR 28485
Final Action Effective	06/22/98	

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

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RIN: 1219-AB00**2200. 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	04/22/98	63 FR 20032
Correction Notice for Final Rule	05/14/98	63 FR 26719
Final Action Effective	06/22/98	

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

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RIN: 1219-AB03**2201. 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. 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 68468
NPRM Comment Period End	02/07/98	
Public Hearing	03/10/98	62 FR 68497
Combined With RIN 1219-AA53	08/17/98	

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

Additional Information: This rulemaking has been combined with Noise, RIN 1219-AA53.

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RIN: 1219-AB05**2202. 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; 30 CFR 48.5(a); 30 CFR 48.25(d); 30 CFR 48.8(c); 30 CFR 48.28(c)**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

DOL—MSHA

Completed Actions

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. The final rule will address the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	09/21/91	56 FR 48376
NPRM Comment Period End	08/24/92	57 FR 29853
Final Action	10/06/98	63 FR 53750
Final Action Effective	10/06/98	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203
 Phone: 703 235-1910
 Fax: 703 235-5551
 Email: cjones@msha.gov
RIN: 1219-AB13

2203. • SAFETY STANDARDS FOR REPORTING DAILY INSPECTIONS OF SURFACE COAL MINES

Priority: Info./Admin./Other

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.1713

Legal Deadline: None

Abstract: MSHA is making a nonsubstantive technical amendment to 30 CFR 77.1713. Currently the rule provides that all recorded examination reports of daily inspections for hazardous conditions at surface coal mines include the action taken to abate hazardous conditions and be signed or countersigned each day by at least one of the following persons: (1) the surface mine foreman; (2) the assistant superintendent of the mine; (3) the superintendent of the mine; or (4) the person designated by the operator as responsible for health and safety at the mine.

The persons specified are responsible for health and safety in the mine, to suspend operations and allocate resources to correct health and safety problems as they develop. However, the terms "mine foreman," "superintendent," and "assistant superintendent" may no longer describe the person with the authority to correct problems within certain mine

management structures in the coal industry. This technical amendment updates the standard to allow a mine official with authority and responsibility equivalent to the mine officials specified in the existing standard to sign or countersign the daily inspection reports. MSHA has determined that the cost of this rule is the same as the existing rule. The benefit is that it reflects changes in terminology in the industry.

Timetable:

Action	Date	FR Cite
Final Action	10/30/98	63 FR 58611
Final Action Effective	12/29/98	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Carol J. Jones, Acting 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-AB15

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

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

2204. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 45 CFR 90

Legal Deadline:

NPRM, Statutory, September 10, 1979, Requires publication of the NPRM within 90 days of publication and submission to HHS of final rule within 120 days of NPRM.

Abstract: The proposed regulatory action is necessary to comply with the Department's statutory and regulatory obligations under the Age Discrimination Act of 1975, as amended (the Act). The Act and the

general, Governmentwide implementing rule issued by the Department of Health and Human Services (HHS) (45 CFR 90) require each Federal agency providing financial assistance to any program or activity to publish proposed regulations implementing the Act no later than 90 days after the publication date of the Governmentwide rule, and to submit final agency regulations to HHS no later than 120 days after publication of the NPRM. As a practical matter, while DOL has not issued proposed or final regulations under the Age Discrimination Act, it has complied with its enforcement obligations. Furthermore, discrimination on the basis of age is prohibited under section 167 of the Job Training Partnership Act of 1982 and the implementing regulations at 29 CFR 34.

Timetable:

Action	Date	FR Cite
NPRM	04/00/99	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Annabelle T. Lockhart, Director, Civil Rights Center, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room N4123, FP Building, Washington, DC 20210
 Phone: 202 219-8927

RIN: 1291-AA21

DOL—OASAM

Proposed Rule Stage

2205. • NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE**Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 794
Rehabilitation Act of 1973, as amended**CFR Citation:** 29 CFR 32**Legal Deadline:** None**Abstract:** Section 504 of the Rehabilitation Act of 1973, as amended prohibits discrimination on the basis of disability in federally financed programs and activities. The Department last published a final rule implementing section 504 on October 7, 1980. Since that time, section 504 has been amended several times, generally to update terminology and provide new definitions. The Department is undertaking this rulemaking to update 29 CFR part 32 to incorporate those changes.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Annabelle T. Lockhart, Director, Civil Rights Center, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room N4123, FP Building, Washington, DC 20210
Phone: 202 219-8927
TDD: 800 326-2577
Fax: 202 219-5658
Email: lockhart-annabelle@dol.gov
RIN: 1291-AA28**2206. • IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY REQUIREMENTS OF THE WORKFORCE INVESTMENT ACT OF 1998****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-220, sec 188
Workforce Investment Act**CFR Citation:** 29 CFR 37**Legal Deadline:**

Final, Statutory, August 7, 1999.

