



Monday
May 8, 1995

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 agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between April 1995 and April 1996, as well as those completed during the past 6

months. This agenda represents a significant reduction in regulatory items under development by the Department. In addition, in accordance with the President's recent directive, this agenda for the Department of Labor includes a number of items that will streamline existing regulations. The Department is also in the process of identifying regulations that may be appropriate for negotiated rulemaking.

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.

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). 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 rules that are understandable and usable to the employers and employees in all affected workplaces.

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

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

Robert B. Reich,
Secretary of Labor.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2051	Coordinated Enforcement of Farm Labor Protective Statutes	1290-AA11
2052	Administrative Claims Under the Federal Torts Claims Act and Related Statutes	1290-AA13

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2053	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
2054	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09
2055	Defining and Delimiting the Term "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H)	1215-AA14
2056	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era	1215-AA62
2057	Labor Standards for Federal Service Contracts	1215-AA78
2058	Standards for Waivers Under Section 503 of the Rehabilitation Act	1215-AA84
2059	Longshore and Harbor Workers' Compensation Act, Requirements for Mailing Documents and for Using the OWCP Fee Schedule for Resolving Disputes on Charges for Medical Services	1215-AA92
2060	Migrant and Seasonal Agricultural Worker Protection (29 CFR Part 500)	1215-AA93
2061	Procedures for Predetermination of Wage Rates (29 CFR Part 1) and Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (29 CFR Part 5)	1215-AA94

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Employment Standards Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2062	Executive Order 12933 of October 20, 1994, "Nondisplacement of Qualified Workers Under Certain Conditions"	1215-AA95
2063	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

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2064	Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act	1215-AA43
2065	Attestations by Employers for Off-Campus Work Authorization for Alien Students (F-1 Nonimmigrants)	1215-AA68
2066	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Individuals With Disabilities	1215-AA76
2067	Application of the Fair Labor Standards Act to Domestic Service	1215-AA82
2068	Procedures for Handling Discrimination Complaints Under Federal "Whistleblower" Protection Statutes	1215-AA83
2069	Child Labor Regulations, Orders, and Statements of Interpretation (Sports Attendants)	1215-AA89
2070	Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports	1215-AA90

Employment Standards Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
2071	Wage Payments Under the Fair Labor Standards Act of 1938	1215-AA32
2072	Government Contractors: Contractor Participation in Training Programs Pursuant to the Job Training Partnership Act (JTPA) (29 USC 1781)	1215-AA56
2073	Labor Condition Applications and Requirements for Employers Using Aliens on H-1B Visas in Specialty Occupations and as Fashion Models	1215-AA69
2074	The Family and Medical Leave Act of 1993	1215-AA85
2075	Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era	1215-AA97

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2076	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2077	Airline Deregulation: Employee Benefit Program	1205-AA07
2078	Job Training Partnership Act: Indian and Native American Programs	1205-AA96
2079	Job Training Partnership Act: Migrant and Seasonal Farmworker Programs	1205-AA99
2080	Federal-State Unemployment Compensation Program; Unemployment Insurance Revenue Quality Control Program	1205-AB00
2081	Amendments to the Labor Certification Process for Temporary Agricultural Employment in the United States (H-2A)	1205-AB09

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Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2082	Senior Community Service Employment Program	1205-AA29
2083	Job Corps Allowances and Allotments	1205-AA98
2084	Disaster Unemployment Assistance Program, Amendment to Regulations	1205-AB02
2085	Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports, the Alaska Exception .	1205-AB03
2086	Trade Adjustment Assistance for Workers—Implementation of 1988 Amendments	1205-AB05
2087	Trade Adjustment Assistance for Workers—Transitional Adjustment Assistance NAFTA-TAA	1205-AB07

Employment and Training Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
2088	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
2089	Permanent Labor Certification Program: Pilot Labor Market Information Provisions	1205-AA87
2090	Applications and Requirements for Employers Using Aliens in Specialty Occupations and as Fashion Models (H-1B)	1205-AA89
2091	Trade Adjustment Assistance—Uniform Interpretation and Enforcement (Lopez Provisions)	1205-AB06
2092	Trade Adjustment Assistance—Administrative Requirements	1205-AB08

Pension and Welfare Benefits Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2093	Reporting and Disclosure Under the Employee Retirement Income Security Act of 1974	1210-AA44

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2094	Qualified Domestic Relations Orders	1210-AA19
2095	Definition of Collective Bargaining Agreement (ERISA Section 3(40))	1210-AA48

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2096	Delinquent Filer Voluntary Compliance Program	1210-AA49
2097	Interpretive Bulletin on Participant Education	1210-AA50

Pension and Welfare Benefits Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
2098	Adequate Consideration	1210-AA15
2099	Trust-Reporting Exemptions	1210-AA16
2100	Civil Penalties Under ERISA Section 502(l)	1210-AA37
2101	Application of ERISA Fiduciary Standards to the Selection of Annuity Providers	1210-AA39
2102	In-Kind Contributions to Pension Plans	1210-AA45

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Office of the American Workplace—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2103	Eligibility Requirements for Candidacy for Union Office	1294-AA09
2104	Reporting by Labor Relations Consultants and Other Persons	1294-AA12
2105	Permanent Replacement of Lawfully Striking Employees by Federal Contractors	1294-AA13

Office of the American Workplace—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
2106	Procedure for Removal of Local Labor Organization Officers	1294-AA10

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2107	Noise Standard	1219-AA53
2108	Confined Spaces	1219-AA54
2109	Carbon Monoxide Monitor Approval	1219-AA72
2110	Diesel Particulate	1219-AA74
2111	Belt Entry Ventilation	1219-AA76
2112	Metal/Nonmetal Impoundments	1219-AA83
2113	Safety Standards for Methane in Metal and Nonmetal Mines	1219-AA90
2114	Surface Haulage	1219-AA93
2115	Safety Standards for the Use of Roof Bolting Machines in Underground Coal Mines	1219-AA94

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2116	Underground Coal Mine Ventilation	1219-AA11
2117	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
2118	Hazard Communication	1219-AA47
2119	Air Quality Chemical Substances and Respiratory Protection Standards	1219-AA48
2120	Longwall Equipment (Including High-Voltage)	1219-AA75
2121	Decertification of Certified and Qualified Persons	1219-AA79
2122	Single-Shift Sampling Notice	1219-AA82
2123	Safety Standards for Explosives at Metal and Nonmetal Mines	1219-AA84
2124	Respirator Approval	1219-AA85
2125	Independent Laboratory Testing	1219-AA87
2126	Requirements for Approval of Flame-Resistant Conveyor Belts	1219-AA92

Mine Safety and Health Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
2127	Waterlines in Belt Conveyor Entries	1219-AA70
2128	Firefighting and Escape and Evacuation Program	1219-AA73
2129	Training (Including Contractors and Supervisors)	1219-AA77
2130	Examination of Surface Work Areas of Underground Coal Mines	1219-AA78
2131	Respirable Coal Dust Revisions	1219-AA81
2132	Certification of Workplace Examiners	1219-AA86
2133	Legal Identity	1219-AA88

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Mine Safety and Health Administration—Completed/Longterm Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2134	Bloodborne Pathogens	1219-AA89
2135	Training Surface Work Area Construction Contractors at Surface Work Areas	1219-AA91

Office of the Assistant Secretary for Administration and Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2136	Department of Labor Acquisition Regulations	1291-AA20

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

Sequence Number	Title	Regulation Identifier Number
2137	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor	1291-AA21

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

Sequence Number	Title	Regulation Identifier Number
2138	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Thresholds)	1291-AA22
2139	Nonprocurement Debarment and Suspension Common Rule To Achieve Reciprocity With Procurement	1291-AA23

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

Sequence Number	Title	Regulation Identifier Number
2140	New Restrictions on Lobbying	1291-AA18
2141	Administrative Grants and Cooperative Agreements to Government and Nonprofit Institutions	1291-AA24

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2142	Respiratory Protection (Proper Use of Modern Respirators)	1218-AA05
2143	Steel Erection (Part 1926) (Safety Protection for Ironworking)	1218-AA65
2144	Recording and Reporting Occupational Injuries and Illnesses (Simplified Injury/Illness Recordkeeping Requirements)	1218-AB24
2145	Control of Hazardous Energy (Lockout/Tagout)—Construction (Part 1926) (Preventing Construction Injuries/Fatalities: Lockout/Tagout)	1218-AB30
2146	Powered Industrial Truck Operator Training (Industrial Truck Safety Training)	1218-AB33
2147	Ergonomic Protection Standard	1218-AB36
2148	Comprehensive Occupational Safety and Health Programs	1218-AB41
2149	Occupational Exposure to Hexavalent Chromium (Preventing Occupational Illness: Chromium)	1218-AB45
2150	Occupational Exposure to Tuberculosis	1218-AB46
2151	Confined Spaces for Construction (Part 1926) (Construction: Preventing Suffocation/Explosions in Confined Spaces)	1218-AB47

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

Sequence Number	Title	Regulation Identifier Number
2152	Miscellaneous Amendments to the Safety Standards for the Construction Industry (Part 1926) (Construction: Clarifications and Updates of Miscellaneous Provisions)	1218-AB48
2153	General Working Conditions in Shipyards (Part 1915, Subpart F) (Phase II) (Shipyards: General Working Conditions)	1218-AB50
2154	Fire Protection in Shipyard Employment (Part 1915, Subpart P) (Phase II) (Shipyards: Fire Safety)	1218-AB51
2155	Permit Required Confined Spaces (General Industry: Preventing Suffocation/Explosions in Confined Spaces)	1218-AB52

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2156	Scaffolds (Part 1926) (Construction: Safer Scaffolds)	1218-AA40
2157	Safety and Health Regulations for Longshoring (Part 1918) and Marine Terminals (Part 1917) (Shipyards: Protecting Longshoring Workers)	1218-AA56
2158	Scaffolds in Shipyards (Part 1915 - Subpart N) (Phase I) (Shipyards: Safer Scaffolds)	1218-AA68
2159	Access and Egress in Shipyards (Part 1915, Subpart E) (Phase I) (Shipyards: Emergency Exits and Aisles)	1218-AA70
2160	Personal Protective Equipment in Shipyards (Part 1915) (Shipyards: Goggles, Gloves, and Other PPE)	1218-AA74
2161	1,3-Butadiene (Preventing Occupational Illness: Butadiene)	1218-AA83
2162	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates Protecting Reproductive Health	1218-AA84
2163	Methylene Chloride (Preventing Occupational Illnesses: Methylene Chloride)	1218-AA98
2164	Walking Working Surfaces and Personal Fall Protection Systems (Part 1910) (Slips, Trips, and Falls Prevention) ...	1218-AB04
2165	Air Contaminants Rule for Construction, Agriculture and Maritime (Modernization of Chemical Exposure Limits)	1218-AB26
2166	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
2167	Indoor Air Quality in the Workplace	1218-AB37
2168	Abatement Verification (Hazard Correction)	1218-AB40

Occupational Safety and Health Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
2169	Logging Operations (Part 1910)	1218-AA52
2170	Medical Surveillance Programs for Employees	1218-AB00
2171	Exposure Assessment Programs for Employees Exposed to Hazardous Chemicals	1218-AB01
2172	Occupant Protection in Motor Vehicles (Prevention of Motor Vehicle Fatalities)	1218-AB28
2173	Crane Safety	1218-AB38

Office of the Assistant Secretary for Veterans' Employment & Training—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
2174	Uniformed Services Employment and Reemployment Rights	1293-AA05

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

Final Rule Stage

2051. COORDINATED ENFORCEMENT OF FARM LABOR PROTECTIVE STATUTES

Priority: Informational

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

CFR Citation: 29 CFR 42

Legal Deadline: None

Abstract: The Department intends to revise its regulations for coordinated enforcement of farm protective statutes. The rule will clarify existing regulatory language and update the regulations by making nomenclature and other technical amendments. The sections also will be reorganized for clarification. These regulations were first promulgated in 1980 to coordinate the farm labor enforcement activities of the Department's Employment and Training Administration, the Employment Standards Administration, the Occupational Safety and Health Administration, and the Office of the Solicitor of Labor (45 FR 39489). The regulations establish a National Farm Labor Coordinated Enforcement Committee, which meets quarterly, consisting of the heads of the above DOL agencies, to oversee that coordination. A Regional Farm Labor Coordinated Enforcement Committee, which meets quarterly, is established in each DOL regional office. The Regional Committee is made up of the head of each of the above Agencies' regional offices. Each Regional Committee holds at least one annual public meeting to discuss farm labor issues.

Timetable:

Action	Date	FR Cite
ANPRM	07/24/92	57 FR 32939
ANPRM Comment Period End	08/24/92	
NPRM	01/19/93	58 FR 5158
NPRM Comment Period End	02/18/93	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Since 1980, a number of changes have taken place in DOL's farm labor activities, such as: The Farm Labor Contractor Registration Act has been replaced by the Migrant and Seasonal Agricultural Worker Protection Act; the title of the head of the National Committee has been changed from Under Secretary to Deputy Secretary; the Immigration 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 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: Gordon L. Claucherty, Chairman, National Farm Labor Coordinated Enforcement Committee Working Group, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room S2114, FP Building, Washington, DC 20210, **202 219-6026**

RIN: 1290-AA11

2052. ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORTS CLAIMS ACT AND RELATED STATUTES

Priority: Informational

Legal Authority: 28 USC 2672; 31 USC 3721; 29 USC 1706(b)

CFR Citation: 29 CFR 15

Legal Deadline: None

Abstract: This regulation will revise existing regulations issued pursuant to the Federal Tort Claims Act (FTCA) and the Military Personnel and Civilian Employees' Claims Act (MPCECA) to conform to previously issued delegations of authority. The regulation will revise the existing regulation to reflect delegations of authority to regional offices of the Office of the Solicitor to process and decide FTCA claims which seek damages up to \$25,000 and which delegated authority to process and decide claims in excess of \$25,000 to the Counsel for Claims. It will clarify procedures for submitting and processing claims and revise outdated addresses and telephone numbers. A number of changes are also necessary to clarify the manner in which claims are submitted and the manner in which an award is calculated. The existing regulation will be amended to reflect a change in underlying statutory authority for payment of claims arising out of the operation of Job Corps Centers, to reflect an increase in maximum amount payable on such claims and to clarify the manner in which such claims are submitted.

Timetable:

Action	Date	FR Cite
NPRM	07/22/94	59 FR 37540
NPRM Comment Period End	09/20/94	
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey L. Nesvet, Counsel for Claims, Employee Benefits Division, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room S4325, FP Building, Washington, DC 20210, **202 219-4405**

RIN: 1290-AA13

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

Proposed Rule Stage

2053. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Priority: Regulatory Plan

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

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

Legal Deadline: None

Abstract: Executive Order 11246 requires all Federal contractors and subcontractors and federally assisted construction contractors and subcontractors to apply a policy of nondiscrimination and affirmative action in employment with respect to race, color, religion, sex, and national origin. The agency will propose revisions to the implementing regulations for Executive Order 11246 found at 41 CFR Part 60-1 and 60-2. The 60-1 proposals will address the regulatory provisions that govern preaward review requirements; recordkeeping and record retention requirements; requirements for a written certification of non-segregated facilities; and enforcement sanctions. The 60-2 regulations will be revised to specify a format for an abbreviated AAP summary report and simultaneously reduce the existing requirements for written affirmative action plan (AAP) requirements.

Statement of Need: Parts of the regulations implementing Executive Order 11246 need to be revised to clarify and streamline the rules; to reflect changes in the law that have occurred over time; and to reduce paperwork burdens on the regulated community. The regulatory revisions are necessary in order to allow DOL to effectively and efficiently enforce the provisions of the Executive Order. Agency proposals will be designed to streamline the requirements by deleting duplicative and unnecessary provisions thereby reducing regulatory burdens on Federal contractors; foster voluntary compliance by implementing an AAP summary format; provide the agency with an enhanced enforcement posture that is necessary as a deterrent to violations and for swifter enforcement; eliminate out-of-date regulatory provisions that are inconsistent with those of other agencies and other

Departmental procedures; and revise certain parts of the regulations to reflect recent statutory changes and requirements.

Alternatives: After careful review, it was decided that the most effective way to improve compliance with the Executive Order provisions, and reduce burdens on compliant contractors, was to propose revisions to these regulations. Administrative actions alone could not produce the desired results. A determination was also made to publish revisions to the remaining regulatory provisions of the Executive Order at a later date so that careful consideration can be given to changes needed in each part of the regulations.

Anticipated Costs and Benefits: It is anticipated that the net effect of the proposed changes will be an increase in the rate of compliance with the nondiscrimination and affirmative action requirements of the Executive Order and a reduction in compliance costs to Federal contractors due to reduced paperwork requirements. The Department will also be able to employ its resources more efficiently and more effectively.

