

**DEPARTMENT OF LABOR****Office of the Secretary****20 CFR Chs. I, IV, V, VI, VII, and IX****29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV****30 CFR Ch. I****41 CFR Ch. 60****48 CFR Ch. 29****Semiannual Agenda of Regulations****AGENCY:** Office of the Secretary, Labor.**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda. In addition, the Department's Regulatory Plan, a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210; (202) 693-5959.

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

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. At this time, there is only one item, listed below, on the Department's Regulatory Flexibility Agenda.

**Occupational Safety and Health Administration**

Bloodborne Pathogens (RIN 1218-AC34)

In addition, the Department's Regulatory Plan, also a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

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

**NAME: Hilda L. Solis,**  
*Secretary of Labor.*

## The 99 Regulatory Agendas

## Employment and Training Administration - Proposed Rule

Title	Regulation Identifier Number
YouthBuild Program Regulation	<a href="#">1205-AB49</a>
Trade Adjustment Assistance for Workers Program; Regulations	<a href="#">1205-AB57</a>
Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers)	<a href="#">1205-AB58</a>
Equal Employment Opportunity in Apprenticeship and Training, Amendment of Regulations	<a href="#">1205-AB59</a>
Senior Community Service Employment Program; Additional Indicator on Volunteer Work	<a href="#">1205-AB60</a>

## Employment and Training Administration - Final Rule

Title	Regulation Identifier Number
Wage Methodology for the Temporary Non-Agricultural Employment H-2B program	<a href="#">1205-AB61</a>

## Employment and Training Administration - Completed Action

Title	Regulation Identifier Number
Senior Community Service Employment Program; Performance Accountability	<a href="#">1205-AB47</a>
Senior Community Service Employment Program	<a href="#">1205-AB48</a>
Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances	<a href="#">1205-AB53</a>

## Employee Benefits Security Administration - PreRule

Title	Regulation Identifier Number
Lifetime Income Options for Participants and Beneficiaries in Retirement Plans	<a href="#">1210-AB33</a>
Automatic Enrollment in Health Plans of Employees of Large Employers Under FLSA Section 18A	<a href="#">1210-AB46</a>

## Employee Benefits Security Administration - Proposed Rule

Title	Regulation Identifier Number
Annual Funding Notice	<a href="#">1210-AB18</a>
Pension Benefit Statements	<a href="#">1210-AB20</a>
Definition of "Fiduciary"	<a href="#">1210-AB32</a>
Improved Fee Disclosure for Welfare Plans	<a href="#">1210-AB37</a>
Target Date Disclosure	<a href="#">1210-AB38</a>
Amendment to Claims Procedure Regulation	<a href="#">1210-AB39</a>
Ex Parte Cease and Desist and Summary Seizure Orders Under ERISA Section 521	<a href="#">1210-AB48</a>

## Employee Benefits Security Administration - Final Rule

Title	Regulation Identifier Number
Improved Fee Disclosure for Pension Plans	<a href="#">1210-AB08</a>

Statutory Exemption for Provision of Investment Advice	<a href="#">1210-AB35</a>
Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB41</a>
Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB44</a>
Prohibited Transaction Exemption Procedures	<a href="#">1210-AB49</a>

## Employee Benefits Security Administration - Long-term Action

Title	Regulation Identifier Number
Mental Health Parity and Addiction Equity Act	<a href="#">1210-AB30</a>
Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB42</a>
Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions and Patient Protections Under the Affordable Care Act	<a href="#">1210-AB43</a>
Group Health Plans and Health Insurance Issuers Relating to Internal and External Appeals Processes Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB45</a>
Amendment of Abandoned Plan Program	<a href="#">1210-AB47</a>

## Employee Benefits Security Administration - Completed Action

Title	Regulation Identifier Number
Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996	<a href="#">1210-AA54</a>
Improved Fee Disclosure for Pension Plan Participants	<a href="#">1210-AB07</a>
Time and Order of Issuance of Domestic Relations Orders	<a href="#">1210-AB15</a>
Definition of "Welfare Plan"	<a href="#">1210-AB34</a>
Genetic Information Nondiscrimination; Penalties for Noncompliance	<a href="#">1210-AB36</a>
Children's Health Insurance Program: Notice Requirements for Employers	<a href="#">1210-AB40</a>

## Employment Standards Administration - Completed Action

Title	Regulation Identifier Number
Nondisplacement of Qualified Workers Under Service Contracts	<a href="#">1215-AB69</a>

## Occupational Safety and Health Administration - PreRule

Title	Regulation Identifier Number
Occupational Exposure to Beryllium	<a href="#">1218-AB76</a>
Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes	<a href="#">1218-AC33</a>
Bloodborne Pathogens	<a href="#">1218-AC34</a>
Infectious Diseases	<a href="#">1218-AC46</a>
Injury and Illness Prevention Program	<a href="#">1218-AC48</a>
Reinforcing and Post-Tensioned Steel Construction	<a href="#">1218-AC51</a>
Backing Operations	<a href="#">1218-AC52</a>

## Occupational Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Occupational Exposure to Crystalline Silica	<a href="#">1218-AB70</a>
Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)	<a href="#">1218-AB80</a>
Combustible Dust	<a href="#">1218-AC41</a>

