

Department received no comments on the rulemaking. Accordingly, the Department is not proceeding with the proposed rule and is withdrawing it from the rulemaking process. The DFR became effective on February 25, 2021. Additionally, the Department notes that it plans to hold listening sessions during the coming weeks for users to provide feedback on the electronic filing and service system. Information about those sessions will be announced at <https://efile.dol.gov>.

Milton A. Stewart,
Acting Secretary of Labor.

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DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 641, 655, 658, 667, and 683

Office of Workers' Compensation Programs

20 CFR Part 726

Office of the Secretary of Labor

29 CFR Parts 7, 8, 22, 24, 26, 29, 37, 38, and 96

Office of Labor-Management Standards

29 CFR Parts 417 and 458

Wage and Hour Division

29 CFR Parts 500, 525, 530, and 580

Occupational Safety and Health Administration

29 CFR Parts 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988

Office of Federal Contract Compliance Programs

41 CFR Part 60-30

RIN 1290-AA28

Rules of Practice and Procedure Concerning Filing and Service and Amended Rules Concerning Filing and Service

AGENCY: Employment and Training Administration, Office of Workers' Compensation Programs, Office of the Secretary, Office of Labor-Management

Standards, Wage and Hour Division, Occupational Safety and Health Administration, Office of Federal Contract Compliance Programs.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Labor is withdrawing the proposed rule that accompanied its direct final rule (DFR) that requires electronic filing (e-filing) and makes acceptance of electronic service (e-service) automatic for attorneys and non-attorney representatives representing parties in proceedings before the Administrative Review Board (Board), unless the Board authorizes non-electronic filing and service for good cause; establishes a new part containing rules of practice and procedure for the Board; and amends existing regulations concerning filing and service that apply where a governing statute or executive order does not establish contrary rules of filing and service.

DATES: As of March 17, 2021, the proposed rule published January 11, 2021 (86 FR 1834), is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Shepherd, Clerk of the Appellate Boards, at 202-693-6319 or Shepherd.Thomas@dol.gov.

SUPPLEMENTARY INFORMATION: In the concurrent direct final rule (DFR) published at 86 FR 1772, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the *Federal Register* informing the public that the DFR will not take effect. The Department issued an identical Notice of Proposed Rulemaking (NPRM) on the same day (86 FR 1834). The Department also issued a technical correction on February 9, 2021 (86 FR 8687). The Department received no comments on the rulemaking. Accordingly, the Department is not proceeding with the proposed rule and is withdrawing it from the rulemaking process. The DFR became effective on February 25, 2021. Additionally, the Department notes that it plans to hold listening sessions during the coming weeks for users to provide feedback on the electronic filing and service system. Information about those sessions will be announced at <https://efile.dol.gov>.

Milton A. Stewart,
Acting Secretary of Labor.

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DEPARTMENT OF LABOR

Benefits Review Board

20 CFR Part 802

RIN 1290-AA35

Rules of Practice and Procedure

AGENCY: Benefits Review Board, Department of Labor.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Department of Labor is reopening for 15 days the comment period on the January 11, 2021, notice of proposed rulemaking that would have required electronic filing (e-filing) and acceptance of electronic service (e-service) for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing.

DATES: The comment period for the proposed rule published at 86 FR 1857 on January 11, 2021, is reopened for 15 days and closes on April 1, 2021.

ADDRESSES: You may submit comments, identified by Regulatory Identification Number (RIN) 1290-AA35, only by the following method: Electronic Comments. Submit comments through the Federal eRulemaking Portal <http://www.regulations.gov>. To locate the rule, use docket number DOL-2020-0013 or key words such as "Administrative practice and procedure," "Black lung benefits," "Longshore and harbor workers," or "Workers' compensation." Follow the instructions for submitting comments. All comments must be received by 11:59 p.m. on the date indicated for consideration in this rulemaking.

Instructions: All comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. Therefore, the Department recommends that commenters safeguard their personal information by not including social security numbers, personal addresses, telephone numbers, or email addresses in comments. It is the responsibility of the commenter to safeguard personal information.

If you need assistance to review the comments or the proposed rule, the Department will consider providing the comments and the direct final rule in other formats upon request. For assistance to review the comments or obtain the direct final rule in an alternate format, contact Mr. Thomas Shepherd, Clerk of the Appellate Boards, at (202) 693-6319.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Shepherd, Clerk of the Appellate Boards, at (202) 693–6319 or Contact-Boards@dol.gov. Individuals with hearing or speech impairments may access this telephone number by TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In the concurrent direct final rule (DFR) published at 86 FR 1862, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department also issued an identical Notice of Proposed Rulemaking (NPRM) on the same day (86 FR 1857). The Department received significant adverse comment prior to the close of the comment period on the conforming Office of Administrative Law Judges (OALJ) rulemaking (86 FR 1862) in which commenters noted that they also practice before the Benefits Review Board (BRB). Therefore, out of an abundance of caution, the Department withdrew the DFR, effective February 25, 2021. The Department also received a request to extend the comment period of the OALJ rule and is therefore reopening the comment period for the BRB rule for 15 days. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during this subsequent comment period. The Department will also provide at least 30 days' notice between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department has scheduled listening sessions for users to provide feedback on the system. Information about those sessions is posted at <https://efile.dol.gov>.

Milton A. Stewart,
Acting Secretary of Labor.

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DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 18

RIN 1290–AA36

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges

AGENCY: Office of the Secretary.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Department of Labor is reopening for 15 days the comment period on the January 11, 2021, notice of proposed rulemaking that would have provided for electronic filing (e-filing) and electronic service (e-service) of papers, required e-filing for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing, and required advance notice to the parties of the manner of a hearing or prehearing conference.

DATES: The comment period for the proposed rule published on January 11, 2021, at 86 FR 1862, is reopened for 15 days and closes on April 1, 2021.

ADDRESSES: You may read background documents, submit comments, and read comments received through the Federal eRulemaking Portal at <http://www.regulations.gov>. To locate the rule, identified by Regulatory Identification Number (RIN) 1290–AA36, search for docket number DOL–2020–0015 or key words such as “Office of Administrative Law Judges” or “Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges.”

Instructions for submitting comments are found on the www.regulations.gov website. Please be advised that comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Therefore, the Department recommends that commenters safeguard their personal information by not including social security numbers, personal addresses, telephone numbers, and email addresses in comments. It is the responsibility of the commenters to safeguard their information. If you need assistance to review the comments or the rule, the Department will consider providing the comments and the rule in other formats upon request. For assistance to review the comments or obtain the rule in an alternate format, contact Mr. Todd Smyth, General Counsel, at (513) 684–3252.

FOR FURTHER INFORMATION CONTACT: Todd Smyth, General Counsel, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street NW, Washington, DC 20001–8002; telephone (513) 684–3252. Individuals with hearing or speech impairments may access the telephone number above by TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In the concurrent direct final rule (DFR) published at 86 FR 1800 on January 11, 2021, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department also issued an identical Notice of Proposed Rulemaking (NPRM) on the same day (86 FR 1862). The Department received significant adverse comment prior to the close of the comment period and therefore withdrew the DFR, effective February 25, 2021. The Department also received a request to extend the comment period and is therefore reopening the comment period for 15 days. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during this subsequent comment period. The Department will also provide at least 30 days' notice between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department has scheduled listening sessions for users to provide feedback on the system. Information about those sessions is posted at <https://efile.dol.gov>.

Milton A. Stewart,
Acting Secretary of Labor.

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