Risks: An assessment of the magnitude of the risk addressed by this action and how it relates to other risks within the jurisdiction of DOL will be prepared once decisions are reached on specific proposed changes in the Executive Order 11246 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
NPRM (41 CFR Part 60)	07/00/95	
FINAL (41 CFR Part 60)	04/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, Room C3325, FP Bldg., Washington, DC 20210, **202 219-9430**

RIN: 1215-AA01

2054. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Priority: Regulatory Plan

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14- and 15-year-olds may be employed, and specifies the number of hours in a day and in a week, and time periods within a day, that such minors may be employed. The Department has invited public comment in considering whether changes in technology in the workplace and job content over the years require new hazardous occupations orders, and review of some of the applicable hazardous occupation orders and the method of their promulgation. Comment has also been solicited on whether revisions should be considered in the permissible hours and time of day standards for 14- and 15-year-olds. Comment has also been sought on appropriate changes required to implement school-to-work transition programs.

Statement of Need: Because of changes in the workplace and the introduction of new processes and technologies, the Department is undertaking a comprehensive review of the regulatory criteria applicable to child labor. Other factors necessitating a review of the child labor regulations are changes in places where young workers find employment opportunities, the existence of differing Federal and State standards, and the divergent views on how best to correlate school and work experiences.

Under the Fair Labor Standards Act, the Secretary of Labor is directed to provide by regulation or by order for the employment of youth between 14 and 16 years of age under periods and conditions which will not interfere with their schooling, health and well-being. The Secretary is also directed to

DOL—ESA

Proposed Rule Stage

designate occupations that may be particularly hazardous for youth between the ages of 16 and 18 years or detrimental to their health or well-being. The Secretary has done so by specifying, in regulations, the permissible industries and occupations in which 14- and 15-year-olds may be employed, and the number of hours per day and week and the time periods within a day in which they may be employed. In addition, these regulations designate the occupations declared particularly hazardous for minors between 16 and 18 years of age or detrimental to their health or well-being.

Public comment has been invited in considering whether changes in technology in the workplace and job content over the years require new hazardous occupation orders or necessitate revision to some of the existing hazardous orders. Comment has also been invited on whether revisions should be considered in the permissible hours and time-of-day standards for the employment of 14- and 15-year-olds, and whether revisions should be considered to facilitate school-to-work transition programs. When developing regulatory proposals (after receipt of public comment on the advance notice of proposed rulemaking), the Department's focus will be on assuring healthy, safe and fair workplaces for young workers, and at the same time making regulatory standards less burdensome to the regulated community.

Alternatives: Full regulatory alternatives will be developed after receipt and analysis of the public comments responding to the advance notice of proposed rulemaking. Alternatives likely to be considered include specific additions or modifications to the hazardous occupation orders and changes to the hours 14- and 15-year-olds may work.

Anticipated Costs and Benefits: Preliminary estimates of the anticipated costs and benefits of this regulatory action will be developed once decisions are reached on particular proposed changes in the child labor regulations. Benefits will include safer working environments and fewer injuries to young workers.

Risks: An assessment of the magnitude of the risk addressed by this action and how it relates to other risks within the jurisdiction of DOL will be prepared

once decisions are reached on particular proposed changes in the child labor regulations.

Timetable:

Action	Date	FR Cite
Final Action on HOs 2, 10, 12	11/20/91	56 FR 58626
Final Action Effective Date	12/20/91	56 FR 58626
ANPRM	05/13/94	59 FR 25167
ANPRM Comment Period End	10/11/94	59 FR 40318
NPRM	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Rm S3502, FP Bldg., Washington, DC 20210, **202 219-8305**

RIN: 1215-AA09

2055. DEFINING AND DELIMITING THE TERM "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY" (ESA/W-H)

Priority: Economically Significant

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None

Abstract: These regulations set forth the criteria for the Fair Labor Standards Act exemption from the minimum wage and overtime requirements of the Act for "executive," "administrative," "professional," and "outside sales" employees. The salary tests have not been updated since 1975. The Department has, however, made limited revisions to these regulations to address specific issues. In 1991, as the result of an amendment to the FLSA, the regulations were revised to permit certain highly skilled computer systems analysts, computer programmers, software engineers, and other similarly skilled professional employees to qualify for the exemption, including those paid on an hourly basis if their rates of pay exceed 6-1/2 times the applicable minimum wage. Also, in 1992, the Department issued a final rule which provided, in part, that an otherwise exempt public sector employee would not be disqualified

from the exemption's requirement for payment on a "salary basis" solely because the employee is paid according to a public pay and leave system that, absent the use of paid leave, requires the employee's pay to be reduced for absences of less than one workday. Recent court rulings have caused confusion as to what constitutes compliance with the regulation's "salary basis" criteria in both the public and private sectors. All of these factors have led the Department to conclude that a review of these regulations is both necessary and appropriate.

Statement of Need: These regulations set forth the criteria for the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees." The existing salary test levels used in determining who is exempt from the minimum wage and overtime requirements were adopted in 1975 on an interim basis. These salary level tests are outdated and offer little practical guidance in the application of the exemption. In addition, numerous comments and petitions have been received in recent years from industry groups regarding the duties and responsibilities tests in the regulations. These factors, as well as recent case law developments, have led the Department to conclude that a review of these regulations is needed.

These regulations have been revised in recent years to deal with specific amendments or issues. In 1991, as the result of an amendment to the FLSA, the regulations were revised to permit certain highly skilled computer systems analysts, computer programmers, software engineers, and other similarly skilled professional employees to qualify for the exemption, including those paid on an hourly basis if their rates of pay exceed 6-1/2 times the applicable minimum wage.

Also in 1991, the Department undertook separate rulemaking on another aspect of the regulations, the definition of "salary basis" for public sector employers. An interim final rule provided, in part, that an otherwise exempt public sector employee would not be disqualified from the exemption's requirement for payment on a "salary basis" solely because the employee is paid according to a public pay and leave system that, absent the use of paid leave, reduces the

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employee's pay for absences of less than one workday. (In 1992, the Department issued its final rule on this matter.)

Because of the limited nature of these revisions, the regulations are still in need of updating and clarification, especially with regard to applicability to public sector employment. In addition, recent court rulings have caused confusion on what constitutes compliance with the regulation's "salary basis" criteria in both the public and private sectors.

Alternatives: Because the regulations are sorely out of date, a comprehensive review is necessary. Regulatory alternatives will be developed as part of the review.

Anticipated Costs and Benefits: Some 23 million employees are within the scope of these regulations. Legal developments in court cases are causing progressive loss of control of the guiding interpretations under this exemption and are creating law without considering a comprehensive analytical approach to current compensation concepts and workplace practices. These court rulings are creating apprehension in both the private and public sectors. Clear and comprehensive regulations will once again provide for central, uniform control over application of these regulations.

Preliminary estimates of the specific costs and benefits of this regulatory action will be developed once the various regulatory alternatives are identified.

Risks: An assessment of the magnitude of the risk addressed by this action and how it relates to other risks within the jurisdiction of DOL will be prepared once decisions are reached on specific proposed changes in these regulations.

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal To Suspend Rule Indefinitely	03/27/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period From 01/21/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM	10/00/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Federal

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

RIN: 1215-AA14

2056. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Priority: Substantive, Nonsignificant

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) of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 to: (1) make its provisions for special disabled veterans consistent with the Americans with Disabilities Act of 1990 (ADA), (2) incorporate some legislative and other changes that have occurred, and (3) generally clarify 38 USC 4212 Affirmative Action Program (AAP) requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
Final Action	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie A. Blackwell, 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, **202 219-9430**

RIN: 1215-AA62

2057. LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Priority: Economically Significant

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

CFR Citation: 29 CFR 4

Legal Deadline: None

Abstract: The Service Contract Act (SCA) applies to Federal contracts principally for the furnishing of services through the use of service employees and, on contracts over \$2,500 where the predecessor contract was not subject to a collective bargaining agreement, requires the Department of Labor to determine prevailing wages and fringe benefits in the locality to be paid to various classifications of workers on the contract. Prevailing wage determinations issued by the Department, which become part of the Federal contract, establish the minimum compensation for employees performing on that contract. The Service Employees International Union (SEIU) sued DOL in March 1991 over DOL's practice, since 1976, of issuing two nationwide rates for health and welfare fringe benefits, and for not periodically updating fringe benefit levels. The District Court remanded the case to DOL for exhaustion of administrative remedies, which led to the DOL's Board of Service Contract Appeals decision that remanded the case to the Wage Hour Division to consider alternative methods of implementing the statute. Proposed regulations are required to resolve this litigation. A notice of proposed rulemaking will invite comment on alternatives for updating SCA fringe benefits.

Statement of Need: In order to resolve a lawsuit filed by the Service Employees International Union over DOL's long-standing administrative practice of issuing two nationwide rates for health and welfare fringe benefits for contracts subject to the Service Contract Act (SCA), DOL has decided that revisions to its regulations are needed. The McNamara-O'Hara Service Contract Act requires the Department of Labor to determine locally prevailing wages and fringe benefits to be paid by service contractors to service employees working on Federal service contracts (unless the predecessor

contract was covered by a collective bargaining agreement).

An NPRM will be published to solicit comments on alternative methodologies for issuing prevailing SCA fringe benefits. It is expected that some or all of these alternatives will increase the benefit rates required on SCA contracts and thus increase costs for Federal agencies using service contracts. Because of the impact on Federal agency procurement actions, this action would be considered "significant" under E.O. 12866.

Alternatives: A number of regulatory alternatives have been considered for inclusion in the NPRM. Among the possible alternatives are: The current two-tier system that sets two benefit rates using data for large and small establishments; a single fringe benefit rate based on the average cost of providing health insurance, retirement, and all other benefits not legally required for all firms in all industries; different benefit rates for each locality; and benefit rates for broad groups of occupations.

Anticipated Costs and Benefits: The anticipated cost of all the regulatory alternatives to the existing methodology for updating SCA health and welfare fringe benefit rates may likely exceed the costs associated with the existing methodology. Therefore, adoption of an alternative methodology may result in increased procurement costs to Federal agencies who let service contracts. Estimates of costs for each of the alternatives chosen will be prepared for inclusion in the NPRM. The benefit that will result from this regulatory action will be establishment of a reasonable and fair methodology for setting benefit rates and the resolution of the lawsuit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 1215-AA78

2058. 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	04/00/95	
Final Action	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie A. Blackwell, 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, **202 219-9430**

RIN: 1215-AA84

2059. LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, REQUIREMENTS FOR MAILING DOCUMENTS AND FOR USING THE OWCP FEE SCHEDULE FOR RESOLVING DISPUTES ON CHARGES FOR MEDICAL SERVICES

Priority: Informational

Legal Authority: 33 USC 901 et seq; Longshore and Harbor Workers' Compensation Act, as amended

CFR Citation: 20 CFR 702.243; 20 CFR 702.316; 20 CFR 702.224; 20 CFR 703.121; 20 CFR 702.413; 20 CFR 702.414

Legal Deadline: None

Abstract: Several sections of the regulations implementing the LHWCA will be revised to make for more effective administration. The

requirement for using certified mail is being eliminated in certain circumstances; the requirement that an employer with several locations within a compensation district have only one insurance carrier is being modified; and the Office of Workers' Compensation Programs medical fee schedule would be used to establish the standard for determining what is a reasonable and customary medical charge.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
Final Action	08/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Joseph Olimpio, Director for Longshore and Harbor Workers' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C4315, FP Building, Washington, DC 20210, **202 219-8721**

RIN: 1215-AA92

2060. MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION (29 CFR PART 500)

Priority: Regulatory Plan

Legal Authority: 29 USC 1801 to 1872, as amended

CFR Citation: 29 CFR 500

Legal Deadline: None

Abstract: The legislative history of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) indicates that the principles found in the court's decision in Hodgson v. Griffin and Brand, 471 F. 2d 235, are to be followed in determining whether a joint employment relationship exists in the employment of migrant and seasonal farm workers in a given fact situation. The Department intends to publish an NPRM to solicit comments on a clarification of the regulations to more closely comport with the legislative history of MSPA and the principles found in Hodgson v. Griffin and Brand and also possible modifications to the procedures for MSPA hearings, seeking more timely decisions.

Statement of Need: These regulations need to be revised in order to provide some much needed clarifications and to make the hearing process more

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efficient. In the legislative history to the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), Congress stated that the term joint employment in MSPA was to have the same meaning as is found in the Fair Labor Standards Act (FLSA). Further remarks in the legislative history indicate that the principles found in *Hodgson v. Griffin and Brand* were to be determinative. However, subsequent legal developments have created confusion as to the appropriate criteria for determining the existence of a joint employment relationship. In its rulemaking, DOL will solicit comments to clarify the regulatory criteria for determining when a joint employment relationship exists between two or more employers. The Department will also consider modifying the rules relating to procedures for hearings, seeking more timely decisions.

Anticipated Costs and Benefits: There is no identifiable cost impact to the contemplated clarifying change in the regulations. Employers in the agricultural community will benefit from the clearer, more definitive criteria provided regarding joint employment relationships. An expedited hearing process will also be beneficial to all parties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1215-AA93

2061. PROCEDURES FOR PREDETERMINATION OF WAGE RATES (29 CFR PART 1) AND LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (29 CFR PART 5)

Priority: Economically Significant

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

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None

Abstract: The Department attempted to implement revised rules governing the circumstances in which "helpers" may be used on federally funded and assisted construction contracts subject to the Davis-Bacon Act in May 1982 (see 47 FR 23644, 23658 (May 28, 1982); 47 FR 32090 (July 20, 1982)). After protracted litigation, a final rule was published in January 1989 (see 54 FR 4234) which became effective on February 4, 1991. Thereafter, on two occasions, Congress acted to prevent the Department from expending any funds to implement these revised helper regulations--through the Dire Emergency Supplemental Appropriations Act of 1991, PL 102-27, 10 5 Stat. 130, 151 (1991), and then through section 104 of the DOL Appropriations Act of 1994, PL 103-112. Given the uncertainty of any future moratorium, the Department has determined that the helper issue should be addressed through further rulemaking.

Statement of Need: The current helper rules are difficult to administer and enforce, and--as evidenced by the prolonged litigation history and subsequent Congressional actions--are highly controversial. In May 1982, the Department attempted to implement revised rules governing the circumstances in which "helpers" may be used on federally funded and federally assisted construction contracts subject to the Davis-Bacon Act. After protracted litigation, a final rule was published in January 1989 and became effective on February 4, 1991. Thereafter, on two occasions, Congress acted to prevent the Department from expending any funds to implement these revised helper regulations through appropriations riders. Given the uncertainty of any future moratorium, the Department has determined that the helper issue should be addressed through further rulemaking.

Alternatives: None. The Administration has determined that this issue should not be addressed through the legislative process in which it seeks other reforms to the Davis-Bacon Act. Specific regulatory alternatives have not yet been developed.

Anticipated Costs and Benefits: A new rulemaking regarding the helper criteria will seek to make administration of the Davis-Bacon Act more efficient by establishing reasonable "helper"

criteria and methodology--thus resolving the controversy and uncertainty currently experienced by interested parties. Changes in the helper regulations may result in an inability to realize some of the construction procurement cost savings anticipated from the earlier rulemaking. Estimates of the financial impacts of revised "helper" regulations will be prepared for inclusion in the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal, Federal

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

RIN: 1215-AA94

2062. • EXECUTIVE ORDER 12933 OF OCTOBER 20, 1994, "NONDISPLACEMENT OF QUALIFIED WORKERS UNDER CERTAIN CONDITIONS"

Priority: Other Significant

Legal Authority: EO 12933

CFR Citation: 29 CFR 9

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

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

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour

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Proposed Rule Stage

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

RIN: 1215-AA95

**2063. • 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

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

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

Legal Deadline: NPRM, Statutory, May
11, 1995. Final, Statutory, September 8,
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 repeals section
7299 of title 10 of the U.S. Code which
applied the Walsh-Healey Public
Contracts Act (PCA) to contracts for
construction, alteration, furnishing, or
equipping of naval vessels. It also
amends the 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 retained the Secretary of Labor's

authority to define the terms "regular
dealer" and "manufacturer."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State,
Local, Federal

Additional Information: These
legislative amendments will require
revisions to Regulations, 29 CFR Parts
4 and 5 with respect to CWHSSA and
DB, and Regulations, 41 CFR Part 50-
201 and Part 50-206 with respect to
PCA.