Abstract: The Workforce Investment Act of 1988 (WIA) was signed into law by President Clinton on August 7, 1998. Section 188 prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens.

Section 188(e) requires that the Secretary of Labor issue regulations necessary to implement section 188 not later than one year after the date of the enactment of the WIA. Such regulations will include standards for determining compliance and procedures for enforcement that are consistent with the Acts referred to in section 188(a)(1), as well as procedures to ensure that complaints filed under section 188 and such acts processed in a manner that avoids duplication of effort.

Timetable:

Action	Date	FR Cite
NPRM	03/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Annabelle T. Lockhart, Director, Civil Rights Center, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room N4123, FP Building, Washington, DC 20210
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RIN: 1291-AA29

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

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

2207. 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	01/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** 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
Phone: 202 219-9174
Fax: 202 219-9440
Email: stewart-milton@dol.gov**RIN:** 1291-AA26

DOL—OASAM

Final Rule Stage

2208. 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	01/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: 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-AA27

DEPARTMENT OF LABOR (DOL)

Long-Term Actions

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

2209. 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

Regulatory Flexibility Analysis Required: Yes

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 Regulations as a result of

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

Agency Contact: 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-AA20

DEPARTMENT OF LABOR (DOL)

Completed Actions

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

2210. ADMINISTRATIVE REQUIREMENTS FOR GRANTEES TO REFLECT SINGLE AUDIT ACT AMENDMENTS

Priority: Substantive, Nonsignificant

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	
No Further Action Required	10/28/97	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a 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-AA25

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

Prerule Stage

**2211. STANDARDS ADVISORY
 COMMITTEE ON METALWORKING
 FLUIDS**

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

RIN: 1218-AB58

**2212. CONTROL OF HAZARDOUS
 ENERGY SOURCES
 (LOCKOUT/TAGOUT)(SECTION 610
 REVIEW)**

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.147

Legal Deadline: None

Abstract: As required by section 610 of the Regulatory Flexibility Act and section 5 of Executive Order 12866, OSHA has reviewed the Agency's standard for the protection of employees from exposure to lockout/tagout hazards, 29 CFR 1910.147, to determine whether the rule should be continued without change or should be amended or rescinded, consistent with the objectives of the rule and of the Occupational Safety and Health Act, to minimize any significant impact on a substantial number of small entities. After a thorough review of the Agency's experience in enforcing this standard, the available literature, and comments received in connection with this review, OSHA has determined that there is a continued need for the rule, that the rule does not appear to overlap, duplicate, or conflict with other Federal rules or with other State and local rules, and that no technological, economic or other factors have arisen since the rule was published that would necessitate amendment or rescission of the rule at this time. OSHA has also concluded that no change that is consistent with the objectives of the OSH Act can be made to the rule that will further minimize any significant impact on a substantial number of small entities. 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	
Complete Review	11/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Deputy Director, Directorate of Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3641, FP Building, Washington, DC 20210
 Phone: 202 219-4690
 Fax: 202 219-4383

RIN: 1218-AB59

**2213. OCCUPATIONAL EXPOSURE TO
 ETHYLENE OXIDE (SECTION 610
 REVIEW)**

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.1047

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Begin Review	10/01/96	
Complete Review	11/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Deputy Director, Directorate of Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution

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 Phone: 202 219-4690
 Fax: 202 219-4383

RIN: 1218-AB60

**2214. FALL PROTECTION IN THE
 CONSTRUCTION INDUSTRY**

Priority: Info./Admin./Other

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

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA is considering whether to propose amendments to its existing standards for fall protection in construction. OSHA is also considering raising a number of issues about the fall protection rules as they now apply to roofing work, residential construction operations, climbing reinforcement steel and vendors delivering materials (for example, roofing materials). These issues have arisen since OSHA revised the fall protection standard in August 1994.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Russel B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room S1506, FP Building, Washington, DC 20210
 Phone: 202 219-8644
 Fax: 202 219-6599