Occupational Injury and Illness Recording and Reporting Requirements--Modernizing OSHA's Reporting System	<a href="#">1218-AC49</a>
Occupational Injury and Illness Recording and Reporting Requirements--NAICS Update and Reporting Revisions	<a href="#">1218-AC50</a>

## Occupational Safety and Health Administration - Final Rule

Title	Regulation Identifier Number
Confined Spaces in Construction	<a href="#">1218-AB47</a>
General Working Conditions for Shipyard Employment	<a href="#">1218-AB50</a>
Electric Power Transmission and Distribution; Electrical Protective Equipment	<a href="#">1218-AB67</a>
Standards Improvement Project (SIP III)	<a href="#">1218-AC19</a>
Hazard Communication	<a href="#">1218-AC20</a>
Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes	<a href="#">1218-AC25</a>
Nationally Recognized Testing Laboratories Fee Schedule--Revised Approach	<a href="#">1218-AC27</a>
Cooperative Agreements	<a href="#">1218-AC32</a>
Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act of 2007; Surface Transportation Assistance Act of 1982, as Amended; and Federal Railroad Safety	<a href="#">1218-AC36</a>
Occupational Injury and Illness Recording and Reporting Requirements--Musculoskeletal Disorders (MSD) Column	<a href="#">1218-AC45</a>
Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008	<a href="#">1218-AC47</a>
Procedures for the Handling of Retaliation Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, As Amended	<a href="#">1218-AC53</a>
Complaints Under the Employee Protection Provision of the Consumer Financial Protection Act of 2010, Section 1057 of the DODD-FRANK Wall Street Reform and Consumer	<a href="#">1218-AC54</a>
Procedures for the Handling of Retaliation Complaints Under Section 1558 of the Affordable Care Act of 2010	<a href="#">1218-AC55</a>

## Occupational Safety and Health Administration - Completed Action

Title	Regulation Identifier Number
Cranes and Derricks in Construction	<a href="#">1218-AC01</a>
Methylene Chloride	<a href="#">1218-AC23</a>

## Mine Safety and Health Administration - PreRule

Title	Regulation Identifier Number
Metal and Nonmetal Dams	<a href="#">1219-AB70</a>

## Mine Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Respirable Crystalline Silica Standard	<a href="#">1219-AB36</a>
Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors	<a href="#">1219-AB64</a>
Notification of Legal Identity	<a href="#">1219-AB67</a>
Safety and Health Management Programs for Mines	<a href="#">1219-AB71</a>
Criteria and Procedures for Proposed Assessment of Civil Penalties	<a href="#">1219-AB72</a>
Pattern of Violations	<a href="#">1219-AB73</a>
Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards	<a href="#">1219-AB75</a>
Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines	<a href="#">1219-AB76</a>

## Mine Safety and Health Administration - Final Rule

Title	Regulation Identifier Number
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Proximity Detection Systems for Underground Mines	<a href="#">1219-AB65</a>
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Mine Safety and Health Administration - Long-term Action

Title	Regulation Identifier Number
Revising Electrical Product Approval Regulations	<a href="#">1219-AB37</a>

Wage and Hour Division - Proposed Rule

Title	Regulation Identifier Number
Amendments to The Family and Medical Leave Act of 1993	<a href="#">1235-AA03</a>
Right To Know Under the Fair Labor Standards Act	<a href="#">1235-AA04</a>
Application of the Fair Labor Standards Act to Domestic Service	<a href="#">1235-AA05</a>
Child Labor Regulations, Orders, and Statements of Interpretations	<a href="#">1235-AA06</a>

Wage and Hour Division - Final Rule

Title	Regulation Identifier Number
Amendments to the Fair Labor Standards Act	<a href="#">1235-AA00</a>
Nondisplacement of Qualified Workers Under Service Contracts	<a href="#">1235-AA02</a>

Wage and Hour Division - Completed Action

Title	Regulation Identifier Number
Child Labor Regulations, Orders, and Statements of Interpretation	<a href="#">1235-AA01</a>

Office of Workers Compensation - Final Rule

Title	Regulation Identifier Number
Claims for Compensation Under the Federal Employees' Compensation Act	<a href="#">1240-AA03</a>

Office of Workers Compensation - Long-term Action

Title	Regulation Identifier Number
Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels	<a href="#">1240-AA02</a>
Regulations Implementing Amendments to the Black Lung Benefits Act: Determining Coal Miners and Survivors Entitlement to Benefits	<a href="#">1240-AA04</a>

Office of Workers Compensation - Completed Action

Title	Regulation Identifier Number
Death Gratuity Authorized for Federal Employees	<a href="#">1240-AA00</a>
Defense Base Act Waivers	<a href="#">1240-AA01</a>

Office of Labor Management Standards - PreRule

Title	Regulation Identifier Number
Internet Balloting in Union Officer Elections	<a href="#">1245-AA04</a>

Office of Labor Management Standards - Proposed Rule

Title	Regulation Identifier Number
Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA	<a href="#">1245-AA03</a>
Persuader Agreements: Consultant Form LM-21 Receipts and Disbursements Report	<a href="#">1245-AA05</a>