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

RIN: 1215-AA96

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Employment Standards Administration (ESA)

**2064. 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	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Maria Echaveste,
Administrator, Wage and Hour
Division, Department of Labor,
Employment Standards Administration,
200 Constitution Avenue NW., Rm
S3502, FP Bldg., Washington, DC
20210, **202 219-8305**

RIN: 1215-AA43

**2065. ATTESTATIONS BY
EMPLOYERS FOR OFF-CAMPUS
WORK AUTHORIZATION FOR ALIEN
STUDENTS (F-1 NONIMMIGRANTS)**

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-649, Sec
221(a); 104 Stat 4978 and 5027; PL 102-
232

CFR Citation: 29 CFR 508

Legal Deadline: Final, Statutory,
October 1, 1991.

Abstract: This rule implements
regulations governing the filing and
enforcement of attestations by
employers seeking to use aliens
admitted as students on F-1 visas
(hereafter F-1 student) in off-campus
work. Under the Immigration and
Nationality Act (INA), as amended by
the Immigration Act of 1990, employers
are required to submit these attestations
to DOL and the educational institution
in order for such students, if otherwise
qualified, to receive work
authorizations from the Attorney
General. The attestation process has
been administered by ETA, while
complaints and investigations regarding
violations are handled by ESA.
Statutory authority for the initial
program expired on September 30,
1994, but on October 25, 1994, Public
Law 103-416 revived and extended the
program through September 30, 1996.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/06/91	56 FR 56860
Joint Interim Final Rule	12/15/94	59 FR 64776

Next Action Undetermined

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Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1215-AA68

2066. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR INDIVIDUALS WITH DISABILITIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 41 CFR 60-741

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/21/92	57 FR 48084
NPRM Comment Period End	11/20/92	
Final Action	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie A. Blackwell, 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, **202 219-9430**

RIN: 1215-AA76

2067. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: Section 13(a)(15), Fair Labor Standards Act (FLSA), as amended; Section 13(b)(21), FLSA, as amended; 29 USC 213(a)(15); 29 USC 213(b)(21) 88 Stat. 62; Section 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. The Department intends to revise section 552.109 of regulations, 29 CFR Part 552, Application of the Fair Labor Standards Act to Domestic Service, 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.

Timetable:

Action	Date	FR Cite
NPRM	12/30/93	58 FR 69310
NPRM Comment Period End	02/28/94	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1215-AA82

2068. PROCEDURES FOR HANDLING DISCRIMINATION COMPLAINTS UNDER FEDERAL "WHISTLEBLOWER" PROTECTION STATUTES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5851; PL 102-486 sec 2902, 106 Stat 2776

CFR Citation: 29 CFR 24

Legal Deadline: None

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

Timetable:

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

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1215-AA83

2069. CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION (SPORTS ATTENDANTS)

Priority: Other Significant

Legal Authority: 29 USC 203(l); 29 USC 212

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act (FLSA), 29 USC 203(1) provides that the Secretary of Labor shall provide by regulation or by order

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for permissible periods and conditions of employment of 14- and 15-year olds in occupations other than manufacturing and mining if and to the extent such employment is confined to periods and to conditions which will not interfere with their schooling, health or well-being (see Child Labor Regulation No. 3, 29 CFR 570, Subpart C). The Department has proposed revisions of the hours and time of day standards for and 14- and 15-year olds to enable their participation in certain kinds of professional sports activities as sports attendants (e.g., bat and ball boys/girls, etc.), certain limited occupational exemptions and procedural changes for Work Experience and Career Exploration Programs, and several other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	05/13/94	59 FR 25164
NPRM Comment Period End	07/12/94	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maria Echaveste, Administrator, Wage and Hour

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

RIN: 1215-AA89

2070. ATTESTATIONS BY EMPLOYERS USING ALIEN CREWMEMBERS FOR LONGSHORE ACTIVITIES IN U.S. PORTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 506

Legal Deadline: None

Abstract: Under the 1990 Amendments to the Immigration and Nationality Act (INA), DOL is responsible for implementing Section 258 of INA, which establishes certain requirements for, and places certain limitations on, foreign crewmembers performing longshore work in U.S. ports. These regulations govern the filing and enforcement of attestations by employers seeking to use foreign crewmembers, which are filed with DOL in order to be allowed by the Immigration and Naturalization Service

to use these crewmembers to perform specified longshore activities. ETA administers the attestation process, while complaints and investigations regarding the attestations are handled by ESA. In two separate enactments (PL 103-198 (107 Stat. 2304) and PL 103-206 (107 Stat. 2419)), Congress recently enacted exceptions to the limitations on performance of longshore work by foreign crewmembers in the State of Alaska. The Department intends to promulgate rules as necessary to implement the statutory exception.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/95	60 FR 3950
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1215-AA90

DEPARTMENT OF LABOR (DOL)

Completed/Longterm Actions

Employment Standards Administration (ESA)

2071. WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Legal Authority: 29 USC 203(m); 29 USC 203(t)

CFR Citation: 29 CFR 531

Legal Deadline: None

Abstract: The Labor Department had planned to review and update regulations, 29 CFR Part 531, Wage Payments under the Fair Labor Standards Act of 1938, to comport with amendments to the Act and changes in enforcement policy since the regulations were last revised in 1967. This action has been deferred due to other regulatory priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	01/31/95	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1215-AA32

2072. GOVERNMENT CONTRACTORS: CONTRACTOR PARTICIPATION IN TRAINING PROGRAMS PURSUANT TO THE JOB TRAINING PARTNERSHIP ACT (JTPA) (29 USC 1781)

Legal Authority: 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2

Legal Deadline: Final, Statutory, October 1, 1983.

Abstract: Section 481 of the Job Training Partnership Act of 1982 (JTPA) requires OFCCP to issue regulations which will specify the

degree to which contractors' participation in JTPA approved training programs will satisfy their affirmative action obligations under Executive Order 11246, as amended. Among the issues to be determined are: (1) the extent to which a contractor's participation in an approved training program satisfies its affirmative action obligations; (2) the contents of an abbreviated affirmative action program; (3) methods for determining compliance; and (4) recordkeeping and reporting requirements.

Timetable:

Action	Date	FR Cite
Withdrawn	01/31/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Issuance of a proposal has been delayed while the Department explores and evaluates the most effective ways to implement the

DOL—ESA

Completed/Longterm Actions

JTPA consistent with OFCCP's nondiscrimination and affirmative action requirements. (Previously part of RIN 1215-AA01)

Agency Contact: Annie A. Blackwell, 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, **202 219-9430**

RIN: 1215-AA56

2073. LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING ALIENS ON H-1B VISAS IN SPECIALTY OCCUPATIONS AND AS FASHION MODELS

Legal Authority: PL 101-649, Sec 205; PL 102-232

CFR Citation: 29 CFR 507

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: The Employment Standards Administration (ESA) and the Employment and Training Administration (ETA) promulgated regulations governing the filing and enforcement of labor condition applications filed by employers seeking to use aliens in specialty occupations on H-1B visas. Under the Immigration and Nationality Act as amended by the Immigration Act of 1990, an employer seeking to employ an alien in a specialty occupation on an H-1B visa is required to file with the Department of Labor, and receive approval therefor, a labor condition application before the Immigration and Naturalization Service may approve an H-1B visa petition. The labor condition application process is administered by ETA and complaints and investigations regarding labor condition applications are the responsibility of ESA. An interim final rule was published on October 22, 1991, effective October 1, 1991 (56 FR 54750). On December 12, 1991, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. On January 13, 1992, the Department published conforming changes to these regulations. A new NPRM was published on October 6, 1993 (58 FR 52152) and a final rule was issued on 12/20/94 (59 FR 65646).

Timetable:

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37175
NPRM Comment Period End	09/04/91	56 FR 37175
Interim Final Rule	10/22/91	56 FR 54720
Second Interim Final Rule	01/13/92	57 FR 1316
Second NPRM	10/06/93	58 FR 52152
Second NPRM Comment Period End	11/05/93	58 FR 52152
Final Action	12/20/94	59 FR 65646
Final Action Effective	01/19/95	60 FR 4028

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 1215-AA69

2074. THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Legal Authority: PL 103-3 107 Stat 6

CFR Citation: 29 CFR 825

Legal Deadline: Other, Statutory, June 5, 1993.

Other deadline is for interim final rule.

Abstract: Public Law 103-3, the Family and Medical Leave Act of 1993, which became effective on August 5, 1993, requires employers with 50 or more employees to provide up to 12 weeks of unpaid leave for "eligible employees" to use for the care of a newborn or newly adopted child, for the care of a family member with a serious health condition, or for their own serious illness. It also requires employers to maintain health insurance coverage and job protection for the duration of the leave, and sets minimum length of service and hours of work requirements before employees become eligible. The Department of Labor issued interim final regulations to implement Title I of the Act as it applies to private sector and certain governmental employers on June 4, 1993. Final regulations were issued January 6, 1995 (60 FR 2180). On February 3, 1995 the effective date of the final regulations was deferred until April 6th. OPM will issue regulations to implement similar provisions of the Act which have application to Federal

sector employees within its jurisdiction.

Timetable:

Action	Date	FR Cite
NPRM	03/10/93	58 FR 13394
NPRM Comment Period End	03/31/93	
Interim Final Rule	06/04/93	58 FR 31794
Interim Final Rule Comment Period Ends	06/04/93	58 FR 31794
Extension of Interim Final Rule Comment Period from	08/30/93	58 FR 45433
Final Action	01/06/95	60 FR 2180
Deferral of Effective Date	02/03/95	60 FR 6658
Final Action Effective	04/06/95	60 FR 6658

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

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

RIN: 1215-AA85

2075. • AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Legal Authority: 38 USC 4212

CFR Citation: 41 CFR 60 to 250

Legal Deadline: Final, Statutory, December 31, 1994.

To eliminate coverage cut-off date of December 31, 1994.

Abstract: This final rule incorporates a statutory change in the definition of "Veteran of the Vietnam Era" as that definition relates to Federal contractors' and subcontractors' affirmative action obligations with respect to such veterans by eliminating the coverage cut-off date of December 31, 1994. This rule also incorporates a statutory change in the mandatory job listing provision by eliminating the \$25,000 per year salary ceiling and otherwise broadening the scope of job openings that must be listed with the State employment service by Federal contractors and subcontractors.

DOL—ESA

Completed/Longterm Actions

Timetable:

Action	Date	FR Cite
Final Action	01/05/95	60 FR 3
Final Action Effective	01/05/95	60 FR 3

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Annie A. Blackwell, 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, **202 219-9430**

RIN: 1215-AA97

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Employment and Training Administration (ETA)

2076. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Priority: Other Significant

Legal Authority: 29 USC 49k

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

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM will be published and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Federal

Agency Contact: Alicia Fernandez-Mott, National Monitor Advocate, Department of Labor, Employment and Training Administration, 200 Constitution Ave. NW., Rm N4470, FP Building, Washington, DC 20210, **202 219-9092**

RIN: 1205-AA37

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

2077. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Priority: Other Significant

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: These regulations are being developed to implement the monetary provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the

legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the monetary benefits aspect of the employee protection provisions. In 1991 the DOT determined there were no job losses due to deregulation. In September 1993, the U.S. District Court for the District of Columbia ordered the DOT to develop broader guidelines to apply to the air carriers, which may result in a finding of job losses due to deregulation. Therefore, rulemaking is proceeding on the monetary provisions of the employee protection provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	02/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and

Training Administration, 200 Constitution Avenue NW., Room C4514, FP Bldg., Washington, DC 20210, **202 219-5309**

RIN: 1205-AA07

2078. JOB TRAINING PARTNERSHIP ACT: INDIAN AND NATIVE AMERICAN PROGRAMS

Priority: Other Significant

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.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

DOL—ETA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Tribal

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

RIN: 1205-AA96

2079. JOB TRAINING PARTNERSHIP ACT: MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Priority: Other Significant

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 \$80 million is appropriated annually by Congress for this program. This rule would implement changes made by the 1992 amendments to JTPA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
Final Action	09/00/96	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1205-AA99

2080. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; UNEMPLOYMENT INSURANCE REVENUE QUALITY CONTROL PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 602

Legal Deadline: None

Abstract: The regulation will provide explicit authority for the Revenue Quality Control (RQC) program to assess the quality of State unemployment compensation tax program operations, including the extent to which employers comply with the laws regarding the reporting and payment of unemployment insurance taxes (contributions) due. The alternatives considered were to implement the program under existing nonregulatory authority or to allow the States to develop such programs voluntarily. The cost of the program is the one or two staff years per State needed to conduct the RQC assessments, plus some time to program new data items. The benefits are more effective and efficient tax operations and better service to the system's customers, in this case the employer community. These benefits accrue as better performance information is developed for both States and Federal staff, leading to improved operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
Final Action	10/00/96	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Burman Skrable, Operations Research Analyst, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4015, FP Building, Washington, DC 20210, **202 219-5220**

RIN: 1205-AB00

2081. AMENDMENTS TO THE LABOR CERTIFICATION PROCESS FOR TEMPORARY AGRICULTURAL EMPLOYMENT IN THE UNITED STATES (H-2A)

Priority: Other Significant

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
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: State, Federal

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

RIN: 1205-AB09

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

Final Rule Stage

**2082. SENIOR COMMUNITY SERVICE
EMPLOYMENT PROGRAM**
Priority: Other Significant

Legal Authority: 42 USC 301 Older Americans Act of 1965; PL 102-375

CFR Citation: 20 CFR 641; 29 CFR 89

Legal Deadline: None

Abstract: The proposed regulation will implement the Older Americans Act Amendments of 1984, 1987, and 1992, and make clarifying changes. This regulation will provide administrative and programmatic guidance and requirements for the implementation of the Senior Community Service Employment Service.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Second NPRM	04/26/94	59 FR 21874
Second NPRM Comment Period Ends 5/26/94	04/26/94	59 FR 21874
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: State, Federal

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

RIN: 1205-AA29

**2083. JOB CORPS ALLOWANCES
AND ALLOTMENTS**
Priority: Informational

Legal Authority: 29 USC 1579(a)

CFR Citation: 20 CFR 638

Legal Deadline: None

Abstract: Job Corps is devising a new pay and allotment system which will provide students with enough money to meet their basic needs, while adding greater incentives than are available in the current system to encourage retention, performance, program completion and length of enrollment. Payroll will be conducted biweekly versus the current twice monthly procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/01/94	59 FR 54539
NPRM Comment Period End	12/01/94	
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dana Davidson Johnson, Budget Analyst, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4656, FP Building, Washington, DC 20210, **202 219-6568**

RIN: 1205-AA98

**2084. 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 will be published with a 60-day comment period to simplify the monetary benefit provisions. This rule will eliminate cumbersome individual and agency administrative provisions, remove inconsistencies in the establishment of DUA weekly amounts, and simplify the formula to establish DUA weekly amounts so as to benefit disaster impacted individuals.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/94	59 FR 63670
ANPRM Comment Period End	02/06/95	
Interim Final Rule Monetary Provisions	04/00/95	
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Monetary Provisions	09/00/95	
Final Action	02/00/96	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Robert Gillham, Chief, Federal Programs Group, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Washington, DC 20210, **202 219-5312**

RIN: 1205-AB02

**2085. ATTESTATIONS BY
EMPLOYERS USING ALIEN
CREWMEMBERS FOR LONGSHORE
ACTIVITIES IN U.S. PORTS, THE
ALASKA EXCEPTION**
Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/95	60 FR 3920
Final Action	06/00/95	

DOL—ETA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John M. Robinson, Deputy Assistant Secretary, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, **202 219-5257**

RIN: 1205-AB03

2086. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—IMPLEMENTATION OF 1988 AMENDMENTS

Priority: Other Significant

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	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Victor Trunzo, Chief, BDAS, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP

Building, Washington, DC 20210, **202 219-5555**

RIN: 1205-AB05

2087. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS—TRANSITIONAL ADJUSTMENT ASSISTANCE NAFTA-TAA

Priority: Regulatory Plan

Legal Authority: PL 103-182 title V

CFR Citation: 20 CFR 617

Legal Deadline: Final, Statutory, January 1, 1995.

Final regulation to be issued to the maximum extent feasible by 1/1/95.

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. Comments on this proposed rule are requested before March 20, 1995.

Statement of Need: The North American Free Trade Agreement will expand trade between the U.S., Mexico and Canada. U.S. companies will be able to increase their exports and create new jobs. Mexico and Canada will also be able to do this; so in certain industries some U.S. workers may lose their jobs. It is important that these

U.S. workers get assistance in finding new jobs, including obtaining training, if necessary.

The proposed regulations are required to establish clear rules, procedures and guidelines for the Department, for the States and State agencies that serve as agents of the United States, in carrying out their responsibilities under the NAFTA-TAA program. This will assure that workers who lost their jobs due to NAFTA will receive the adjustment assistance they need.

Summary of the Legal Basis: Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182 enacted December 8, 1993) 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 or Canada.