RIN: 1218-AB62

**2215. PROCESS SAFETY
 MANAGEMENT OF HIGHLY
 HAZARDOUS CHEMICALS**

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910.119

Legal Deadline: None

Abstract: OSHA is considering two regulatory actions concerning the Process Safety Management of Highly

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Prerule Stage

Hazardous Chemicals (PSM) standard. One action is to publish an Advance Notice of Proposed Rulemaking to address the issue of covering additional reactive chemicals that are not currently covered by PSM. Another action is a proposal to add chemicals that were not included in the OSHA standard but were included in the Environmental Protection Agency's (EPA) Risk Management Program (RMP) rule (one part of the RMP rule addresses compliance with the OSHA Process Safety Management rule). OSHA has been asked by representatives of the regulated community to bring its chemical list into closer alignment with the RMP rule.

Timetable:

Action	Date	FR Cite
ANPRM Reactives	04/00/99	
NPRM Process Safety Management	00/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martinok, 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
Phone: 202 219-8061
Fax: 202 219-7477
Email: jmartonik@dol.gov

RIN: 1218-AB63

2216. SAFETY STANDARDS FOR SCAFFOLDS USED IN THE CONSTRUCTION INDUSTRY—PART II

Priority: Info./Admin./Other

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

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

Legal Deadline: None

Abstract: Since the promulgation of a final rule for scaffolds used in construction in August 1996, OSHA has learned of several issues that have arisen under the new standard. The agency is considering whether to propose changes to the scaffolds standard to address these issues. These issues include: (1) providing access to

platforms where decking extends past the ends of the scaffold; (2) changing the minimum width for roof brackets to less than 12 inches; (3) changing the requirements for grounding of the scaffold during welding operations; (4) requiring the use of scaffold grade planks. This Advance Notice of Proposed rulemaking will raise these issues for informational purposes.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Russel B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room S1506, FP Building, Washington, DC 20210

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RIN: 1218-AB68

2217. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

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

RIN: 1218-AB70

2218. 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	
Complete Review	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Deputy Director, Directorate of Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3641, FP Building, Washington, DC 20210
Phone: 202 219-4690
Fax: 202 219-4383

RIN: 1218-AB73

2219. COTTON DUST (SECTION 610 REVIEW)

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.1043

Legal Deadline: None

Abstract: OSHA is undertaking a review of its cotton dust standard (29 CFR 1910.1043) in accordance with the 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	
Complete Review	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Deputy Director, Directorate of Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution

DOL—OSHA

Prerule Stage

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RIN: 1218-AB74

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Occupational Safety and Health Administration (OSHA)

2220. STEEL ERECTION (PART 1926) (SAFETY PROTECTION FOR IRONWORKERS)

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

RIN: 1218-AA65

2221. 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 resulted in inconsistent and contradictory requirements for essentially the same operations.

Phase 1 of this project aimed at establishing a vertical standard for shipyard employment and addressed six subparts (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these subparts were issued in November 1988 (53 FR 48092). The remaining subparts were categorized as Phase II of the consolidation project (including general working conditions and fire protection). 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	
Reopen Record	03/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martinok, 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-AA70

2222. PREVENTION OF WORK-RELATED MUSCULOSKELETAL DISORDERS

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

RIN: 1218-AB36

2223. SAFETY AND HEALTH PROGRAMS (FOR GENERAL INDUSTRY AND THE MARITIME INDUSTRIES)

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

RIN: 1218-AB41

2224. OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM (PREVENTING OCCUPATIONAL ILLNESS: CHROMIUM)

Priority: Economically Significant. Major under 5 USC 801.