## Office of Labor Management Standards - Final Rule

Title	Regulation Identifier Number
Labor Organization Officer and Employee Report (Form LM-30)	<a href="#">1245-AA01</a>

## Office of Labor Management Standards - Completed Action

Title	Regulation Identifier Number
Notification of Employee Rights Under Federal Labor Laws	<a href="#">1245-AA00</a>
Form T-1: Reports by Labor Organizations on Related Organizations; Reporting by Public Sector Intermediate Unions	<a href="#">1245-AA02</a>

## Office of Federal Contract Compliance Programs - PreRule

Title	Regulation Identifier Number
Non Discrimination In Compensation: Compensation Data Collection Tool	<a href="#">1250-AA03</a>

## Office of Federal Contract Compliance Programs - Proposed Rule

Title	Regulation Identifier Number
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results Under the VEVRAA of 1974, As Amended	<a href="#">1250-AA00</a>
Construction Contractor Affirmative Action Requirements	<a href="#">1250-AA01</a>
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors: Evaluation of Recruitment and Placement Results Under Section 503	<a href="#">1250-AA02</a>

## Office of the Secretary - Completed Action

Title	Regulation Identifier Number
Redesignation of Title 20 CFR, Chapter VI	<a href="#">1290-AA24</a>

## Office of the Assistant Secretary for Veterans' Employment and Training - PreRule

Title	Regulation Identifier Number
Revised Funding Formula for Jobs for Veterans State Grants	<a href="#">1293-AA17</a>

## Office of the Assistant Secretary for Veterans' Employment and Training - Proposed Rule

Title	Regulation Identifier Number
Establishment of a Uniform National Threshold Entered Employment Rate Under the Jobs for Veterans	<a href="#">1293-AA18</a>

Department of Labor (DOL)  
Employment and Training Administration (ETA)

RIN: 1205-AB49

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Title: YouthBuild Program Regulation

Abstract: The YouthBuild Transfer Act of 2006, Public Law 109-281, enacted on September 22, 2006, transfers oversight

and administration of the YouthBuild program from the U.S. Department of Housing and Urban Development (HUD) to the U.S. Department of Labor (DOL). The YouthBuild program targets are high school dropouts, youth offenders, youth aging out of foster care, and other at-risk youth populations. The program model balances classroom learning, geared toward a high school diploma or GED, and construction skills training, geared toward a career placement for youth. DOL intends to develop regulations in response to the legislation and to guide the program implementation and management. The program focuses on youth who have a high school diploma or GED but are basic skills deficient.

Priority: Other Significant  
 Major: No  
 CFR Citation: 20 CFR 672 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )  
 Legal Authority: PL 109-281  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
NPRM	08/27/2010	75 FR 52671
NPRM Comment Period End	10/26/2010	
Analyzing Comments	04/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Grace A. Kilbane

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Department of Labor (DOL)  
 Employment and Training Administration ( ETA )

RIN: 1205-AB57

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Title: Trade Adjustment Assistance for Workers Program; Regulations

Abstract: The Trade and Globalization Assistance Act of 2009 (Act), division B, title I, subtitle I of the American Recovery and Reinvestment Act of 2009, reauthorizes the Trade Adjustment Assistance for Workers program. More specifically, the law amends the criteria for certification of worker groups as eligible to apply for benefits and services and substantially expands those benefits and services. It also requires reports on the program's effectiveness. The Act amends section 248 of the Trade Act of 1974 (19 U.S.C. 2320), which continues to require that the Secretary issue regulations to carry out these provisions.

Priority: Other Significant  
 Major: No  
 CFR Citation: 20 CFR 617; 20 CFR 618; 20 CFR 672; 29 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )  
 Legal Authority: 19 USC 2320; Secretary's Order 3-2007, 72 FR 15907  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
NPRM	05/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Agency Contact: Erin Fitzgerald

Office of Trade Adjustment Assistance

Department of Labor

Employment and Training Administration

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Department of Labor (DOL)  
 Employment and Training Administration ( ETA )

RIN: 1205-AB58

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Title: Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers)

Abstract: The Department of Homeland Security (DHS) regulations require employers to apply for a temporary labor certification from the Department of Labor before H-2B visas may be approved. DOL certifies that there are not sufficient U.S. worker(s) who are capable of performing the temporary services or labor at the time of an application for a visa, and that the employment of the H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. This regulation proposes to re-engineer the H-2B program in order to enhance transparency and strengthen program integrity and protections of both U.S. workers and H-2B workers.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 655 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(B)); 8 USC 1184(c)(1); 8 CFR 214.2(h)

Legal Deadline: None

## Regulatory Plan:

Statement of Need: The Department has determined that a new rulemaking effort is necessary for the H-2B program. The policy underpinnings of the current regulation, e.g., streamlining the H-2B process to defer many determinations of program compliance until after an application has been adjudicated, do not provide an adequate level of protection for either U.S. or foreign workers. The proposed rule seeks to enhance worker protections and increase the availability of job opportunities to qualified U.S. workers.

Legal Basis: The Department of Labor's authority to revise these regulations derives from 8 U.S.C. 1101(a)(15)(H)(ii)(B) and 8 U.S.C. 1184(c)(1) and 8 CFR 214.2(h).