Anticipated Costs and Benefits: A cost benefit analysis was not conducted. The regulation codifies procedures and responsibilities stipulated by the NAFTA implementing legislation.

Timetable:

Action	Date	FR Cite
NPRM	01/17/95	60 FR 3472
NPRM Comment Period End	03/20/95	60 FR 3472
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Victor Trunzo, Chief, BDAS, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210, **202 219-5555**

RIN: 1205-AB07

DEPARTMENT OF LABOR (DOL)

Completed/Longterm Actions

Employment and Training Administration (ETA)

2088. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

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

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor

pursuant to Section 212(a)(5)(A) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of

DOL—ETA

Completed/Longterm Actions

the application for a visa and admission into the United States and at the place where the alien is to perform work; and (b) the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(5)(A)). The Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(5)(A) INA 212(a)(5)(A)). These regulations set forth the fact finding process designed to support the granting or denial of a permanent labor certification. Experience in (cont)

Timetable:

Action	Date	FR Cite
Withdrawn	03/15/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: administering the regulations to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations to make labor certification process more efficient and clarify ambiguities in the present regulations.

Agency Contact: John M. Robinson, Deputy Assistant Secretary, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, **202 219-5257**

RIN: 1205-AA66

2089. PERMANENT LABOR CERTIFICATION PROGRAM: PILOT LABOR MARKET INFORMATION PROVISIONS

Legal Authority: PL 101-649

CFR Citation: 20 CFR 656

Legal Deadline: NPRM, Statutory, October 1, 1991. Final, Statutory, April 1, 1992. Other, Statutory, September 30, 1994.

The law becomes effective on October 1, 1991, and is effective until September 30, 1994.

Abstract: This rule is necessary to implement section 122 of Public Law 101-649, the Immigration Act of 1990. This section requires the Secretary of Labor to establish a pilot which provides for a determination of labor

shortages or surpluses in up to 10 occupational classifications. The occupation may then be used in lieu of an individual, case-by-case labor certification. The pilot program is effective during the 3-fiscal year period beginning with FY 92.

Timetable:

Action	Date	FR Cite
NPRM	03/19/93	58 FR 15242
NPRM Comment Period End	04/19/93	
Withdrawn - P. L. 10- 416 deleted labor market info program	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Robinson, Deputy Assistant Secretary, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, **202 219-5257**

RIN: 1205-AA87

2090. APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING ALIENS IN SPECIALTY OCCUPATIONS AND AS FASHION MODELS (H-1B)

Legal Authority: PL 101-649, Sec 205; PL 102-232

CFR Citation: 20 CFR 655; 29 CFR 507

Legal Deadline: Other, Statutory, October 1, 1991.
Other deadline is for interim final rule.

Abstract: This rule is necessary to implement certain revisions to the nonimmigrant H-1B visa category made by Public Law 101-649. The law provides that no alien may be admitted or provided status under this category unless the petitioning employer attests to the Secretary of Labor that the employer is offering prevailing wages and working conditions and that there is not a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment. The law also directs the employer to notify the bargaining representative at the place of employment of the filing of an H-1B petition. If there is no bargaining representative, the employer must post a notice in conspicuous locations at the place of employment. The law provides

a procedure for any aggrieved person or organization to challenge the employer's attestation.

Timetable:

Action	Date	FR Cite
NPRM	08/05/91	56 FR 37175
NPRM Comment Period End	09/04/91	56 FR 37175
Interim Final Rule	01/13/92	57 FR 1316
Second NPRM	10/06/93	58 FR 52152
Second NPRM Comment Period Ends	11/05/93	58 FR 52152
Final Action	12/20/94	59 FR 65646
Final Action Effective	01/19/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: John M. Robinson, Deputy Assistant Secretary, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, **202 219-5257**

RIN: 1205-AA89

2091. TRADE ADJUSTMENT ASSISTANCE—UNIFORM INTERPRETATION AND ENFORCEMENT (LOPEZ PROVISIONS)

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617.52

Legal Deadline: None

Abstract: State agencies serve as agents of the United States for administering the benefit and service provisions of the TAA program. Because of identified needs to revise present processes at Section 617.52 for dealing with State agency determinations, redeterminations or decisions on appeal, the Department is proposing substantial changes.

Timetable:

Action	Date	FR Cite
Withdrawn	03/15/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Victor Trunzo, Chief, BDAS, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210, **202 219-5555**

RIN: 1205-AB06

DOL—ETA

Completed/Longterm Actions

2092. TRADE ADJUSTMENT ASSISTANCE—ADMINISTRATIVE REQUIREMENTS**Legal Authority:** 19 USC 2320**CFR Citation:** 20 CFR 617.60**Legal Deadline:** None**Abstract:** A final rule implementing the 1988 Amendments to the TAA program was published in the Federal Register on January 6, 1994 with Section 617.60 reserved for use when revised TAA

Administrative requirements are completed. A new Section 617.60 was included in the proposed rule published on November 30, 1988 for comment. No comments were received but it was determined that further work was required to bring the TAA Administrative requirements into full conformity with the other regulations.

Timetable:

Action	Date	FR Cite
Withdrawn	03/15/95	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Victor Trunzo, Chief, BDAS, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210, **202 219-5555****RIN:** 1205-AB08

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Pension and Welfare Benefits Administration (PWBA)

2093. REPORTING AND DISCLOSURE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**Priority:** Regulatory Plan**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: The Department is undertaking a comprehensive review of the current reporting and disclosure requirements to ensure that the Department, participants and beneficiaries are provided meaningful information and that such requirements take into account technological developments that result in more effective and timely communication of benefit and plan information. As an initial step in this review, the Department solicited comments, recommendations and information from the public concerning the current disclosure requirements and changes thereto, taking into account the experience of the past 20 years and changes in communication techniques and types of plans. The public input received in response to this solicitation will enable the Department to review the current disclosure framework and to develop meaningful proposals for changes based on up-to-date information concerning current plan practices.

Statement of Need: Since ERISA's enactment 20 years ago there have been few modifications to ERISA's reporting and disclosure provisions. Similarly, there have been few changes over the past 10 to 15 years in the Department's

regulations implementing ERISA's reporting and disclosure provisions. During this same period, however, there have been dramatic changes in the employee benefit plan area and in the way information is communicated. As a result of these and other changes, questions have been raised with respect to the adequacy and timeliness of the information required to be disclosed to participants and beneficiaries. Similar questions have been raised concerning the information required to be filed with the Department of Labor. To address these issues, the Department has determined that it is appropriate to conduct a comprehensive review of ERISA's reporting and disclosure scheme and, on the basis of that review, propose regulatory and/or legislative changes necessary to address identified deficiencies.

To assist the Department in its review, the Department published a notice in the **Federal Register** (58 FR 68339, December 27, 1993) soliciting public comment on ERISA's provisions and the Department's regulations relating to the summary plan description, summary annual report and individual benefit reports. The Department is currently considering the comments received in response to this Federal Register notice.

However, because of the interrelationship of the information disclosed to participants and beneficiaries with that information required to be filed with the Department of Labor, the Department is expanding its review to include ERISA's reporting provisions, including a review of the Form 5500 Annual Return/Report Series, which is filed annually by an estimated 750,000

employee benefit plans. The Form 5500 Series is a joint Department of Labor, Internal Revenue Service and Pension Benefit Guaranty Corporation form and serves as the principal source of financial information and data available to the Agencies, and participants and beneficiaries, concerning the operations of employee benefit plans. This review will be coordinated with the Internal Revenue Service and the Pension Benefit Guaranty Corporation.

Summary of the Legal Basis: Title I of ERISA imposes specific reporting and disclosure obligations on administrators of employee benefit plans. It also provides the Secretary with the authority to prescribe exemptions and alternative methods of compliance for employee welfare benefit plans and employee pension benefit plans and to prescribe regulations necessary or appropriate to carry out the provisions of Title I of ERISA.

Alternatives: ERISA is more prescriptive than most legislation in the degree of specificity of reporting requirements explicitly set forth in the statute. In developing changes, therefore, the Department will be considering changes in the statute which may permit greater flexibility in changing reporting requirements over time as the nature of plans change. The Department will also focus on regulatory changes that will result in more valuable information for beneficiaries and participants, while minimizing the burden and cost to administrators. These considerations will include the content, form and frequency of information provided.

DOL—PWBA

Prerule Stage

Anticipated Costs and Benefits: It is not yet known what capital or annual costs may result from modifications to the current reporting and disclosure framework. In developing its regulatory proposal, it is the goal of the Department to strike a balance between benefits and costs by ensuring the provision of useful and timely information to participants, beneficiaries and the Department, while minimizing any costs and burdens to administrators that may result from such changes.

Risks: ERISA's reporting and disclosure framework is intended to assure that employee benefit plans are operated and managed in accordance

with prescribed minimum standards and that participants and beneficiaries, as well as regulators, are provided or have access to sufficient information to protect their rights and benefits under employee benefit plans. Enhanced reporting and disclosure, through regulatory or statutory changes, should serve to mitigate risks of benefit losses by participants and beneficiaries, as well as facilitate compliance by plan administrators, thereby reducing litigation and penalty risks to plan administrators, fiduciaries and sponsors.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/93	58 FR 68339

Action	Date	FR Cite
ANPRM Comment Period End	02/25/94	
End Review	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rudy Nuissl, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210, **202 219-7901**

RIN: 1210-AA44

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2094. QUALIFIED DOMESTIC RELATIONS ORDERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 2530

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	10/21/93	58 FR 54444
Extension of Comment Period	01/12/94	58 FR 1692
ANPRM Comment Period End	02/18/94	
NPRM	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PWBA is currently reviewing the public comments received in response to the ANPRM in order to assess the need for

and possible scope of a regulation relating to QDROs.

Agency Contact: Rudy Nuissl, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N5669, FP Bldg., Washington, DC 20210, **202 219-7901**

RIN: 1210-AA19

2095. 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 their exclusion from the Multiple Employer Welfare Arrangement (MEWA) definition in section 3(40) of ERISA, and thus exempted from state regulation. The regulation will clarify the scope of the exception from the MEWA definition for plans maintained under or pursuant

to one or more collective bargaining agreements by providing criteria which will serve to distinguish health benefit arrangements which are maintained by legitimate unions pursuant to bona fide collective bargaining agreements from health insurance arrangements promoted and marketed under the guise of ERISA-covered plans exempt from state insurance regulation. The regulation will also serve to limit the extent to which health plans maintained pursuant to bona fide collective bargaining agreements may extend plan coverage to individuals not covered by such agreements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1210-AA48

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2096. • DELINQUENT FILER VOLUNTARY COMPLIANCE PROGRAM

Priority: Other Significant

Legal Authority: 29 USC 502(c)(2)

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None

Abstract: Section 502(c)(2) of ERISA provides the Secretary of Labor with the authority to assess civil penalties of up to \$1,000 a day against plan administrators who fail or refuse to file complete and timely annual reports (Form 5500 Series Annual Return/Reports) as required under section 101(b)(4) of ERISA and the Secretary's regulations. PWBA has maintained a program for the assessment of civil penalties for noncompliance with the annual reporting requirements. Under this program, plan administrators filing late annual reports may be assessed \$50 per day for each day an annual report is filed after the date on which the annual report(s) was required to be filed, without regard to any extensions for filing. Plan administrators who fail to file an annual report may be assessed a penalty of \$300 per day, up to \$30,000 per year, until a complete annual report is filed. The Department

may, in its discretion, waive all or part of the assessment of these civil penalties upon a showing by the administrator that there was reasonable cause for the failure to file a complete and timely annual report. The implementation of a Delinquent Filer Voluntary Compliance Program, under which administrators otherwise subject to the assessment of higher civil penalties will be permitted to pay reduced civil penalties for voluntary complying with the annual reporting requirements under Title I of ERISA, would encourage reporting compliance.

Timetable:

Action	Date	FR Cite
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janet Powell, Senior Pension Investigator, Office of the Chief Accountant, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5511, FP Building, Washington, DC 20210, **202 219-8868**

RIN: 1210-AA49

2097. • INTERPRETIVE BULLETIN ON PARTICIPANT EDUCATION

Priority: Informational

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2509

Legal Deadline: None

Abstract: This interpretive bulletin summarizes the Department of Labor's views with respect to the provision of investment education to participants under participant-directed individual account plans and describes those situations in which educational presentations and materials will not be considered investment advice to participants.

Timetable:

Action	Date	FR Cite
Final Action	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra Arnold Scham, Pension Law Specialist, Office of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5657, FP Building, Washington, DC 20210, **202 219-8671**

RIN: 1210-AA50

DEPARTMENT OF LABOR (DOL)

Completed/Longterm Actions

Pension and Welfare Benefits Administration (PWBA)

2098. ADEQUATE CONSIDERATION

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/18/88	
Withdrawn	02/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Mannina, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N4611, FP Building, Washington, DC 20210, **202 219-4592**

RIN: 1210-AA15

2099. TRUST-REPORTING EXEMPTIONS

Legal Authority: 29 USC 1103; 29 USC 1135

CFR Citation: 29 CFR 2550.403b-1

Legal Deadline: None

Abstract: Section 403(a) of ERISA requires that all assets of an employee benefit plan be held in trust by one or more trustees pursuant to a written trust instrument, except as otherwise provided in section 403(b). This

regulation would provide guidance with respect to circumstances under which participant monies paid to or withheld by employers in connection with certain welfare plans may not be subject to the trust requirement of section 403(a).

Timetable:

Action	Date	FR Cite
Withdrawn	02/01/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Further action on this project is being delayed pending the clarification of related health care reform issues.

Agency Contact: David Lurie, Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave.

DOL—PWBA

Completed/Longterm Actions

NW., Rm N5669, FP Building,
Washington, DC 20210, **202 219-7901**
RIN: 1210-AA16

2100. CIVIL PENALTIES UNDER ERISA SECTION 502(L)

Legal Authority: 29 USC 1132

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

Legal Deadline: None

Abstract: Section 502(l) of ERISA requires the Secretary of Labor to assess a civil penalty against a fiduciary who breaches a fiduciary duty under, or commits a violation of, part 4 of Title I of ERISA, or any other person who knowingly participates in such breach or violation. The Department has published an interim rule setting forth the procedures for the assessment of penalties under ERISA section 502(l) and for petitioning the Secretary to exercise his or her discretion to waive or reduce the mandated assessment, as well as a proposed rule that defines the following pivotal terms contained in section 502(1): "applicable recovery amount," "breach of fiduciary responsibility or violation," and "settlement agreement" or "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
Withdrawn	02/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vicki Shteir-Dunn, Staff Attorney, Plan Benefits Security

Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N4611, FP Building, Washington, DC 20210, **202 219-8610**

RIN: 1210-AA37

2101. APPLICATION OF ERISA FIDUCIARY STANDARDS TO THE SELECTION OF ANNUITY PROVIDERS

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2509

Legal Deadline: None

Abstract: Pension plans often purchase annuity contracts for participants in connection with the termination of a plan, or as participants retire or separate from service with vested benefits. Generally, the plan fiduciary intends to transfer liability for benefits promised under the plan to the annuity provider. This document explains the Department of Labor's view of the legal standard imposed by section 404(a)(1)(A) and (B) of the Employee Retirement Income Security Act of 1974 (ERISA) on a plan fiduciary's selection of an annuity provider. Under this standard, plan fiduciaries choosing to purchase annuities have a duty to select the safest available annuity provider, unless under the circumstances it would be in the best interests of participants and beneficiaries to do otherwise.

Timetable:

Action	Date	FR Cite
ANPRM	06/21/91	56 FR 28638
ANPRM Comment Period End	09/19/91	56 FR 36750
Interpretive Bulletin Effective 1/1/75	03/06/95	60 FR 12328

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William W. Taylor, Counsel for Regulation, PBSB, Office of the Solicitor, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N4611, FP Building, Washington, DC 20210, **202 219-4592**

RIN: 1210-AA39

2102. IN-KIND CONTRIBUTIONS TO PENSION PLANS

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2509, 94-3

Legal Deadline: None

Abstract: This interpretive bulletin clarifies the views of the Department of Labor on issues relating to the decision of the U.S. Supreme Court in Comm. of Internal Revenue v. Keystone Consolidated Industries (113 S. Ct. 2006, 1993). The decision involved the question of whether contributions of unencumbered real properties to a tax-qualified pension plan are prohibited under ERISA.