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

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

CFR Citation: 29 CFR 1910

Legal Deadline: None

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

DOL—OSHA

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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	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Adam Finkel, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210
 Phone: 202 219-7075
 Fax: 202 219-7125
RIN: 1218-AB45

2225. OCCUPATIONAL EXPOSURE TO TUBERCULOSIS

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

RIN: 1218-AB46

2226. CONFINED SPACES IN CONSTRUCTION (PART 1926): PREVENTING SUFFOCATION/EXPLOSIONS IN CONFINED SPACES

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1926.36

Legal Deadline: None

Abstract: In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces (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 the hazards of confined space entry each year. OSHA intends to issue a proposed rule addressing this construction industry hazard in the summer of 1999, after extensive discussion with the Advisory Committee on Construction Safety and Health and other stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	07/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Russel B. Swanson, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room S1506, FP Building, Washington, DC 20210
 Phone: 202 219-8644
 Fax: 202 219-6599

RIN: 1218-AB47

2227. 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, subpart P

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer is subject to both the "shipyard" standards and OSHA's general industry standards. Phase 1 of this project aimed at establishing a 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 working conditions and fire protection in shipyard employment). 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 particular 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 proposed standard is being developed using the negotiated rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment Period End	08/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martinok, 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
 Phone: 202 219-8061
 Fax: 202 219-7477

RIN: 1218-AB51

DOL—OSHA

Proposed Rule Stage

2228. PERMISSIBLE EXPOSURE LIMITS (PELS) FOR AIR CONTAMINANTS

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

RIN: 1218-AB54

2229. PLAIN LANGUAGE REVISION OF EXISTING STANDARDS (PHASE I)

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

RIN: 1218-AB55

2230. NATIONALLY RECOGNIZED TESTING LABORATORIES PROGRAMS: FEES

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1910.7

Legal Deadline: None

Abstract: A number of OSHA standards require that certain products and equipment used in the workplace be tested and certified by a laboratory that has been recognized and accredited by OSHA. Through the Nationally Recognized Testing Laboratory Program, OSHA has, to date, recognized 15 laboratories operating 37 sites in the U.S., Canada, and the Far East as NRTLs. OSHA is proposing to revise 29 CFR 1910.7 to allow OSHA to charge fees to NRTLs for services that are provided to the NRTLs. The fees will be computed on the basis of the cost of the services to the Government. In determining the amount of such fees, OSHA will follow the guidelines established by the Office of Management and Budget in Circular Number A-25.

Timetable:

Action	Date	FR Cite
NPRM	12/00/98	

Regulatory Flexibility Analysis Required: No

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 N3653, FP Building, Washington, DC 20210

Phone: 202 219-7056

RIN: 1218-AB57

2231. 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 and to the President's Executive Memo of June 1998. 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 revise this standard into plain language.

Timetable:

Action	Date	FR Cite
NPRM	03/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

Agency Contact: John Martinok, 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
Phone: 202 219-8061
Fax: 202 219-7477

RIN: 1218-AB61

2232. REVOCATION OF CERTIFICATION RECORDS FOR TESTS, INSPECTIONS, AND TRAINING

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing

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

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

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

Legal Deadline: None

Abstract: 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 preliminarily finds that there will be no reduction in employee safety and health as a result of reducing requirements to fill out and maintain these certification records.

Timetable:

Action	Date	FR Cite
NPRM	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marthe B. Kent, Acting Deputy Director, Directorate of Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3641, FP Building, Washington, DC 20210
Phone: 202 219-4690
Fax: 202 219-7477
Email: marthe.kent@osha-no.osha.gov

RIN: 1218-AB65

2233. PLAIN LANGUAGE REVISION OF THE MECHANICAL POWER-TRANSMISSION APPARATUS STANDARD

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 29 CFR 1910.219

Legal Deadline: None

Abstract: OSHA has identified one standard in part 1910 that needs to be

DOL—OSHA

Proposed Rule Stage

revised as part of the President's initiative on Federal regulations discussed in the U.S. Department of Labor Report of June 15, 1995 and to respond to the President's June 1998 Executive Memo on Plain Language. This standard is 29 CFR 1910.219, Mechanical Power-Transmission Apparatus. OSHA intends to issue a plain language rule that will address the following: Mechanical power-transmission apparatus guarding and maintenance.