Alternatives: The public will be afforded an opportunity to provide comments on the proposed regulatory changes when the Department publishes the NPRM in the Federal Register. A final rule will be issued after analysis of, and response to, public comments.

Costs and Benefits: Preliminary estimates of the anticipated costs of this regulatory action are under development. The Department of Labor is seeking information on potential additional or actual costs from employers and other interested parties through the NPRM in order to better assess the costs and benefits of the proposed provisions of the program. The proposed changes are thought to raise "novel legal or policy issues" but are not economically significant within the context of Executive Order 12866 and are not a "major rule" under section 804 for the Small Business Regulatory Enforcement Fairness Act.

Risks: This action does not affect the public health, safety, or the environment.

## Timetable:

Action	Date	FR Cite
NPRM	01/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Federalism: No

Energy Affected: No

Agency Contact: Dr. William L. Carlson  
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Department of Labor (DOL)  
Employment and Training Administration (ETA)

RIN: 1205-AB59

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Title: Equal Employment Opportunity in Apprenticeship and Training, Amendment of Regulations

Abstract: Revisions to the equal opportunity regulatory framework for the National Apprenticeship Act are a critical element in the Department's vision to promote and expand Registered Apprenticeship opportunities in the 21st century while continuing to safeguard the welfare and safety of apprentices. In October 2008, the Agency issued a Final Rule updating regulations for Apprenticeship Programs and Labor Standards for Registration. These regulations, codified at title 29 Code of Federal Regulations (CFR) part 29, had not been updated since 1977. The companion regulations, 29 CFR part 30, Equal Employment Opportunity (EEO) in Apprenticeship and Training, have not been amended since 1978. The Agency now proposes to update 29 CFR part 30 to ensure that the National Registered Apprenticeship System is consistent and in alignment with EEO law, as it has developed since 1978, and recent revisions to title 29 CFR part 29. This second phase of regulatory updates will ensure that Registered Apprenticeship is positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 30 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 1, 50 Stat 664, as amended (29 USC 50; 40 USC 276c; 5 USC 301); Reorganization Plan No 14 of 1950, 64 Stat 1267 (5 USC app p 534)

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: Federal regulations for Equal Employment Opportunity (EEO) in Apprenticeship and Training have not been updated since 1978. Updates to these regulations are necessary to ensure that DOL regulatory requirements governing the National Registered Apprenticeship System are consistent with the current state of EEO law, the ADA, and recent revisions to title 29 CFR part 29.

Legal Basis: These regulations are authorized by the National Apprenticeship Act of 1937 (29 U.S.C. 50) and the Copeland Act (40 U.S.C. 276c). These regulations will set forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or in State Apprenticeship Agencies recognized by the U.S. Department of Labor.

Alternatives: The public will be afforded an opportunity to provide comments on the proposed amendment to Apprenticeship EEO regulations when the Department publishes a Notice of Proposed Rulemaking (NPRM) in the Federal Register. A Final Rule will be issued after analysis and incorporation of public comments to the NRPM.

Costs and Benefits: The proposed changes are thought to raise "novel legal or policy issue" but are not economically significant within the context of Executive Order 12866 and are not a "major rule" under Section 804 of the Small Business Regulatory Enforcement Fairness Act.

Risks: This action does not affect the public health, safety, or the environment.

#### Timetable:

Action	Date	FR Cite
NPRM	07/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State; Tribal

Small Entities Affected: No

Federalism: Yes

Energy Affected: No

Agency Contact: John V. Ladd

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Department of Labor (DOL)  
Employment and Training Administration ( ETA )

RIN: 1205-AB60

 [View Related Documents](#)

Title: Senior Community Service Employment Program; Additional Indicator on Volunteer Work

Abstract: The Older Americans Act Amendments of 2006 (Pub. L. 109-365), enacted on October 17, 2006, contains provisions amending title V of that Act, which authorizes the Senior Community Service Employment Program (SCSEP). The Amendments, effective July 1, 2007, make substantial changes to the current SCSEP provisions in the Older Americans Act relating to performance accountability. Under the authority provided in section 513(b)(2)(C), which allows additional indicators to be promulgated where the Secretary deems such indicators appropriate to evaluate services and performance, the Department is seeking feedback on a potential additional performance measure for volunteer work in the SCSEP.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 641 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 40 USC 3056 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/23/2010	75 FR 71514
NPRM Comment Period End	01/24/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Grace A. Kilbane

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Department of Labor (DOL)  
Employment and Training Administration ( ETA )

RIN: 1205-AB61

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Title: Wage Methodology for the Temporary Non-Agricultural Employment H-2B program