Timetable:

Action	Date	FR Cite
Interpretive Bulletin 94-3 Effective 1/1/75	12/28/94	59 FR 66735

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Rudy Nuissl, Supervisory Pension Law Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210, **202 219-7901**

RIN: 1210-AA45

DEPARTMENT OF LABOR (DOL) Office of the American Workplace (OAW)

Proposed Rule Stage

2103. ELIGIBILITY REQUIREMENTS FOR CANDIDACY FOR UNION OFFICE

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 481; 29 USC 482

CFR Citation: 29 CFR 452.38

Legal Deadline: None

Abstract: An ANPRM has been issued soliciting comments concerning how the Department's regulation on the reasonableness of a union's meeting attendance requirement for union officer candidacy can be amended to conform to the decision of the D.C. Circuit in Doyle v. Brock, 821 F.2d 788 (1987). 29 CFR 452.38 currently

provides that the reasonableness of a union rule requiring candidates to have attended a specified number of membership meetings during the period immediately preceding the election must be gauged in the light of all the circumstances of the particular case, including the impact of the rule (i.e., the number or percentage or members

DOL—OAW

Proposed Rule Stage

disqualified by its application). In Doyle, the court found that the Secretary was arbitrary and capricious in not bringing litigation against a local attendance requirement that disqualified 97 percent of the membership. The court found that the impact of the rule was sufficient to make it unreasonable without regard to any other circumstances.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30834
ANPRM Comment Period End	08/15/94	
NPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Office of the American Workplace, 200 Constitution Avenue NW., Room N5605, FP Building, Washington, DC 20210, **202 219-7373**

RIN: 1294-AA09

2104. • REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 433; 29 USC 438

CFR Citation: 29 CFR 406.3

Legal Deadline: None

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

Management Reporting and Disclosure Act of 1959, as amended (LMRDA). It is required to be filed by any labor relations consultant, or other individual or organization, who has made or received payment as a party to an agreement or arrangement with an employer, pursuant to which he has undertaken persuader or information-supplying activities on behalf of the employer. The proposed amendment would reflect reporting guidelines established in *Donovan v. The Rose Law Firm*, 768 F.2d 964 (8th Cir. 1985). This judicial decision narrowed the scope of reporting to eliminate reporting of receipts and disbursements in connection with labor relations advice and services rendered to employers for whom no persuader or information-supplying activities were undertaken.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Office of the American Workplace, 200 Constitution Avenue NW., Room N5605, FP Building, Washington, DC 20210, **202 219-7373**

RIN: 1294-AA12

2105. • PERMANENT REPLACEMENT OF LAWFULLY STRIKING EMPLOYEES BY FEDERAL CONTRACTORS

Priority: Other Significant

Legal Authority: EO 12954

CFR Citation: 29 CFR 270

Legal Deadline: None

Abstract: This proposed regulation will implement Executive Order 12954, "Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts." The Order states that is the policy of the executive branch of the Federal Government in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees. The proposed regulation will establish a procedure for the Department of Labor to determine if an organizational unit of a Federal contractor has permanently replaced lawfully striking employees and, if so, whether it is appropriate to terminate the contract for convenience and/or debar the contractor.

Timetable:

Action	Date	FR Cite
NPRM	03/29/95	60 FR 16354
NPRM Comment Period End	04/28/95	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

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: Charles L. Smith, Special Assistant to the Deputy Secretary, Department of Labor, Office of the American Workplace, 200 Constitution Avenue NW., Room S2203, FP Building, Washington, DC 20210, **202 219-6045**

RIN: 1294-AA13

DEPARTMENT OF LABOR (DOL)

Completed/Longterm Actions

Office of the American Workplace (OAW)

2106. PROCEDURE FOR REMOVAL OF LOCAL LABOR ORGANIZATION OFFICERS

Legal Authority: 29 USC 481(h)(i); 29 USC 482

CFR Citation: 29 CFR 417.16

Legal Deadline: None

Abstract: 29 CFR 417, subpart B currently provides a procedure for a member of a local labor organization to file a complaint with the Secretary of Labor if the member believes that the local has failed to follow otherwise adequate officer removal procedures in its constitution and bylaws to remove an elected officer guilty of serious misconduct. However, the court in

Donovan v. Hotel, Motel & Restaurant Employees, 700 F.2d 539 (9th Cir. 1983), found that the Secretary lacks statutory authority to bring a civil action against a union for failure to follow removal procedures whose adequacy has not been challenged. Therefore, the Department has deleted the language in 29 CFR 417.16 which

DOL—OAW

Completed/Longterm Actions

purports to give the Secretary such authority.

Timetable:

Action	Date	FR Cite
NPRM	06/16/94	59 FR 31056
NPRM Comment Period End	08/15/94	

Action	Date	FR Cite
Final Action	12/21/94	59 FR 65714
Final Action Effective	01/20/95	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and

Standards, Department of Labor, Office of the American Workplace, 200 Constitution Avenue NW., Room N5605, FP Building, Washington, DC 20210, **202 219-7373**

RIN: 1294-AA10

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

2107. NOISE STANDARD

Priority: Regulatory Plan

Legal Authority: 30 USC 811

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

Legal Deadline: None

Abstract: Many miners are consistently exposed to noise levels that are at or near maximum levels currently permitted by MSHA. As a result, miners may be suffering hearing impairment. MSHA is developing a proposed rule which would establish uniform noise standards to apply to all mining and which will consider requiring hearing conservation programs to protect miners and to ensure that noise controls are adequate.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/89	54 FR 50209
ANPRM Comment Period End	06/22/90	55 FR 6011
NPRM	06/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA53

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. Many toxic substances 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	12/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA54

2109. CARBON MONOXIDE MONITOR APPROVAL

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 12

Legal Deadline: None

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

use of negotiated rulemaking to address this regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA72

2110. DIESEL PARTICULATE

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Diesel equipment is increasingly being used in the mining environment. Concern is developing that diesel exhaust emissions may be potentially carcinogenic or cause other health problems, such as chronic lung disease. MSHA does not have regulations that specifically address ways of reducing the potential health hazards associated with the particulate in the exhaust emitted by diesel-powered equipment in underground mines. In July 1990, the National Institute for Occupational Safety and Health issued an exploratory risk assessment for diesel particulate based on animal studies. The Agency is in the early stages of examining the appropriateness of a standard to control miners' exposure to diesel particulate. In January 1992, MSHA issued an advance notice of proposed rulemaking in which the Agency requested public comments on a series of issues relating

2108. 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

DOL—MSHA

Proposed Rule Stage

to health effects, methods of monitoring to measure exposure, duration and frequency of exposure, and technological and economic feasibility. MSHA is continuing to review available data and studies on the use of diesel equipment and ways to reduce the health hazards from particulate emissions.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/92	57 FR 500
ANPRM Comment Period End	07/10/92	57 FR 7906
NPRM	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA74

2111. BELT ENTRY VENTILATION

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.350

Legal Deadline: None

Abstract: In November 1992, a Secretarial advisory committee issued recommendations concerning the conditions under which air coursed through the belt entry could be safely used in the face areas of underground coal mines. Advisory Committee consensus recommendations included: (1) the conditions under which belt haulage entries could be safely used as intake air courses to ventilate working places; (2) minimum velocities in conveyor belt haulageways; and (3) ventilation of escapeways. MSHA is reviewing the recommendations to determine the most appropriate regulatory response.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA76

2112. 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, some of which 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 intends to explore negotiated rulemaking to address this action.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA83

2113. 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: 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 idle, and worked out areas of category II-A mines. It would further address the use of

approved equipment in category III mines. The Agency is exploring the use of negotiated rulemaking to address this issue.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA90

2114. • SURFACE HAULAGE

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 75; 30 CFR 77

Legal Deadline: None

Abstract: Accidents involving surface haulage equipment constitute a major safety problem in the mining industry. To address this problem the proposed rule would revise and update MSHA standards for safe operation of surface haulage equipment. This equipment includes large 240 ton haulage vehicles, over-the-road trucks, as well as front-end loaders and other equipment. A review of fatal mining accidents during the past 3 years shows that 30% of the deaths involved surface haulage equipment. Causes of these accidents included brake failures, unsafe grades, overloaded vehicles and "blind spots". The proposed rule would focus on these and other factors linked to accidents involving surface haulage equipment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA93

DOL—MSHA

Proposed Rule Stage

2115. • SAFETY STANDARDS FOR THE USE OF ROOF BOLTING MACHINES IN UNDERGROUND COAL MINES

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 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 is exploring the use of negotiated rulemaking to address this issue.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA94

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Mine Safety and Health Administration (MSHA)

2116. UNDERGROUND COAL MINE VENTILATION

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: This proposed rule would revise certain provisions of MSHA's ventilation standards for underground coal mines. Proper mine ventilation provides basic protection against mine explosions involving methane gas and coal dust and against unhealthy concentrations of airborne contaminants. Some of these provisions addressed in this rulemaking have been stayed due to litigation before the U.S. Court of Appeals. Other provisions would be revised to improve the protections provided to miners.

Timetable:

Action	Date	FR Cite
Extension of Administrative Stay	12/30/93	58 FR 69312
NPRM	05/19/94	59 FR 26356
NPRM Comment Period End	08/08/94	59 FR 35071
Notice of Public Hearing and Extension of Comment Period to 11/18/94	08/17/94	59 FR 42193
Final Action	10/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

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

Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA11

2117. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Priority: Regulatory Plan

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75

Legal Deadline: None

Abstract: The use of diesel-powered equipment in underground coal mines poses a substantial risk of fire or explosion due to the introduction of an ignition source into an environment where methane can be present and due to underground handling and storage of diesel fuel. MSHA currently has no approval, safety, or health regulations that specifically address the use of diesel-powered equipment in underground coal mines. In 1988, a Secretarial advisory committee made recommendations concerning safety and health standards for the use of diesel-powered equipment in underground coal mines. In 1989, MSHA published a proposed rule based on those recommendations. This final rule will address criteria for the approval of diesel equipment and provisions for the safe use of such equipment in underground coal mines.

Timetable:

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

Action	Date	FR Cite
NPRM Comment Period End	05/10/91	56 FR 13404
Final Action	08/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA27

2118. 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, as well as emerging hazards, including hazardous wastes burned as fuel supplements at cement kilns. 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 preparation of the 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,

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while providing increased health and safety protection to miners.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	
NPRM	11/02/90	55 FR 46400
NPRM Comment Period End	01/31/92	56 FR 48720
Final Action	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA47

2119. AIR QUALITY CHEMICAL SUBSTANCES AND RESPIRATORY PROTECTION STANDARDS

Priority: Regulatory Plan

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

Timetable:

Action	Date	FR Cite
ANPRM	07/06/83	48 FR 31171

Action	Date	FR Cite
ANPRM	11/19/85	50 FR 47702
NPRM	08/29/89	54 FR 35760
NPRM Comment Period End	08/30/91	56 FR 29201
Final Action	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA48

2120. LONGWALL EQUIPMENT (INCLUDING HIGH-VOLTAGE)

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: Presently, MSHA standards for underground coal mines preclude the use of high-voltage cables within 150 feet of pillar workings. Therefore, mine operators have had to petition for site-specific variances to use technologically advantageous high-voltage longwall equipment. This rulemaking would address specific safety requirements for the use of high-voltage longwall equipment, including trailing cables, motor, and shearer cables, ensuring that the equipment does not create a fire or explosion hazard.

Timetable:

Action	Date	FR Cite
NPRM	08/27/92	57 FR 39036
NPRM Comment Period End	11/13/92	57 FR 46350
Final Action	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA75

2121. DECERTIFICATION OF CERTIFIED AND QUALIFIED PERSONS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 42; 30 CFR 48; 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77; 30 CFR 90

Legal Deadline: None

Abstract: MSHA has several existing provisions that require the certification or qualification of individuals to perform certain tasks at mines. However, the Agency has no formal procedures for revoking a person's certification or qualification when evidence indicates that the individual does not adhere to required regulatory procedures. The Agency intends to develop generic procedures for decertification of individuals who no longer meet the requirements to be certified or qualified, or who have failed to comply with the law in their role as a certified or qualified person.

Timetable:

Action	Date	FR Cite
NPRM	11/02/94	59 FR 54855
NPRM Comment Period End	02/06/95	59 FR 60101
Final Action	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA79

2122. SINGLE-SHIFT SAMPLING NOTICE

Priority: Other Significant

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

CFR Citation: Not yet determined

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
Notice of Coal Mine Respirable Dust Standard Noncompliance Determinations	02/18/94	59 FR 8356
Notice of Extension of Comment Period to 5/20/94	04/08/94	59 FR 16958
Notice of Public Hearing	06/06/94	59 FR 29348
Notice of Public Hearing	07/07/94	59 FR 34868
Notice of Extension of Comment Period; Close of Record 9/30/94	08/01/94	59 FR 38988
Final Action	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA82

2123. SAFETY STANDARDS FOR EXPLOSIVES AT METAL AND NONMETAL MINES

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

Abstract: MSHA's final rule will address changes to safety standards for the use of explosives at metal and nonmetal mines. This rule arises from on-going litigation concerning the current explosives standards.

Timetable:

Action	Date	FR Cite
NPRM	01/05/95	60 FR 1866
NPRM Comment Period End	03/06/95	60 FR 1866
Final Action	10/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA84

2124. RESPIRATOR APPROVAL

Priority: Informational

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 11

Legal Deadline: None

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health jointly approve respirators for use in hazardous atmospheres. NIOSH is engaged in a rulemaking to upgrade existing provisions for Federal certification of respirators in a new 42 CFR 84 which would replace 30 CFR 11. Under the new regulations, MSHA and NIOSH would continue to jointly approve respirators used for mine emergencies and mine rescue.

Timetable:

Action	Date	FR Cite
NPRM	05/24/94	59 FR 26892
NPRM Comment Period End	07/25/94	59 FR 26892
Final Action	04/00/95	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA85

2125. INDEPENDENT LABORATORY TESTING

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 957

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

Legal Deadline: None

Abstract: This rulemaking would allow MSHA to accept testing of certain mining equipment performed by independent laboratories. It would also allow MSHA to approve products based on alternative testing and evaluation requirements provided the alternative requirements are equivalent to MSHA's own. This would be consistent with the 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	59 FR 61376
Final Action	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA87

2126. 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 safety standards.

Timetable:

Action	Date	FR Cite
NPRM	12/24/92	57 FR 61524
NPRM Comment Period End	03/26/93	58 FR 8028
Final Action	08/00/95	

Small Entities Affected: None

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Final Rule Stage

Government Levels Affected: None
Agency Contact: Patricia W. Silvey,
 Director, Office of Standards
 Regulations and Variances, Department

of Labor, Mine Safety and Health
 Administration, 4015 Wilson
 Boulevard, Room 631, BT#3, Arlington,
 VA 22203, **703 235-1910**
RIN: 1219-AA92

DEPARTMENT OF LABOR (DOL)**Completed/Longterm Actions****Mine Safety and Health Administration (MSHA)****2127. WATERLINES IN BELT CONVEYOR ENTRIES****Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 75**Legal Deadline:** None

Abstract: MSHA currently requires waterlines to be installed along all belt conveyors in underground coal mines. Under certain circumstances, waterlines located in these entries are susceptible to severe damage caused by the spread of fire. MSHA is evaluating the need to revise this regulation so that waterlines are located in a manner that allows effective firefighting regardless of the airflow in the belt entry. MSHA will explore non-regulatory alternatives to address this action and, therefore, is removing this action from the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Withdrawn to examine	03/31/95	
non-regulatory alternatives		

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

Agency Contact: Patricia W. Silvey,
 Director, Office of Standards,
 Regulations and Variances, Department
 of Labor, Mine Safety and Health
 Administration, 4015 Wilson
 Boulevard, Room 631, BT#3, Arlington,
 VA 22203, **703 235-1910**

RIN: 1219-AA70**2128. FIREFIGHTING AND ESCAPE AND EVACUATION PROGRAM****Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 75.1101-23**Legal Deadline:** None

Abstract: Currently MSHA requires each operator of an underground coal mine to adopt a program for mine evacuation in the event of an emergency, such as fire or explosion. However, the existing standard does

not directly address heat sensing and carbon monoxide detection systems and the actions to be taken when such systems activate an alarm. In addition, regular update of firefighting and evacuation plans is not required by the existing standard. The Agency is exploring non-regulatory options to address these issues and, therefore, is removing this action from the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Withdrawn to examine	03/31/95	
non-regulatory alternatives		

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

Agency Contact: Patricia W. Silvey,
 Director, Office of Standards,
 Regulations and Variances, Department
 of Labor, Mine Safety and Health
 Administration, 4015 Wilson
 Boulevard, Room 631, BT#3, Arlington,
 VA 22203, **703 235-1910**

RIN: 1219-AA73**2129. TRAINING (INCLUDING CONTRACTORS AND SUPERVISORS)****Legal Authority:** 30 USC 811; 30 USC 825**CFR Citation:** 30 CFR 48**Legal Deadline:** None

Abstract: MSHA is reviewing its training regulations to determine how to address such issues as improved training of contractors, training for construction workers, and ensuring that the training is appropriate for different types of mining. MSHA is exploring non-regulatory alternatives to address these issues. The Agency, therefore, is removing this action from the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Withdrawn to examine	03/31/95	
non-regulatory alternatives.		