Timetable:

Action	Date	FR Cite
NPRM - Mechanical Power-Transmission Apparatus	09/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Martinok, 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
Phone: 202 219-8061
Fax: 202 219-7477
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RIN: 1218-AB66

2234. REQUIREMENT TO PAY FOR PERSONAL PROTECTIVE EQUIPMENT

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

RIN: 1218-AB77

2235. CONSOLIDATION OF RECORDS MAINTENANCE REQUIREMENTS IN OSHA STANDARDS

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

Unfunded Mandates: Undetermined

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

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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

Policy, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3641, FP Building, Washington, DC 20210
Phone: 202 219-4690
Fax: 202 219-4383
Email: marthe.kent@osha-no.osha.gov

RIN: 1218-AB78

2236. CONSULTATION AGREEMENTS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 670

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	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paula O. White, Director, Directorate of Federal State Operations, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3700, FP Building, Washington, DC 20210
Phone: 202 219-7251

RIN: 1218-AB79

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

2237. RESPIRATORY PROTECTION (PROPER USE OF MODERN RESPIRATORS)

Priority: Economically Significant. Major under 5 USC 801.

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

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

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

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

Legal Deadline: None

Abstract: In January 1998, OSHA published the final respiratory protection standard, except for the reserved provision on assigned

DOL—OSHA

Final Rule Stage

protection factors (APFs). APFs are numbers that estimate the degree of performance of the various classes of respirators. OSHA has developed a statistical model for analyzing available data that will be used to derive APFs. Accordingly, OSHA will request further public comment on the analyses conducted using that model, the ANSI Z88.2-1992 APFs, the NIOSH Respirator Decision Logic APFs and other relevant methods for deriving APFs. This will assure that OSHA receives and fully considers public input before issuing final APFs. OSHA expects to complete the rulemaking on APFs in 1999.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
NPRM	11/15/94	59 FR 58884
Final Rule	01/08/98	63 FR 1152
Final Rule Effective	01/08/98	
Final Assigned Protection Factors	07/00/99	

Regulatory Flexibility Analysis

Required: No

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 Avenue NW., Room N3718, FP Building, Washington, DC 20210

Phone: 202 219-7075

Fax: 202 219-7125

RIN: 1218-AA05

2238. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES (SIMPLIFIED INJURY/ILLNESS RECORDKEEPING REQUIREMENTS)

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

RIN: 1218-AB24

2239. POWERED INDUSTRIAL TRUCK OPERATOR TRAINING (INDUSTRIAL TRUCK SAFETY TRAINING)

Priority: Economically Significant. Major under 5 USC 801.

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

CFR Citation: 29 CFR 1910.178; 29 CFR 1915.120; 29 CFR 1917.1; 29 CFR 1918.1; 29 CFR 1910.16

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 interest that OSHA issue a new standard to more effectively address this hazard. OSHA has revised the present standard to increase its effectiveness by requiring, in performance language, initial and refresher training and evaluation 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 state what information the training should include. 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	11/00/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Martinok, 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

Phone: 202 219-8061

Fax: 202 219-7477

RIN: 1218-AB33

2240. 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. A final rule is expected in calendar year 1998.

Timetable:

Action	Date	FR Cite
NPRM	11/28/94	59 FR 60735
NPRM Comment Period End	02/27/95	
Final Action	12/00/98	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martinok, 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
Phone: 202 219-8061
Fax: 202 219-7477

RIN: 1218-AB52

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

Long-Term Actions

2241. LONGSHORING AND MARINE TERMINALS (PARTS 1917 AND 1918)—REOPENING OF THE RECORD (VERTICAL TANDEM LIFTS (VTLs))

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

Unfunded Mandates: Undetermined

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

Legal Authority: 33 USC 941; 29 USC 655

CFR Citation: 29 CFR 1918.11; 29 CFR 1918.85

Legal Deadline: None

Abstract: OSHA issued a final rule on Longshoring on July 25, 1997 (62 FR 40142). However, OSHA is considering the issue of vertical tandem lifts. Vertical tandem lifts (VTLs) 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 gathering additional information on this issue.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: John Martinok, 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
 Phone: 202 219-8061
 Fax: 202 219-7477

RIN: 1218-AA56

2242. SCAFFOLDS IN SHIPYARDS (PART 1915—SUBPART N) (PHASE I)

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.

Phase 1 of this project aimed at establishing a 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 subparts were issued in November 1988 (53 FR 48092). The remaining subparts were categorized as Phase II of the consolidation project (including general working conditions and fire protection). 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, and address new technologies.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Reopened Record Comment Period Ended 6/13/94	04/12/94	59 FR 17290
Final Action	12/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martinok, 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
 Phone: 202 219-8061
 Fax: 202 219-7477

RIN: 1218-AA68

2243. 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 1999.