Abstract: The Immigration and Nationality Act, as amended, requires the Department of Homeland Security, prior to the approval of H-2B visa petitions consult with other agencies. DHS' regulation at 8 CFR 214.2(h)(6) requires that an intending employer first apply for a temporary labor certification from the Department of Labor. Specifically, DOL certifies that there is not sufficient U.S. worker(s) able, available, willing and qualified at the time of an application for a visa, and that the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers. In order to ensure that there is no adverse effect, the Department requires employers to pay the prevailing wage to H-2B workers and U.S. workers hired in response to the required recruitment. The prevailing wage calculation methodology under the current H-2B regulation became the subject of litigation. On August 30, 2010, the U.S. District Court in the Eastern District of Pennsylvania in *Comité de Apoyo a los Trabajadores Agrícolas (CATA) v. Hilda Solis, et al.*, Civil No. 2:09-cv-240-LP, 2010 WL 3431761 (E.D. Pa.), ordered the Department to promulgate new rules concerning the calculation of the prevailing wage rate in the H-2B program that are in compliance with the Administrative Procedure Act no later than 120 days from the date of this order. The Department is proposing to establish that the prevailing wage be the highest of the following: wages established under an agreed-upon collective bargaining agreement; a wage rate established under the Davis Bacon Act or Service Contract Act for that occupation in the area of intended employment; and the arithmetic mean wage rate established by the Occupational Employment Statistics survey for that occupation in the area of intended employment.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 20 CFR 655.10 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(B); 8 USC 1184(c)

Legal Deadline: The U.S. District Court in the Eastern District of Pennsylvania in *Comite' de Apoyo a los Trabajadores Agricolas (CATA) v. Hilda Solis, et al.*, Civil No. 2:09-cv-240-LP, 2010 WL 3431761 (E.D. Pa.) ordered the Department to promulgate a new rule on the calculation of the prevailing wage no later than December 28, 2010.

Action	Source	Description	Date
Other	Judicial		12/28/2010

Timetable:

Action	Date	FR Cite
NPRM	10/05/2010	75 FR 61578
NPRM Extension of Comment Period	11/03/2010	75 FR 67662
NPRM Comment Period End	11/04/2010	
NPRM Extension of Comment Period End	11/12/2010	
Final Rule	01/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Agency Contact: Dr. William L. Carlson  
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Department of Labor (DOL)  
 Employment and Training Administration (ETA)

RIN: 1205-AB47

 [View Related Documents](#)

Title: Senior Community Service Employment Program; Performance Accountability

Abstract: The Older Americans Act Amendments of 2006, Public Law 109-365, enacted on October 17, 2006, contains provisions amending title V of that Act, which authorizes the Senior Community Service Employment Program (SCSEP). The Amendments, effective July 1, 2007, make substantial changes to the current SCSEP provisions in the Older Americans Act relating to performance accountability. Section 513(d)(4) of title V requires that the Agency establish and implement new measures of performance by July 1, 2007. Section 513(b)(3) required that the Secretary issue definitions of indicators of performance through regulations after consultation with stakeholders. Therefore, the Interim Final Rule (IFR) implemented changes to the SCSEP program performance accountability regulations found at 20 CFR 641 in subpart G. Changes to other subparts of part 641 were implemented through a separate Notice of Proposed Rulemaking, published Aug. 14, 2008 (73 FR 47770).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 641 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 3056 et seq

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Interim Final Rule	06/30/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/29/2007	72 FR 35832
Interim Final Rule Comment Period End	08/28/2007	
Final Action	09/01/2010	75 FR 53786

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: No  
 Energy Affected: No  
 Related RINs: Related to 1205-AB48  
 Agency Contact: Grace A. Kilbane  
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Government Levels Affected: Federal; State; Tribal  
 Federalism: No

Department of Labor (DOL)  
 Employment and Training Administration ( ETA )

RIN: 1205-AB48

 [View Related Documents](#)

Title: Senior Community Service Employment Program

Abstract: The Older Americans Act Amendments of 2006, Public Law 109-365, enacted on October 17, 2006, contain provisions amending title V of that Act, which authorizes the Senior Community Service Employment program (SCSEP). The Amendments, effective July 1, 2007, made substantial changes to the SCSEP provisions in the Older Americans Act, including new requirements relating to performance accountability, income eligibility for program participation, competition of national grants, and services to participants. This portion of the rulemaking consists of 8 subparts: subpart A--Purpose and Definitions; subpart B--Coordination with the Workforce Investment Act; subpart C--the State Plan; subpart D--Grant Application and Responsibility Review Requirements for State and National Grants; subpart E--Services to Participants; subpart F--Pilots, Demonstration, and Evaluation Projects, subpart H--Administrative Requirements; and subpart I--Grievance Procedures and Appeals Process. The performance accountability requirements (subpart G) were implemented through a separate Interim Final Rule (IFR).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 641 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 3056 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/14/2008	73 FR 47770
NPRM Comment Period End	10/14/2008	
Final Action	09/01/2010	75 FR 53786

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: No  
 Energy Affected: No  
 Related RINs: Related to 1205-AB47  
 Agency Contact: Grace A. Kilbane  
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Government Levels Affected: Federal; State; Tribal  
 Federalism: No

Department of Labor (DOL)  
 Employment and Training Administration ( ETA )

RIN: 1205-AB53

 [View Related Documents](#)

Title: Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances

Abstract: Under title XII of the Social Security Act (42 U.S.C. 1321 et seq.), States may, when needed, obtain repayable advances from the Federal unemployment account in the Unemployment Trust Fund to pay State unemployment compensation benefits. States may be exempted from the requirement to pay interest on these advances under certain conditions, including the condition that the "State meets funding goals" established by the Secretary of Labor in regulations. The regulation would establish these funding goals.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 606 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 1322(b)(2)(C); 26 USC 7805(a); Secretary Order No 3-2007, April 3, 2007 (72 FR 15907)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/25/2009	74 FR 30402
NPRM Comment Period End	08/24/2009	
Final Action	09/17/2010	75 FR 57146
Final Action Effective	10/18/2010	75 FR 57146