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

Agency Contact: Patricia W. Silvey,
 Director, Office of Standards,
 Regulations and Variances, Department
 of Labor, Mine Safety and Health
 Administration, 4015 Wilson
 Boulevard, Room 631, BT#3, Arlington,
 VA 22203, **703 235-1910**

RIN: 1219-AA77**2130. EXAMINATION OF SURFACE WORK AREAS OF UNDERGROUND COAL MINES****Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 77.1713**Legal Deadline:** None

Abstract: Workplace safety and health examinations are required during each shift at coal mines in all areas except surface work areas of underground coal mines. This rulemaking would have addressed on-shift examinations of these workplaces. MSHA is exploring non-regulatory alternatives to address this issue and, therefore, is removing this action from the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Withdrawn to examine	03/31/95	
non-regulatory alternatives.		

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

Agency Contact: Patricia W. Silvey,
 Director, Office of Standards,
 Regulations and Variances, Department
 of Labor, Mine Safety and Health
 Administration, 4015 Wilson
 Boulevard, Room 631, BT#3, Arlington,
 VA 22203, **703 235-1910**

RIN: 1219-AA78

DOL—MSHA

Completed/Longterm Actions

2131. RESPIRABLE COAL DUST REVISIONS**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 90**Legal Deadline:** None

Abstract: In June 1992, an interagency task group made recommendations to the Secretary on how to improve the accuracy and effectiveness of MSHA's respirable coal mine dust program. MSHA was considering a proposed rule to address those recommendations and revise, where appropriate, the existing respirable dust standards. This rulemaking has been suspended, however, pending deliberations of the Secretary's Advisory Committee on the Prevention of Pneumoconiosis Among Coal Miners which will take a broad look at ways to reduce "Black Lung" and silicosis among coal miners.

Timetable:

Action	Date	FR Cite
Withdrawn pending deliberations by Secretary's Adv. Committee	03/31/95	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA81**2132. CERTIFICATION OF WORKPLACE EXAMINERS****Legal Authority:** 30 USC 811**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: Current laws require persons performing tasks essential to miners' safety and health to be "certified" as competent. MSHA is looking at non-regulatory alternatives to assure that the goal of minimum standards for certified persons is achieved and, therefore, is removing this issue from the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Withdrawn to examine alternatives.	03/31/95	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA86**2133. LEGAL IDENTITY****Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 41**Legal Deadline:** None

Abstract: Section 103(h) of the Mine Act authorizes MSHA to require mine operators to provide any information the Agency needs to perform its functions under the Act. This action would have updated existing regulations to reflect changes in the mining industry. After reviewing this action, MSHA believes that the Agency can obtain much of the information needed through existing sources.

Timetable:

Action	Date	FR Cite
Withdrawn	03/31/95	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA88**2134. BLOODBORNE PATHOGENS****Legal Authority:** 30 USC 811**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: MSHA has identified mine rescue, emergency medical treatment, and first aid as activities in mining which pose a high risk of exposure to bloodborne infectious diseases. Because most mines are distant from professional health care providers, miners often must provide more extensive emergency care than general industry employees. MSHA will be evaluating personal protection, training,

vaccination, disposal and other controls to protect persons engaging in these high risk activities in mining. MSHA intends to develop guidelines as a non-regulatory alternative to address this issue and, therefore, is removing it from the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Withdrawn to develop non-regulatory alternative.	03/31/95	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA89**2135. TRAINING SURFACE WORK AREA CONSTRUCTION CONTRACTORS AT SURFACE WORK AREAS****Legal Authority:** 30 USC 957**CFR Citation:** 30 CFR 48**Legal Deadline:** None

Abstract: MSHA is looking at non-regulatory alternatives to address safety and health training for construction workers at surface mines and surface work areas of underground mines and, therefore, is removing this entry from the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Withdrawn to examine non-regulatory alternatives.	03/31/95	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA91

DEPARTMENT OF LABOR (DOL)

Prerule Stage

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

2136. DEPARTMENT OF LABOR
ACQUISITION REGULATIONS

Priority: Informational

Legal Authority: 5 USC 301; 40 USC
486(c)

CFR Citation: 48 CFR 2900 to 2999

Legal Deadline: None

Abstract: Revisions to DOLAR reflect
changes in the Federal Acquisition
Regulations and organizational changes
within DOL.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Revision of the
Department of Labor Acquisition
Regulation is awaiting the final
publication of revisions to the Federal
Acquisition Regulation as the result of
changes being implemented pursuant to
passage of the Federal AcquisitionStreamlining Act of 1994 enacted
October 13, 1994.Agency Contact: **Melvin Goldberg**,
Director, Office of Procurement and
Grant Policy, Department of Labor,
Office of the Assistant Secretary for
Administration and Management, 200
Constitution Avenue NW., Room
S1522, FP Bldg., Washington, DC
20210, 202 219-9174

RIN: 1291-AA20

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

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

2137. NONDISCRIMINATION ON THE
BASIS OF AGE IN PROGRAMS AND
ACTIVITIES RECEIVING FEDERAL
FINANCIAL ASSISTANCE FROM THE
DEPARTMENT OF LABOR

Priority: Substantive, Nonsignificant

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

CFR Citation: 45 CFR 90

Legal Deadline: NPRM, Statutory,
September 10, 1979.45 CFR 90 requires publication of the
NPRM no later than 90 days after
publication of government-wide rule,
and submission to HHS of final rule
within 120 days of NPRM.Abstract: The proposed regulatory
action is necessary to comply with the
Department's statutory and regulatoryobligations under the Age
Discrimination Act of 1975, as
amended (the "Act"). The Act and the
general, government-wide
implementing rule issued by the
Department of Health and Human
Services (HHS) (45 CFR 90) require
each Federal agency providing financial
assistance to any program or activity
to publish proposed regulations
implementing the Act no later than 90
days after the publication date of the
government-wide rule, and to submit
final agency regulations to HHS no later
than 120 days after publication of the
NPRM. As a practical matter, while
DOL has not issued proposed or final
regulations under the Age
Discrimination Act, it has complied
with its enforcement obligations.
Furthermore, discrimination on thebasis 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	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1291-AA21

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

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

2138. • UNIFORM ADMINISTRATIVE
REQUIREMENTS FOR GRANTS AND
COOPERATIVE AGREEMENTS TO
STATE AND LOCAL GOVERNMENTS
(THRESHOLDS)

Priority: Informational

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988, a
common final rule was published
which implemented OMB Circular A-
102, Administrative Requirements for
Grants and Cooperative Agreements
with State and Local Governments.
OMB and DHS prepared a proposed
common rule and revised Circular A-
110 to conform the grants managementrequirements for nongovernment
grantees with government grants. The
common rule already published on
governmental grantees was amended to
incorporate nongovernmental grants.

Timetable:

Action	Date	FR Cite
NPRM	10/25/94	59 FR 53706
NPRM Comment Period End	12/27/94	59 FR 53706
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: OMB
published in the Federal Register on
November 29, 1994, the final revision
to OMB Circular A-110, UniformAdministrative Requirements for Grants
and Agreements with Institutions of
Higher Education, Hospitals and Other
Non-profit Organizations. OMB notes
that Federal agencies responsible for
awarding and administering grants to
and other agreements with
organizations described in this Circular
"shall adopt the language in the
Circular unless different provisions are
required by the Federal statute or are
approved by OMB. DAPP/OAI formed
a committee in January 1994 to
implement the Circular. Committee
members reached agreement on
implementation in April 1994. The
Office of the Solicitor reviewed and
cleared the implementation plan on
July 13, 1994.

DOL—OASAM

Final Rule Stage

Agency Contact: Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room S1522, FP Building, Washington, DC 20210, **202 219-9174**

RIN: 1291-AA22

2139. • NONPROCUREMENT DEBARMENT AND SUSPENSION COMMON RULE TO ACHIEVE RECIPROCITY WITH PROCUREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552 to 556; EO 12549; Federal Acquisition Streamlining Act of 1994

CFR Citation: 29 CFR 98

Legal Deadline: None

Abstract: The proposed revision to the nonprocurement common rule is issued

in response to Executive Order 12689 and section 2455 of the Federal Acquisition Streamlining Act of 1994 ("the Act") which was signed into law October 13, 1994. E.O. 12689 requires agencies to establish regulations for reciprocal government-wide effect across procurement and nonprocurement areas for each agency's debarment and suspension actions, after technical differences between the procurement and nonprocurement regulations governing debarments and suspensions are resolved. Section 2455 of the Act provides that the debarment, suspension, or other exclusions of a participant in a procurement activity under the Federal Acquisition Regulation, or in a nonprocurement activity under regulations issued pursuant to E.O. 12549, shall be given reciprocal government-wide effect.

Timetable:

Action	Date	FR Cite
NPRM	12/20/94	59 FR 65616
NPRM Comment	02/21/95	59 FR 65616
Period End		
Next Action	Undetermined	

Small Entities Affected: Businesses

Government Levels Affected: None

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

Agency Contact: Melvin Goldberg, Director, Office of Procurement & Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room S1522, FP Building, Washington, DC 20210, **202 219-9174**

RIN: 1291-AA23

DEPARTMENT OF LABOR (DOL)

Completed/Longterm Actions

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

2140. NEW RESTRICTIONS ON LOBBYING

Legal Authority: 31 USC 1352; PL 101-121, Sec 319; 5 USC 301 Reorganization Plan No. 6 of 1950

CFR Citation: 29 CFR 93

Legal Deadline: None

Abstract: This rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
Withdrawn - No action anticipated within the next 12 months.	04/01/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room S1522, FP Building, Washington, DC 20210, **202 219-9174**

RIN: 1291-AA18

2141. • ADMINISTRATIVE GRANTS AND COOPERATIVE AGREEMENTS TO GOVERNMENT AND NONPROFIT INSTITUTIONS

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988, a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and local governments. OMB and DHHS have prepared a proposed

common rule and revised Circular A-110 to conform the grants management requirements for nongovernmental grantees with government grants. The common rule already published on governmental grantees will be amended to incorporate nongovernmental grants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment	01/03/89	53 FR 44710
Period End		
Final Action	07/27/94	59 FR 38270
Final Action Effective	07/27/94	59 FR 38270

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room S1527, FP Bldg., Washington, DC 20210, **202 219-9174**

RIN: 1291-AA24

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

Proposed Rule Stage

**2142. RESPIRATORY PROTECTION
(PROPER USE OF MODERN
RESPIRATORS)**

Priority: Other Significant

Legal Authority: 29 USC 655(b)

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

Legal Deadline: None

Abstract: Under the Reagan Administration, OSHA issued an ANPRM on respirators to address 6,850-11,000 cancer fatalities and 66,500 illnesses occurring annually. Existing standards had been in place for more than 20 years and did not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA reviewed the current standards and issued a proposal to modernize the requirements on November 15, 1994 (59 FR 58884). In developing the proposal, OSHA worked closely with the National Institute of Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA). The public comment period was extended until April 14, 1995 and public hearings will begin June 6, 1995.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period on Preproposal Draft Ends	11/29/85	
NPRM	09/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martonik, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AA05

**2143. STEEL ERECTION (PART 1926)
(SAFETY PROTECTION FOR
IRONWORKING)**

Priority: Economically Significant

Legal Authority: 29 USC 655; 40 USC 333

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

Legal Deadline: None

Abstract: In 1989, OSHA was petitioned by the Iron Workers and National Erectors Association to revise its construction safety standard concerning steel erection activities through the negotiated rulemaking process. The existing standard contains requirements for the safe erection of steel buildings as well as requirements dealing with fall protection for ironworking during the erection process. The magnitude of the risk associated with steel erection activities is extremely high. It is estimated that over 100 workers are killed every year in falls from elevations during steel erection activities. Falls are currently the number one killer of construction workers, and since the erection of buildings necessarily involves high exposure to falls, the central focus of this rule will be to eliminate or reduce the risks associated with falls. All other construction trades are afforded a higher level of protection from falls by other rules in the construction safety and health standards.

OSHA announced in the December 29, 1992, Federal Register that it intended to form a negotiated rulemaking advisory committee to develop a proposed rule on this issue. The notice identified four primary issues to be negotiated including: the need to expand the scope and application of the existing standard; construction specifications and workplaces; written construction safety erection plans; and fall protection. Comments on forming the committee and nominations for representation on the committee were received through March 29, 1993. On May 11, 1994, OSHA announced establishment of the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC). The SENRAC has met in Bethesda, MD on June 14-16; Denver, CO on July 11-13; Boston, MA on August 16-18; in Washington, DC on September 20-22; in St. Louis, MO on November 8-10; and in Washington, DC on December 6-8.

The use of negotiated rulemaking process is thought to be the best approach to resolving the issues involving steel erection safety since the Agency has attempted other approaches over the last 10 years without success. The negotiated rulemaking process is bringing the interested parties together in an attempt to achieve consensus on these issues.

Timetable:

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

Small Entities Affected: Undetermined

Government Levels Affected: None

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

RIN: 1218-AA65

**2144. RECORDING AND REPORTING
OCCUPATIONAL INJURIES AND
ILLNESSES (SIMPLIFIED
INJURY/ILLNESS RECORDKEEPING
REQUIREMENTS)**

Priority: Other Significant

Legal Authority: 29 USC 657; 29 USC 673

CFR Citation: 29 CFR 1904.1

Legal Deadline: None

Abstract: Concerns about the reliability and utility of injury and illness data have been raised by Congress, NIOSH, BLS, the National Academy of Sciences, OMB, the General Accounting Office, business, labor, as well as OSHA. In the late 1980's, a professional facilitator group, the Keystone Group, brought together representatives of industry, labor, government, and academia to discuss problems with OSHA's recordkeeping system. This group issued a report with recommendations to OSHA on how to improve the system. OSHA's revisions are based on this report.

The revisions of the regulations, forms, and associated interpretive material are being undertaken to simplify the injury and illness recordkeeping system. Benefits will include (1) A system that is easier for employers, employees and government personnel to use; (2)

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increased reliability and utility of the records; (3) availability of comprehensive records of the injury and illness experience at a given site; and (4) enhanced employee involvement and awareness in safety and health matters.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Sectors Affected: All

Agency Contact: Stephen A. Newell, Director, Office of Statistics, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3507, FP Building, Washington, DC 20210, **202 219-6463**

RIN: 1218-AB24

2145. CONTROL OF HAZARDOUS ENERGY (LOCKOUT/TAGOUT)—CONSTRUCTION (PART 1926) (PREVENTING CONSTRUCTION INJURIES/FATALITIES: LOCKOUT/TAGOUT)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1926

Legal Deadline: None

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

Hazards at construction sites resulting from the absence of effective lockout/tagout procedures to control hazardous energy appear to be caused by several factors, all associated with the nature of the construction industry. These factors basically related to such

considerations as the types of machines and equipment found in construction; the makeup of the industry in which employment is relatively "short term," lasting only as long as the length of the current project; the presence of multiple employers having different employer/employee relationships and the temporary nature of the "in-the-field" maintenance activity. OSHA expects the proposal to address lockout-related hazards in those construction work-site areas in which the available data indicate these hazards to be major.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1218-AB30

2146. POWERED INDUSTRIAL TRUCK OPERATOR TRAINING (INDUSTRIAL TRUCK SAFETY TRAINING)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.178

Legal Deadline: None

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

The present standard has proven to be ineffective in reducing the number of accidents involving powered industrial trucks. As a result, there has been strong Congressional interest that OSHA issue a new standard to more effectively address this hazard. OSHA intends to revise the present standard to increase its effectiveness by requiring, in performance language, initial and refresher training as necessary. The frequency of the refresher training will be based upon the ability of the vehicle operator to retain the knowledge, skills and

abilities to perform the job safely. OSHA will also given guidance as to what information the instruction should include. There will also be other amendments to the standard to increase its effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	03/14/95	60 FR 13782
NPRM Comment Period End	07/12/95	
Final Action	09/00/97	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1218-AB33

2147. ERGONOMIC PROTECTION STANDARD

Priority: Economically Significant

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

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

Legal Deadline: None

Abstract: Under the Bush Administration, OSHA issued an ANPRM on ergonomics on August 3, 1992 (57 FR 34192). The Bureau of Labor Statistics (BLS) has reported the number of reported "disorders associated with repeated trauma" have more than tripled since 1984. BLS reported 302,000 cases of these potentially crippling disorders in 1993. The cost of musculoskeletal disorders is also increasing rapidly. Workers may become permanently disabled, or require costly treatments such as surgery. Musculoskeletal disorders account for an increasingly large proportion of workers' compensation costs, and for other costs such as those related to lost work days. OSHA received about 280 comments in response to the ANPRM comment period. OSHA is reviewing these comments, as well as available scientific literature and enforcement data. In addition, OSHA conducted a

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telephone survey of firms to collect more information about current programs in industry addressing problems related to ergonomics. The data OSHA has obtained and analyzed indicate that employees are at a significant risk of developing or aggravating musculoskeletal disorders due to exposure to risk factors in the workplace. In addition, information OSHA has obtained from site visits, scientific literature, compliance experience, and other resources indicate that there are economically and technologically feasible means of addressing and reducing these risks to prevent the development or aggravation of such disorders, or to reduce their severity.