DOL—OSHA

Long-Term Actions

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	12/00/99	

Regulatory Flexibility Analysis**Required:** 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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RIN: 1218-AA84

2244. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 655(b); PL 101-549 (November 15, 1990); 5 USC 552(a); 5 USC 553**CFR Citation:** 29 CFR 1910.121**Legal Deadline:** None

Abstract: The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) established the criteria under which OSHA 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), Congress amended section 126(d)(3) of SARA to include accreditation of training programs for hazardous waste operations. OSHA issued a proposal on January 26, 1990 (55 FR 2776) addressing this issue. OSHA received public comments following the issuance of the proposal. OSHA also reopened the record in June

1992 to allow additional public comment on an effectiveness of training study that the Agency had conducted. 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	

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

Undetermined

Agency Contact: John Martinok, 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
Phone: 202 219-8061
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RIN: 1218-AB27

2245. INDOOR AIR QUALITY IN THE WORKPLACE**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 655**CFR Citation:** 29 CFR 1910**Legal Deadline:** None

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

Every day, more than 20 million American workers face an unnecessary health threat because of indoor air pollution in the workplace. Thousands of heart disease deaths, hundreds of lung cancer deaths, 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 severe

headaches from indoor air pollutants. 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's 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 air-quality related illnesses per year.

Timetable:

Action	Date	FR Cite
Request for Information	09/20/91	56 FR 47892
NPRM	04/05/94	59 FR 15968
NPRM Comment Period End	08/13/94	59 FR 30560
Record Closed	02/09/96	
Final Action	00/00/00	

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

Undetermined

Agency Contact: Adam Finkel,
Director, Health Standards Programs,
Department of Labor, Occupational
Safety and Health Administration, 200

DOL—OSHA

Long-Term Actions

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 Fax: 202 219-7125
 Email: adam.finkel@osha-no.osha.gov
RIN: 1218-AB37

2246. GENERAL WORKING CONDITIONS FOR SHIPYARD EMPLOYMENT

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

Unfunded Mandates: Undetermined

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

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

CFR Citation: 29 CFR 1915, subpart F

Legal Deadline: None

Abstract: During the 1980s, OSHA embarked on a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. Shipyard employers have been subject to both the "shipyard" standards and OSHA's general industry standards for landside operations. Phase I of this project aimed at establishing a 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 Subparts were issued in November 1988 (53 FR 48092). The remaining subparts were categorized as Phase II of the consolidation project (including general working conditions and fire protection). 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 particular 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	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: John Martinok, 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
 Phone: 202 219-8061
 Fax: 202 219-7477

RIN: 1218-AB50

2247. 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: Firefighting exposes members of fire brigades to a significant risk of harm. To mitigate these risks, OSHA promulgated a standard for fire brigades in 1980. However, the standard is now more than 18 years old, and does not reflect current advances in technology and safety. This action would revise the existing fire brigade standard to reflect the latest technology in safety, particularly with respect to personal protective equipment and emergency procedures. It would also address gaps in coverage, since the existing fire brigade standard does not cover wildland fire fighting or crash-rescue type fire fighting. OSHA will be working closely with State Plan States to assess the potential impact of the proposed rule on municipal fire departments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martinok, Acting Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health

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RIN: 1218-AB64

2248. ELECTRIC POWER TRANSMISSION AND DISTRIBUTION; ELECTRICAL PROTECTIVE EQUIPMENT IN THE CONSTRUCTION INDUSTRY

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

Unfunded Mandates: Undetermined

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

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martinok, Acting Director, Directorate of Safety

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Long-Term Actions

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RIN: 1218-AB67

2249. SAFETY AND HEALTH PROGRAMS FOR CONSTRUCTION

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: In response to industry requests and 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 develop recommendations for OSHA on safety and health programs and training in construction for many years. After its April 1996 meeting, ACCSH began to develop language and concepts to submit to OSHA for consideration as a proposed rule. Over 130 stakeholders representing small, medium and large contractors and host employers and stakeholders (such as petroleum producers; contractor associations; labor unions; other governmental agencies; and non-profit institutions) have participated in these ACCSH discussions.

Although OSHA is still developing the details of a new proposed safety and health program standard, the proposal will require employers to set up a program for managing workplace safety and health in order to reduce the

incidence of occupational deaths, injuries, and illnesses. The standard will not impose duties on employers to control hazards that they are not already required to control. Instead, the standard will provide a basic framework for systematically identifying and controlling workplace hazards already covered by the OSH Act under section 5(a)(1) and current OSHA standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/99	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: A separate standard is being developed for general industry (29 CFR 1910) and the maritime (29 CFR 1915, 1917 and 1918) industries.