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Agency Contact: Ronald Wilus

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB33

 [View Related Documents](#)

Title: Lifetime Income Options for Participants and Beneficiaries in Retirement Plans

Abstract: This initiative will explore what steps, if any, that the Department could or should take, by regulation or otherwise, to enhance the retirement security of American workers by facilitating access to and use of lifetime income or income arrangements designed to provide a stream of income after retirement.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; ERISA sec 505

Legal Deadline: None

Regulatory Plan:

Statement of Need: With a continuing trend away from defined benefit plans to defined contribution plans, employees are not only increasingly responsible for the adequacy of their retirement savings, but also for ensuring that their savings last throughout their retirement. Employees may benefit from access to and use of lifetime income or other arrangements that will reduce the risk of running out of funds during the retirement years. However, both access to and use of such arrangements in defined contribution plans is limited. The Department, taking into consideration recommendations of the ERISA Advisory Council and others, intends to explore what steps, if any, it could or should take, by regulation or otherwise, to enhance the retirement security of workers by increasing access to and use of such arrangements.

Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act.

Alternatives: Alternatives will be considered following a determination of the scope and nature of the regulatory guidance needed by the public.

Costs and Benefits: Preliminary estimates of the anticipated costs and benefits will be developed, as appropriate, following a determination regarding the alternatives to be considered.

Risks:

Timetable:

Action	Date	FR Cite
RFI	02/02/2010	75 FR 5253
RFI Comment Period End	05/03/2010	
Public Hearing Notice	08/10/2010	75 FR 48367
Public Hearing	09/14/2010	
Review Public Record	04/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Agency Contact: Jeffrey J. Turner

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB46

 [View Related Documents](#)

Title: Automatic Enrollment in Health Plans of Employees of Large Employers Under FLSA Section 18A

Abstract: This rulemaking implements section 1511 of the Patient Protection and Affordable Care Act of 2010, which added section 18A to the Fair Labor Standards Act to require employers who have more than 200 full-time employees and who offer enrollment in one or more health benefits plans to automatically enroll new full-time employees in one of the plans offered and to continue enrollment of current employees.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 218A; FLSA sec 18A; PL 111-148, sec 1511, Patient Protection and Affordable Care Act of 2010

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request For Information	05/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal; Local; State

Federalism: Undetermined

Agency Contact: Janet Walters

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Department of Labor (DOL)  
Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB18

 [View Related Documents](#)

Title: Annual Funding Notice

Abstract: This rulemaking implements the requirement of section 501 of the Pension Protection Act of 2006 (PPA), which amended section 101(f) of ERISA to require the administrator of a defined benefit pension plan to provide participants, beneficiaries, and other parties with an annual funding notice, and also implements the requirements of section 503(c) of the PPA that amended section 104(b)(3) of ERISA regarding summary annual reports for defined benefit plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2520; 29 CFR 2520.104-46; 29 CFR 2520.104b-10 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1021(f); ERISA sec 101(f); PL 109-280, sec 501, Pension Protection Act of 2006; 29 USC 1021(b); ERISA sec 104(b)(3); PL 109-280, sec 503, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/2007

Timetable:

Action	Date	FR Cite
NPRM	11/18/2010	75 FR 70625
NPRM Comment Period End	01/18/2011	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Stephanie Ward

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Department of Labor (DOL)  
Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB20

 [View Related Documents](#)

Title: Pension Benefit Statements

Abstract: Section 508 of the Pension Protection Act of 2006 (PPA) amended section 105 of ERISA to require plans that are subject to ERISA to automatically provide participants and certain beneficiaries with individual pension benefit statements.

Generally, defined benefit plans must provide the statement every 3 years, with an annual alternative. Individual account plans that permit participant direction must provide the statement quarterly and individual account plans that do not permit participant direction must provide the statement annually. The PPA directed the Department of Labor to provide a model statement within 1 year of enactment of the statute and the Department has been given interim final rulemaking authority.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1025; ERISA sec 105; PL 109-280, sec 508, Pension Protection Act of 2006; 29 USC 1135;

ERISA sec 505

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/2007

Timetable:

Action	Date	FR Cite
NPRM	06/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Suzanne Adelman

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB32

 [View Related Documents](#)

Title: Definition of "Fiduciary"

Abstract: This rulemaking would amend the regulatory definition of the term "fiduciary" set forth at 29 CFR 2510.3-21 (c) to more broadly define as employee benefit plan fiduciaries persons who render investment advice to plans for a fee within the meaning of section 3(21) of ERISA. The amendment would take into account current practices of investment advisers and the expectations of plan officials and participants who receive investment advice.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2510.3-21(c) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1002; ERISA sec 3(21); 29 USC 1135; ERISA sec 505

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rulemaking is needed to bring the definition of "fiduciary" into line with investment advice practices and to recast the current regulation to better reflect relationships between investment advisers and their employee benefit plan clients. The current regulation may inappropriately limit the types of investment advice relationships that should give rise to fiduciary duties on the part of the investment adviser.

Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act. Regulation 29 CFR 2510.3-21(c) defines the term fiduciary for certain purposes under section 3(21) of ERISA.

Alternatives: Alternatives will be considered following a determination of the scope and nature of the regulatory guidance needed by the public.

Costs and Benefits: Preliminary estimates of the anticipated costs and benefits will be developed, as appropriate, following a determination regarding the alternatives to be considered.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/22/2010	75 FR 65263
NPRM Comment Period End	01/20/2011	

## Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Agency Contact: Jeffrey J. Turner

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB37

 [View Related Documents](#)

Title: Improved Fee Disclosure for Welfare Plans

Abstract: This rulemaking will amend the regulation setting forth the standards applicable to the exemption under ERISA section 408(b)(2) for contracting or making reasonable arrangements with a party in interest for office space or services (29 CFR 2550.408b-2). This amendment will ensure that plan fiduciaries of welfare plans are provided or have access to that information necessary to a determination of whether an arrangement for services is "reasonable" within the meaning of the statutory exemption. This amendment is being promulgated separately from another amendment to section 408(b)(2) that applies to pension plans.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2550.408b-2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; ERISA sec 505; 29 USC 1108

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2011	

## Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Agency Contact: Jeffrey J. Turner

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB38

 [View Related Documents](#)

Title: Target Date Disclosure

Abstract: This rulemaking will amend the Department's qualified default investment alternative regulation (29 CFR 2550.404c-5), which provides relief from certain fiduciary responsibilities for fiduciaries of participant-directed individual account plans who, in the absence of directions from a participant, invest the participant's account in a qualified default investment alternative. This amendment will provide more specificity to fiduciaries as to the investment information that must be disclosed in the required notice to participants and beneficiaries. This amendment also will enhance the information that must be disclosed concerning target date, or similar age-based, qualified default investment alternatives. The Department recently published in the Federal Register, at § 2550.404a-5 (75 FR 64910, October 20, 2010), a final regulation that requires the disclosure of certain

plan and investment-related information, including fee and expense information, to participants and beneficiaries in participant-directed individual account plans (the participant-level disclosure regulation). The proposed rulemaking also will amend the participant-level disclosure regulation to require the disclosure of the same information concerning target date or similar investments to all participants and beneficiaries in participant-directed individual account plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2550.404c-5 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; ERISA sec 505; 29 USC 1104

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/30/2010	75 FR 73987
NPRM Comment Period End	01/14/2011	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Agency Contact: Jeffrey Turner

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB39

 [View Related Documents](#)

Title: Amendment to Claims Procedure Regulation

Abstract: Section 503 of the Employee Retirement Income Security Act (ERISA), 29 U.S.C. section 1133, provides that, in accordance with regulations promulgated by the Secretary of Labor, each employee benefit plan must provide "adequate notice in writing to any participant or beneficiary whose claim for benefits under the plan has been denied." The notice must set forth the specific reasons for the denial and must be written in a manner calculated to be understood by the claimant. Each plan must also afford "a reasonable opportunity" for any participant or beneficiary whose claim has been denied to obtain "full and fair review" of the denial by the "appropriate named fiduciary of the plan." The Department has issued a regulation pursuant to the above authority that establishes the minimum requirements for benefit claims procedures of employee benefit plans covered by title 1 of ERISA. See 29 CFR section 2560.503-1. This rulemaking is intended to strengthen, improve, and update the current rules governing the internal claims and appeals process.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2550.503-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; ERISA sec 505; 29 USC 1133

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Agency Contact: Jeffrey Turner

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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB48

 [View Related Documents](#)

Title: Ex Parte Cease and Desist and Summary Seizure Orders Under ERISA Section 521

Abstract: ERISA section 521, enacted under sec. 6605 of the Affordable Care Act (Pub. L. 111-148, 124 Stat. 780), authorizes the Secretary of Labor to issue a cease and desist order if it appears that a multiple employer welfare arrangement (MEWA) is fraudulent, creates an immediate danger to public safety or welfare, or can be reasonably expected to cause significant, imminent, and irreparable public injury. This section also authorizes the Secretary to issue a summary seizure order if it appears that a MEWA is in a financially hazardous condition. Regulatory guidance will provide standards for the issuance of such orders.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1151; 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB08

 [View Related Documents](#)

Title: Improved Fee Disclosure for Pension Plans

Abstract: This rulemaking will amend the regulation setting forth the standards applicable to the exemption under ERISA section 408(b)(2) for contracting or making reasonable arrangements with a party in interest for office space or services (29 CFR 2550.408b-2). This amendment will ensure that plan fiduciaries are provided or have access to that information necessary to a determination of whether an arrangement for services is "reasonable" within the meaning of the statutory exemption.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1108(b)(2); 29 USC 1135

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	12/13/2007	72 FR 70988
NPRM Comment Period End	02/11/2008	
Interim Final Rule	07/16/2010	75 FR 41600
Interim Final Rule Comment Period End	08/30/2010	
Final Action	04/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Kristen Zarenko