Timetable:

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

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Agency Contact: Barbara Silverstein, Special Assistant for Ergonomic Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3476, FP Building, Washington, DC 20210, **202 219-8020**

RIN: 1218-AB36

2148. COMPREHENSIVE OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

Priority: Economically Significant

Legal Authority: 29 USC 655

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

Legal Deadline: None

Abstract: Under the Bush Administration, OSHA adopted nonmandatory guidance for safety and health program management on January 26, 1989 (54 FR 3904). These guidelines were based on the safety and health management practices used by employers that have implemented successful comprehensive programs. The major elements OSHA identified are (1) management commitment and employee involvement, (2) worksite

analysis to anticipate and prevent harmful occurrences, (3) hazard prevention afforded to employees, and (4) safety and health training. Successfully implemented programs generally have a lower incidence of occupationally-related illnesses and injuries. In particular, OSHA has found that companies that have implemented comprehensive safety and health programs and are participating in the Voluntary Protection Program have lost workday case rates that range from one-fifth to one-third the rates experienced by average worksites within their industrial classification. In addition, participating sites reported improved employee morale and productivity as a secondary benefit. There has been strong Congressional interest on this issue with legislation introduced in both Houses in the past several sessions. The General Accounting Office issued a report entitled, "Workplace Safety and Health Programs Show Promise," (GAO/HRD 92-68; May 1992) which suggested that these programs can be a positive effect on safety and health at the worksite.

OSHA plans to publish a proposal that will address the need for employers to develop and implement a safety and health program for their workplaces to protect the potentially 90,000,000 workers at risk. OSHA will raise other issues, including how programs will pertain to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 1218-AB41

2149. OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM (PREVENTING OCCUPATIONAL ILLNESS: CHROMIUM)

Priority: Other Significant

Legal Authority: Not yet determined

CFR Citation: 29 CFR 655(b); 29 CFR 657

Legal Deadline: None

Abstract: On July 19, 1993, the Oil, Chemical, and Atomic Workers International Union (OCAW) and Public Citizen's Health Research Group (HRG) petitioned for an emergency temporary standard to lower the permissible exposure limit (PEL) for hexavalent chromium compounds (CrCL) to 0.5 micrograms of hexavalent chromium per cubic meter of air (ug/ms) as an eight hour, time weighted average (TWA). The current PEL is 100 ug/m3, as an 8-hour time-weighted average. Occupational exposure to hexavalent chromium is known to cause lung cancer, bronchial asthma, nasal septum perforations, skin ulcers, and irritative dermatitis. CrVL includes chromic acid, chromates, lead chromate, and zinc chromate, all measured as CrO3. OSHA thoroughly reviewed the petition. While OSHA agrees that there is clear evidence that exposure to CrVL at the current PEL of 100 ug/m3 can result in significant risk of lung cancer and other CrVL-related illnesses, based on the Agency's analysis, OSHA finds that the currently available data are not sufficiently definitive in certain critical areas to support the need for an ETS, particularly in light of the extremely stringent statutory criteria for issuing and sustaining such action. While OSHA is denying the petition for an ETS, the Agency will issue a Section 6(b) rulemaking action to be responsible to the stakeholders' requests and to protect the 200,000-700,000 workers exposed to hazards of chromium annually.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Agency Contact: John Martonik, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, **202 219-7075**

RIN: 1218-AB45

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2150. OCCUPATIONAL EXPOSURE TO TUBERCULOSIS**Priority:** Economically Significant**Legal Authority:** 29 USC 655(b)**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: Since 1985, the rate of new cases of tuberculosis in the general U.S. population has increased approximately 23 percent reversing a 30-year downward trend. In 1992, more than 26,000 new cases of active tuberculosis were reported in the U.S. In New York City alone, 3,700 cases of active tuberculosis were reported in 1991. TB is a contagious disease that causes infections of the lung primarily, but which can occur in other areas of the body. Some of the symptoms are fatigue, weight loss, fever, night sweats, loss of appetite, persistent cough and shortness of breath, which may result in serious respiratory illness or death.

On August 25, 1993, OSHA was petitioned by the Labor Coalition to right TB in the Workplace to initiate rulemaking for a permanent standard to protect workers against occupational transmission of TB. Although the Centers for Disease Control and Prevention (CDC) have developed recommendations for controlling the spread of TB in several work settings (correctional institutions, health care facilities, homeless shelters, long-term care facilities, for the elderly, and drug treatment centers), the petitioners stated that in every recent TB outbreak investigated by the CDC, noncompliance with CDC's TB control guidelines was evident. After reviewing the available information, OSHA preliminarily concluded that significant risk of occupational transmission of TB does exist for some workers. The Agency is currently developing a proposed rule that would require certain employers to take steps to eliminate or minimize employee exposure to TB.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** John Martonik, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and HealthAdministration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, **202 219-7075****RIN:** 1218-AB46**2151. CONFINED SPACES FOR CONSTRUCTION (PART 1926) (CONSTRUCTION: PREVENTING SUFFOCATION/EXPLOSIONS IN CONFINED SPACES)****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 655(b)**CFR Citation:** Not yet determined**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	

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

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

RIN: 1218-AB47**2152. MISCELLANEOUS AMENDMENTS TO THE SAFETY STANDARDS FOR THE CONSTRUCTION INDUSTRY (PART 1926) (CONSTRUCTION: CLARIFICATIONS AND UPDATES OF MISCELLANEOUS PROVISIONS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 655(b)**CFR Citation:** 29 CFR 1916.31(a); 29 CFR 1926.28; 29 CFR 1926.1; 29 CFR

1926.16; 29 CFR 1926.1050(a); 29 CFR 1926.1053(a)(6)(i); 29 CFR 1926.1050(b)

Legal Deadline: None

Abstract: As endorsed by the Advisory Committee on Construction for Occupational Safety and Health, this OSHA standard will clarify and revise several relatively minor problems with existing construction safety standards to ease compliance with the requirements. Some examples of such problems are: (1) an inability to enforce the voluntary provisions of consensus standards, (2) a general personal protective equipment requirement that cannot be enforced unless a specific requirement exists elsewhere in the standard, (3) ambiguity about the application of certain subparts of the construction safety standards that are intended to apply to only Federal and Federally-financed or Federally-assisted construction projects and not to other projects, (4) ambiguity about the application of the stairways and ladders standards to scaffolds, (5) any other problems of a similar magnitude that are discovered during the development of the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	

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

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

RIN: 1218-AB48**2153. GENERAL WORKING CONDITIONS IN SHIPYARDS (PART 1915, SUBPART F) (PHASE II) (SHIPYARDS: GENERAL WORKING CONDITIONS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.1 et seq; 29 CFR 1915.31 et seq; 29 CFR 1915.91 et seq; 29 CFR 1915.111 et seq; 29 CFR 1915.131 et seq; 29 CFR 1915.161 et seq; 29 CFR 1915.171 et seq; 29 CFR 1915.181; 29 CFR 1910.13 et seq; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR

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1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: Under the Reagan Administration, OSHA embarked on a project to update and consolidate the varying OSHA standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer was subject to both the "shipyard" standards that applied only to shipboard hazards and OSHA's general industry standards for landside operations. This resulted in inconsistent, and sometimes contradictory, requirements for essentially the same operation. Phase 1 of this project aimed at establishing a truly vertical standard for shipyard employment and addressed six subparts of shipyard employment safety standards (Confined Spaces, Welding, Access/Egress, Personal Protective Equipment, Fall Protection and Scaffolding). Proposals on these hazards were issued in November 1988 (53 FR 48092). The remaining hazards were categorized as Phase II of the consolidation project (including general work practices and fire safety). This action is endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards. This particular proposal will consolidate and update the provisions of 29 CFR 1910 (general industry) and 29 CFR (shipyard employment) into one comprehensive Part 1915 that will apply to all activities and areas in shipyards. The operations that are addressed in this subpart relate to housekeeping, illumination, sanitation, first aid, and lockout/tagout. About 75,000 workers are exposed annually to these hazards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1218-AB50

2154. FIRE PROTECTION IN SHIPYARD EMPLOYMENT (PART 1915, SUBPART P) (PHASE II) (SHIPYARDS: FIRE SAFETY)

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/96	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1218-AB51

2155. • PERMIT REQUIRED CONFINED SPACES (GENERAL INDUSTRY: PREVENTING SUFFOCATION/EXPLOSIONS IN CONFINED SPACES)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910-146

Legal Deadline: None

Abstract: OSHA issued a final standard on preventing suffocation/explosions in confined spaces in general industry on January 14, 1993 (58 FR 4462). OSHA reached a settlement agreement with the United Steel Workers of America in June 1994. As part of this settlement agreement, OSHA issued a proposal on November 28, 1994 (59 FR 60735) proposing minimal revisions to paragraph (k) of the existing rule to clarify the standard and to make compliance easier. OSHA has proposed to state more clearly the employer's duty to ensure effective rescue capability for employees who enter permit-required confined spaces and to allow more flexibility in the point of a retrieval line attachment. OSHA is also asking whether the standard should have provisions to provide affected employees or their representatives with the opportunity to observe the evaluation of confined spaces, including atmospheric testing or monitoring, and to have access to evaluation results.

Timetable:

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

Small Entities Affected: Undetermined

DOL—OSHA

Proposed Rule Stage

Government Levels Affected: None
Agency Contact: Thomas H. Seymour,
 Acting Director, Safety Standards
 Programs, Department of Labor,
 Occupational Safety and Health

Administration, 200 Constitution
 Avenue NW., Room N3605, FP
 Building, Washington, DC 20210, **202**
219-8061
RIN: 1218-AB52

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

**2156. SCAFFOLDS (PART 1926)
 (CONSTRUCTION: SAFER
 SCAFFOLDS)**
Priority: Substantive, Nonsignificant
Legal Authority: 29 USC 655(b); 40
 USC 333
CFR Citation: 29 CFR 1926.451; 29 CFR
 1926.452; 29 CFR 1910.28; 29 CFR
 1910.29; 29 CFR 1926.752(k)
Legal Deadline: None

Abstract: Under the Reagan
 Administration, OSHA issued a
 proposal (51 FR 42680) to address the
 23 fatalities and 15,600 injuries still
 occurring annually from scaffolds in
 the construction industry. The existing
 OSHA standard is poorly formatted and
 contains unnecessary specific coverage
 for certain types of scaffolds. The
 proposal raises several significant
 issues including (1) the use of
 crossbraces as guardrails, (2) the use of
 fall protection during scaffold erection
 and dismantling operations, and (3) the
 role of engineers in scaffold design.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Record Reopened	03/29/93	58 FR 16509
Record Reopened	02/01/94	59 FR 4615
Final Action	05/00/95	

Small Entities Affected: None
Government Levels Affected: State,
 Local, Federal
Agency Contact: Thomas H. Seymour,
 Acting Director, Safety Standards
 Programs, Department of Labor,
 Occupational Safety and Health
 Administration, 200 Constitution
 Avenue NW., Room N3605, FP
 Building, Washington, DC 20210, **202**
219-8061

RIN: 1218-AA40

**2157. SAFETY AND HEALTH
 REGULATIONS FOR LONGSHORING
 (PART 1918) AND MARINE
 TERMINALS (PART 1917)
 (SHIPYARDS: PROTECTING
 LONGSHORING WORKERS)**
Priority: Substantive, Nonsignificant
Legal Authority: 29 USC 655
 Occupational Safety and Health Act of
 1970; 33 USC 941 Longshore and
 Harborworkers Compensation Act
CFR Citation: 29 CFR 1910.16; 29 CFR
 1918 (Revision); 29 CFR 1917 (Revision
 and Corrections)

Legal Deadline: None
Abstract: Current longshoring
 standards have been in place since
 1960. The language in many instances
 addresses the hazards of cargo handling
 involving methods long since
 abandoned and fails to address the
 serious hazards of newer methods.
 Since much of the current standard is
 out-of-date, there are problems with
 compliance. Settlement agreements
 following the 1983 Marine Terminal
 standard (49 FR 30886), identified
 problems with OSHA's existing
 longshoring standard. Also, the
 International Longshoremen's and
 Warehousemen's Union and the
 National Maritime Safety Association
 requested revisions to the current
 standard. On June 6, 1994, (59 FR
 28594) OSHA issued a proposal to
 address the 18 fatalities and 7,593
 injuries occurring annually. The
 proposed revised requirements will
 provide both employers and employees
 with a blueprint for modern, effective,
 and safe work practices in the cargo
 handling industry. OSHA held public
 hearings on this proposal and the
 record closed 4/30/95.

Timetable:

Action	Date	FR Cite
NPRM	06/06/94	59 FR 28594
NPRM Comment Period End	09/23/94	
Final Action	03/00/96	

Small Entities Affected: Businesses
Government Levels Affected: None
Sectors Affected: 44 Water
 Transportation
Agency Contact: Thomas H. Seymour,
 Acting Director, Safety Standards
 Programs, Department of Labor,
 Occupational Safety and Health
 Administration, 200 Constitution
 Avenue NW., Rm N3605 FP Building,
 Washington, DC 20210, **202 219-8061**
RIN: 1218-AA56

**2158. SCAFFOLDS IN SHIPYARDS
 (PART 1915 - SUBPART N) (PHASE I)
 (SHIPYARDS: SAFER SCAFFOLDS)**

Priority: Substantive, Nonsignificant
Legal Authority: 29 USC 655(b); 33
 USC 941
CFR Citation: 29 CFR 1915.71; 29 CFR
 1910.28; 29 CFR 1910.29
Legal Deadline: None
Abstract: Under the Reagan
 Administration, OSHA embarked on a
 project to update and consolidate the
 varying OSHA standards that were
 applied in the shipbuilding, shiprepair,
 and shipbreaking industry. A shipyard
 employer was subject to both the
 "shipyard" standards that applied only
 to shipboard hazards and OSHA's
 general industry standards for landside
 operations. This resulted in
 inconsistent, and sometimes
 contradictory, requirements for
 essentially the same operation.

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

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action is endorsed by the Shipyard Advisory Committee which was chartered in 1989 to update and consolidate existing shipyard standards.

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

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Reopened Record Comment Period Ended 6/13/94	04/12/94	59 FR 17290
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.28 - 1910.29.

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

RIN: 1218-AA68

2159. ACCESS AND EGRESS IN SHIPYARDS (PART 1915, SUBPART E) (PHASE I) (SHIPYARDS: EMERGENCY EXITS AND AISLES)

Priority: Substantive, Nonsignificant

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: Under the Reagan Administration, OSHA embarked on a project to update and consolidate the varying OSHA standards that were applied in the shipbuilding, shiprepair, and shipbreaking industry. A shipyard employer was subject to both the "shipyard" standards that applied only to shipboard hazards and OSHA's general industry standards for landside operations. This resulted in

inconsistent, and sometimes contradictory, requirements for essentially the same operation.

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

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

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130
NPRM Comment Period End	02/27/89	
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.24-1910.27; 29 CFR 1910.36-1910.37.

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

RIN: 1218-AA70

2160. PERSONAL PROTECTIVE EQUIPMENT IN SHIPYARDS (PART 1915) (SHIPYARDS: GOGGLES, GLOVES, AND OTHER PPE)

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

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

This particular standard will be, in part, performance-oriented and will address current gaps in coverage, recognizing new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR part 1915 and applicable 29 CFR part 1910 standards into one set of provisions regarding gloves, goggles, and other personnel protective equipment.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48150
NPRM Comment Period End	02/27/89	

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Action	Date	FR Cite
Reopened Record Comment Period Ends 8/22/94	07/06/94	59 FR 34586
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.132-1910.138. The public record has been reopened for 45 days to incorporate the general industry records for PPE (S-060) and personal fall protection equipment (S-057) so that final regulations for PPE used in shipyards and in general industry can be consistent where appropriate.