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RIN: 1218-AB69

2250. CONTROL OF HAZARDOUS ENERGY (LOCKOUT) IN CONSTRUCTION (PART 1926) (PREVENTING CONSTRUCTION INJURIES/FATALITIES; LOCKOUT)

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: OSHA issued a general industry rule on September 1, 1989 (54 FR 36644) to address the hazards posed to workers by the failure to control hazardous energy (i.e., the failure to properly lock out or tag out machines and equipment) during repair and servicing activities. OSHA has not yet issued a standard to prevent these accidents during equipment repair and maintenance activities in the

construction industry. Four million workers annually may be exposed to this hazard in construction workplaces. As a result, OSHA intends to issue a proposal to address this hazard in this industry.

Construction sites often do not have effective lockout/tagout procedures to control hazardous energy because of several factors, all associated with the nature of the construction industry. These factors basically relate to the types of machines and equipment found in construction; the makeup of the industry (i.e., employment is relatively "short term," lasting only as long as the length of the current project); multiple employers having different employer/employee relationships are present at the same site; and "in-the-field" maintenance activity is usually temporary.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB71

2251. OCCUPATIONAL EXPOSURE TO BERYLLIUM

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Beryllium is a lightweight metal that is used for nuclear weapons, for atomic energy, and for metal alloys such as beryllium-copper and beryllium-aluminum. The metal alloys are found in sectors for dental appliances, golf clubs, non-sparking tools, wheel chairs, etc. Beryllium is also used in the ceramics industry. The

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current permissible exposure limits for beryllium are: an 8-hour TWA of 2 ug/m3; a 5 ug/m3 ceiling concentration not to be exceeded over a 30-minute period; and a 25 ug/m3 maximum peak exposure never to be exceeded.

In 1977, OSHA proposed to reduce the 8-hour TWA exposure to beryllium from 2 ug/m3 to 1 ug/m3 based on evidence that beryllium caused lung cancer in exposed workers. A hearing followed the proposal, but a final standard was never published. Since the previous OSHA hearing, NIOSH has updated its studies on beryllium exposed workers. The study results again demonstrate a significant excess of lung cancer among exposed workers. The International Agency for Research on Cancer (IARC) has concluded that beryllium is a carcinogen in humans. (Category I)

In addition to lung cancer, a new OSHA beryllium standard would address chronic beryllium disease (CBD), a fatal disease involving lung fibrosis and other organ toxicity. Based on several recent studies involving workers employed in the beryllium ceramics industry, in beryllium production, and in Department of Energy facilities, there is now evidence that very low level beryllium exposure (less than 0.5 ug/m3) may cause CBD. A recent (1997) study from Japan concludes that the level necessary to protect workers from developing CDB 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 percent per year. This "beryllium sensitization" test is being used in clinical studies of current and

past exposed workers. Recent study results indicate that between 5 percent and 15 percent of beryllium-exposed workers are sensitized and will eventually develop CBD. In 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.

The DOE 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	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AB76

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

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

Unfunded Mandates: Undetermined

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

Legal Authority: 29 USC 655 (b)

CFR Citation: 29 CFR 1910, subpart D

Legal Deadline: None

Abstract: OSHA has had under consideration standards for walking working surfaces and personal fall protection systems. OSHA is analyzing the record to determine if it is appropriate to repropose the standard or issue a final rule based on the existing record.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	55 FR 13360
NPRM Comment Period End	08/22/90	
Hearing	09/11/90	55 FR 29224
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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DEPARTMENT OF LABOR (DOL)

Completed Actions

Occupational Safety and Health Administration (OSHA)

2253. STANDARDS IMPROVEMENT PROJECT

Priority: Other Significant

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

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

CFR Citation: 29 CFR 1910; 29 CFR 1926

Legal Deadline: None

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

unnecessary rules. 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

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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. OSHA issued a final rule addressing these changes in June of 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

Action	Date	FR Cite
Final Longshoring	07/25/97	62 FR 40141
Final Action	06/18/98	63 FR 33450
Final Action Effective	08/17/98	

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

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