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

RIN: 1218-AA74

2161. 1,3-BUTADIENE (PREVENTING OCCUPATIONAL ILLNESS: BUTADIENE)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

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

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. On October 1, 1986 (51 FR 35003), OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by December 30, 1986. Based on the comments received in response to the ANPRM OSHA developed a proposal which was published on August 10, 1990. Hearings were held in Washington, D.C. on January 15, 1991, and in New Orleans, Louisiana on

February 20, 1991. Submission of the post-hearing comments and briefs were scheduled to end on June 22, and July 22, 1991 respectively; however, OSHA extended the dates to September 27, and October 28, 1991. The post-hearing comments and briefs were again extended and finally closed on (cont)

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	08/10/90	55 FR 32736
NPRM Comment Period End	10/19/90	55 FR 32736
Final Action	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: November 26, 1991, and February 10, 1992, respectively.

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

RIN: 1218-AA83

2162. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL, AND THEIR ACETATES PROTECTING REPRODUCTIVE HEALTH

Priority: Other Significant

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave

OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA used the information received in response to the ANPRM, as well as other information and analysis, and published a proposal, March 23, 1993 (58 FR 15526), that would reduce the permissible exposure limits for four glycol ethers and provide protection for approximately 46,000 workers exposed to the substances.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	03/23/93	58 FR 15526
NPRM Comment Period End	06/07/93	
Final Action	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1218-AA84

2163. METHYLENE CHLORIDE (PREVENTING OCCUPATIONAL ILLNESSES: METHYLENE CHLORIDE)

Priority: Other Significant

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1052; 29 CFR 1926.1162

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the UAW to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride. This request was based on information obtained from the EPA and the National Toxicology Program indicating that DCM is an

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animal carcinogen and may have the potential to cause cancer in humans. An estimated 209,479 workers are exposed to the hazards of MC annually. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to MC and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. OSHA published an ANPRM on November 24, 1986 (51 FR 42257). After reviewing and analyzing the comments received in response to the ANPRM, OSHA published a proposal in the Federal Register on November 7, 1991 (56 FR 57036). The comment period closed on April 6, 1992. On June 9, 1992, OSHA published a notice of informal public hearings that were held in Washington, DC September 16-24 and in San Francisco, CA on October 14-16, 1992. The post-hearing comment period for new evidence closed on January 14, 1993, and the final date for submitting post-hearing summations and briefs was March 15, 1993. The record was reopened on March 11, 1994, for 45 days to address MC exposure in the furniture stripping industry, an NCI study relating brain cancer to occupational exposure to MC, and information regarding the use of MC as a solvent in adhesive formulation in flexible foam manufacturing.

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	11/07/91	56 FR 57036
NPRM Comment Period End	04/06/92	
Final Action	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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

RIN: 1218-AA98

2164. WALKING WORKING SURFACES AND PERSONAL FALL PROTECTION SYSTEMS (PART 1910) (SLIPS, TRIPS, AND FALLS PREVENTION)

Priority: Regulatory Plan

Legal Authority: 29 USC 655(b)

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

Legal Deadline: None

Abstract: The Bureau of Labor Statistics (BLS) reported from the 1987 and 1988 annual surveys that falls accounted for 12 percent of all deaths of employees in workplaces with 11 or more employees. NIOSH, in their publication "Fatal Injuries to Workers in the United States, 1980-1989: A Decade of Surveillance," reports that deaths from falls are the fourth leading cause of occupational fatalities, account for 10 percent of all deaths in the workplace. According to the Insurance Institute for Highway Safety, falls are the second largest cause of occupational fatalities, next after deaths due to over-the-road motor vehicle accidents. Falls are second only to motor vehicle accidents as a cause of brain injuries.

The existing standards for walking/working surfaces are out-of-date, restrict technological innovation, and contain gaps in coverage. Currently, there are no standards for personal fall protection systems that cover all general industry applications. This action would revise the existing regulations for walking/working surfaces (29 CFR part 1910, subpart D) and add new coverage for personal fall protection systems to the current personal protective equipment standards (29 CFR part 1910, subpart I). OSHA has determined that hazards associated with walking and working surfaces persist and must be addressed with improved standards. The OSHA preliminary regulatory impact analysis estimated that 105,000 disabling injuries and 132 fatalities occur annually which would be addressed by this standard. Special studies have also been developed in order to gain a better understanding of the nature and causes of employee injuries, and the methods

required for reducing their numbers. One such study on ladders, conducted by BLS, indicated that in about 55 percent of the accidents where employee injuries occurred, the ladder either moved, slipped, fell or broke. The study also indicated that ladders were not secured or braced in about 50 percent of the injury incidents. Furthermore, in nearly 60 percent of the incidents, employees were carrying something in their hands at the time of the incident. The proposed standards will address these problems by requiring design criteria and employee training in the use of ladders.

Another study of scaffold fatalities and catastrophes developed by OSHA indicated that 90 percent of fatally injured employees were performing their normal job activities. Fifty-five percent of these employees were performing their basic or primary work tasks.

The new standards would use a performance-oriented approach to permit flexibility for compliance and to encourage innovation. New criteria for personal fall protection systems would be added to assure that this type of equipment functions properly and is used correctly. The new standards will reduce risks to workers by providing clearer, up-to-date requirements to minimize fall hazards. The standards will also cover new areas of fall protection such as special surfaces and manhole steps, and the use of qualified climbers. The new standards will also recognize personal fall protection systems as an acceptable option for fall protection, as well as provide the criteria to assure that such systems will safely stop a worker's fall.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	55 FR 13360
NPRM Comment Period End	08/22/90	55 FR 13360
Hearing	09/11/90	55 FR 29224
Final Action	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Because RINs 1218-AB05 and 1218-AA48 will be issued concurrently, they have been combined under this RIN 1218-AB04.

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

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Administration, 200 Constitution Avenue NW., Rm N3605, FP Bldg., Washington, DC 20210, **202 219-8061**
RIN: 1218-AB04

2165. AIR CONTAMINANTS RULE FOR CONSTRUCTION, AGRICULTURE AND MARITIME (MODERNIZATION OF CHEMICAL EXPOSURE LIMITS)

Priority: Other Significant

Legal Authority: 29 USC 655; 29 USC 657

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

Legal Deadline: None

Abstract: This regulatory action is in response to a recent Court ruling. OSHA issued permissible exposure limits (PELs) for hundreds of toxic substances in 1971, based on national consensus standards. New developments in technology and emerging scientific data indicated that many of the PELs were obsolete because significant risk of cancer and other chronic disease is related to current exposure limits. As a result, OSHA attempted to address the exposure limits. On January 19, 1989, OSHA published a final standard to update the PELs for general industry for the toxic substances originally covered in 1971, and other substances requested by public commenters. On June 12, 1992, (57 FR 26001) OSHA published a proposed rule to establish corresponding PELs for the construction, maritime, and agriculture industries. On July 10, 1992, the Eleventh Circuit Court for Appeals overturned OSHA's standard for general industry, citing the Agency's generic rulemaking approach as inadequate. While determining appropriate action, OSHA delayed public hearings and indefinitely extended the public comment period for the construction, agriculture and maritime industries. OSHA intends to publish a new proposal to address its inadequate PELs for general industry, construction, maritime, and agriculture.

Timetable:

Action	Date	FR Cite
NPRM	06/12/92	57 FR 26001
Comment Period	08/18/92	57 FR 37125
Extended Indefinitely		
Final Action	00/00/00	

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: John Martonik, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, **202 219-7075**

RIN: 1218-AB26

2166. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

Priority: Other Significant

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

CFR Citation: 29 CFR 1910.121, subpart H

Legal Deadline: None

Abstract: The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) established the criteria under which OSHA should develop and promulgate the Hazardous Waste Operations and Emergency Response standards. OSHA issued an interim final standard on December 19, 1986, (51 FR 45654) to comply with the law requirements. OSHA issued a permanent final rule for provisions on training to replace this interim rule on March 9, 1989 (29 CFR 1910.120).

On December 22, 1987, as part of an omnibus budget reconciliation bill (PL 100-202), section 126(d)(3) of SARA was amended to include accreditation of training programs for hazardous waste operations. OSHA issued a proposal on January 26, 1990 (55 FR 2776) addressing this issue. OSHA held a public comment period following the issuance of the proposal and held a limited reopening of the public record in June 1992 to allow additional public comment on an effectiveness of training study conducted by OSHA. OSHA has also developed nonmandatory guidelines to further address minimum training criteria.

Timetable:

Action	Date	FR Cite
NPRM	01/26/90	55 FR 2776
NPRM Comment Period End	04/26/90	55 FR 2776
Final Action	06/00/95	

Small Entities Affected: Undetermined
Government Levels Affected: State, Local, Federal

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

RIN: 1218-AB27

2167. INDOOR AIR QUALITY IN THE WORKPLACE

Priority: Economically Significant

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1910.1033

Legal Deadline: None

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

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

Surveys have estimated that as many as 85 percent of the polled companies

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

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

After reviewing and analyzing available information, OSHA published a proposed rule on April 5, 1994. The proposal would require employers to write and implement indoor air quality compliance plans that would include inspection and maintenance of current building ventilation systems to ensure they are functioning as designed. In buildings where smoking is allowed, the proposal would require designated smoking areas that would be separate, enclosed rooms where the air would be exhausted directly to the outside. Other proposed provisions would require employers to maintain healthy air quality during renovation, remodeling and similar activities. The provisions for indoor air quality would apply to 70 million workers and more than 4.5 million nonindustrial indoor work environments, including schools and training centers, offices, commercial establishments, health care facilities, cafeterias and factory break rooms. ETS provisions would apply to all 6 million industrial and nonindustrial work environments under OSHA jurisdiction. OSHA preliminarily estimates that 5,583 to 32,502 cancer deaths and 97,700 to 577,818 coronary heart diseases related to occupational exposure to ETS will be prevented over

the next 45 years. This represents 140 to 722 cancer deaths and 2,094 to 13,001 heart diseases each year. OSHA preliminarily estimates that the proposed standard will prevent 4.5 million upper respiratory problems over the next 45 years. This is approximately 105,000 upper respiratory symptoms per year. These estimates understate the prevalence of building-related symptoms since they only reflect excess risk in air conditioned buildings.

Timetable:

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

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Martonik, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, **202 219-7075**

RIN: 1218-AB37

2168. ABATEMENT VERIFICATION (HAZARD CORRECTION)

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1903

Legal Deadline: None

Abstract: A critical element of OSHA's comprehensive enforcement strategy under the Occupational Safety and Health Act is assurance that employers have abated cited hazards. A May 1991, General Accounting Office report

entitled, "Options to Improve Hazard-Abatement Procedures in the Workplace," pointed out deficiencies in OSHA's abatement procedures and how they could be improved. The Department of Labor Inspector General, as well as OSHA's internal audits, also identified similar problems. Currently, unless an employer voluntarily complies with OSHA's request to submit documentation, OSHA has no means to require employers to submit proof of hazard abatement. From 1972 to the present, OSHA has implemented several administrative measures to induce employers to provide abatement documentation, but at least 30 percent of cited employers still do not voluntarily do so. OSHA's April 19, 1994, proposal (29 FR 18508) would require cited employers to provide hazard abatement documentations. The NPRM addresses the kinds of evidence to be required, what notice to employees is needed, potential penalties for non-reporting, possible certification forms for compliance, and other questions.

Timetable:

Action	Date	FR Cite
NPRM	04/19/94	59 FR 18508
NPRM Comment Period End	07/18/94	
Final Action	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Agency Contact: Raymond E. Donnelly, Director, General Industry Compliance Assistance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3119, FP Building, Washington, DC 20210, **202 219-8041**

RIN: 1218-AB40

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

Completed/Longterm Actions**2169. LOGGING OPERATIONS (PART 1910)**

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266 (Revision)

Legal Deadline: None

Abstract: Under the Bush Administration, on May 2, 1989, OSHA issued a proposal on to amend the existing pulpwood logging standard 29

CFR 1910.266. The existing standard covered only the pulpwood logging industry which accounts for less than half of the logging activity in the United States. The entire logging industry has an incidence rate nearly

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twice that of manufacturing, and a lost workday rate nearly four times as high. On October 12, 1994, OSHA published a final standard addressing the ever-present hazards of chain saw operations, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents.

Timetable:

Action	Date	FR Cite
NPRM	05/02/89	54 FR 18798
NPRM Comment Period End	07/31/89	
Public Hearing 07/24/90	05/11/90	55 FR 19745
Final Action	10/12/94	59 FR 51672
Final Action Effective	02/09/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 24 Lumber and Wood Products, Except Furniture

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

RIN: 1218-AA52

2170. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 6(b) of the Act requires, where appropriate, provisions for medical surveillance in each 6(b) rulemaking for a harmful substance. A generic standard for medical surveillance would satisfy the requirements of the Act for future standards promulgated under paragraph (6)(b) of the Act, thus making available resources to deal with substantive issues. OSHA has collected considerable useful information as a result of the advance notice of proposed rulemaking published on September 27, 1988 under Bush Administration (53 FR 37595). OSHA has also consulted with the Department of Health and Human Services, and is making full use of the expertise within the National Institute for Occupational Safety and Health to develop specific criteria to be used to determine when and what medical surveillance

intervention may be appropriate. OSHA intends to address this issue in the agency's safety and health programs rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37595
ANPRM Comment Period End	12/27/88	
Withdrawn	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1218-AB00

2171. EXPOSURE ASSESSMENT PROGRAMS FOR EMPLOYEES EXPOSED TO HAZARDOUS CHEMICALS

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 6(b)(7) of the Act requires, where appropriate, provisions for exposure monitoring for substances regulated by OSHA. OSHA does not have exposure monitoring provisions in the air contaminants standards (29 CFR 1910.1000). A generic standard for exposure assessment would satisfy the monitoring requirements of the Act, thus enabling the Agency to provide relevant protection for workers covered by the air contaminants standard OSHA published an advance notice of proposed rulemaking on September 27, 1988 under Bush Administration (53 FR 37591). OSHA intends to address this issue in the agency's safety and health programs rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37591
ANPRM Comment Period End	12/27/88	
Withdrawn	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Martonik, Acting Director, Health Standards Programs, Department of Labor,

Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, **202 219-7075**

RIN: 1218-AB01

2172. OCCUPANT PROTECTION IN MOTOR VEHICLES (PREVENTION OF MOTOR VEHICLE FATALITIES)

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.140; 29 CFR 1915.99; 29 CFR 1915.100; 29 CFR 1917.44; 29 CFR 1918.73; 29 CFR 1926.33; 29 CFR 1928.58

Legal Deadline: None

Abstract: In 1989, President Bush introduced his Management by Objectives System. One of the objectives directed the Department of Transportation to support programs that reduced transportation fatalities and accidents. Some of the milestones identified by the President included increased use of safety belts and decreased number of alcohol and drug-related highway accidents and fatalities. As part of this initiative, under Labor Secretary Elizabeth Dole, OSHA worked with the National Safety Council and the National Highway Traffic Safety Administration to address the 2,100 occupational fatalities and 91,000 injuries per year. In light of controversy sparked by a proposal introduced under the Bush Administration in 1990, (55 FR 28728), OSHA is reviewing policy options for dealing with the real causes of most motor vehicle-related occupational injuries and fatalities.

Timetable:

Action	Date	FR Cite
NPRM	07/12/90	55 FR 28728
NPRM Comment Period End	11/09/90	55 FR 28728
Withdrawn	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1218-AB28

DOL—OSHA

Completed/Longterm Actions

2173. CRANE SAFETY

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

CFR Citation: 29 CFR 1926.550; 29 CFR 1926.552; 29 CFR 1926.553; 29 CFR 1926.554; 29 CFR 1926.556; 29 CFR 1910.67; 29 CFR 1910.179; 29 CFR 1910.180; 29 CFR 1919.181

Legal Deadline: None

Abstract: The present crane regulations for construction and general industry have not been revised since being promulgated in 1971. They rely heavily on outdated 1968 ANSI standards.

OSHA has received comments that the existing provisions are inadequate and need revision to reflect current conditions and equipment. It has also been suggested that there is need to establish additional crane installation and use provisions, including possible certification programs for crane operators and riggers.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/92	57 FR 47746
ANPRM Comment Period End	02/12/93	
Withdrawn	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1218-AB38

DEPARTMENT OF LABOR (DOL)

Completed/Longterm Actions

Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)

2174. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Effective October 13, 1994, The Veterans' Reemployment Rights Law was amended in its entirety by the Uniformed Services Employment and Reemployment Rights Act of 1994 (PL 103-353). The revised law clarifies the rights and obligations of both

employers and members of the uniformed services. This revision also authorizes the Secretary of Labor to issue regulations. However, the Veterans' Employment and Training Service has no plans at this time to issue regulations.

Timetable:

Action	Date	FR Cite
Withdrawn	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: If and when legislation is enacted.

Agency Contact: Jeffrey C. Crandall, Director, Office of Field Operations, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue NW., Room S1316, FP Building, Washington, DC 20210, **202 219-9105**

RIN: 1293-AA05

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