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB35

 [View Related Documents](#)

Title: Statutory Exemption for Provision of Investment Advice

Abstract: Section 601 of the Pension Protection Act (Pub. L. 109-280) amended ERISA by adding new section 408(b)(14) and 408(g). Section 408(b)(14) is a prohibited transaction exemption that permits the provision of investment advice to participants or beneficiaries of certain individual account plans if the investment advice is provided under an "eligible investment advice arrangement," as defined in section 408(g). In order to qualify as an "eligible investment advice arrangement," the arrangement must either provide that any fees received by the adviser do not vary depending on the basis of any investment options selected, or use a computer model under an investment advice program that meets the criteria set forth in section 408(g) in connection with the provision of investment advice. Further, with respect to both types of advice arrangements, the investment adviser must disclose to advice recipients all fees that the adviser or any affiliate is to receive in connection with the advice. Section 408(g) requires that the computer model which serves as the basis for an eligible investment advice arrangement be certified by an "eligible investment expert" in accordance with rules prescribed by the Secretary of Labor. Section 408(g) also directs the Secretary of Labor to issue a model form for the required disclosure of fees.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1108(g); 29 USC 1135; PL 109-280, sec 601(a); Pension Protection Act of 2006; ERISA sec 408(g); ERISA sec 505

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	03/02/2010	75 FR 9360
NPRM Comment Period End	05/05/2010	
Final Action	05/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1210-AB13

Agency Contact: Fred Wong

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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB41

 [View Related Documents](#)

Title: Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act

Abstract: The Patient Protection and Affordable Care Act of 2010 (PPACA) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act (PHS Act). These regulations provide guidance on the extension of dependent coverage for children to age 26 under PHS Act 2714. As mentioned in the previous request, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/2010	75 FR 27121
Interim Final Rule Comment Period End	08/11/2010	
Reviewing Comments	04/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Related Agencies: Joint : CMS; Joint : IRS

Agency Contact: Amy J. Turner

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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB44

 [View Related Documents](#)

Title: Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act

Abstract: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules relating to coverage of preventive services without cost sharing under the Affordable Care Act. As mentioned in previous requests, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered and this is the fourth request in a series relating to the Affordable Care Act.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/2010	75 FR 41726
Interim Final Rule Effective	09/17/2010	
Interim Final Rule Comment Period End	09/17/2010	
Reviewing Comments	04/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Related Agencies: Joint : HHS; Joint : IRS

Agency Contact: Amy J. Turner

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB49

 [View Related Documents](#)

Title: Prohibited Transaction Exemption Procedures

Abstract: This rulemaking will amend and supersede the current rule of procedure that governs the filing and processing of applications for administrative exemptions from the prohibited transaction provisions of Title I of the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Federal Employees' Retirement System Act of 1986. This amendment will promote transparency and facilitate the efficient consideration of exemption applications by providing plan participants with a clearer understanding of the exemption under consideration, by clarifying the types of information and documentation generally required for a complete filing, and by affording expanded opportunities for the electronic submission of information and comments relating to an exemption application. In August 2010, an NPRM was published for this item under RIN 1210-AA98 (75 FR 53172).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 2570.30 to 2570.52 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; 29 USC 1108(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/30/2010	75 FR 53172
NPRM Comment Period End	10/14/2010	
Final Action	11/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Related RINs: Previously Reported as 1210-AA98

Agency Contact: Mark W. Judge

Office of Exemption Determinations

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Department of Labor (DOL)  
Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB30

 [View Related Documents](#)

Title: Mental Health Parity and Addiction Equity Act

Abstract: Pursuant to ERISA section 712, as amended by the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. 110-343) enacted on October 8, 2008, the Department is developing regulatory guidance.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1185a

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	as per MHPAEA section 512(d)	10/08/2009

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Request for Information	04/28/2009	74 FR 19155
Request for Information Comment Period End	05/28/2009	
Interim Final Rule	02/02/2010	75 FR 5410
Interim Final Rule Effective	04/05/2010	
Interim Final Rule Comment Period End	05/03/2010	

Additional Information: On February 2, 2010, the Departments of Labor, Health and Human Services, and the Treasury published an interim final rule implementing MHPAEA. However, the provisions of the increased cost exemption under section 712(c)(2) were reserved and not addressed. The next action planned is an NPRM that will propose rules governing this exemption.

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Related RINs: Related to 0938-AP65; Related to 1545-BJ05 Related Agencies: Joint: CMS; Joint: IRS

Agency Contact: Amy J. Turner

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Department of Labor (DOL)  
Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB42

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Title: Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act

Abstract: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules for maintaining grandfathered health plan status under section 1251 of the Affordable Care Act. As mentioned in the previous request, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered.

Priority: Economically Significant  
 Major: Yes  
 CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: Not Yet Determined  
 Legal Deadline: None

Agenda Stage of Rulemaking: Long-term Action  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Interim Final Rule	06/17/2010	75 FR 34538
Interim Final Rule Comment Period End	08/16/2010	
Interim Final Rule Amendment Effective	11/15/2010	75 FR 70114
Interim Final Rule Effective--Amendment	11/15/2010	
Interim Final Rule--Amendment	11/17/2010	75 FR 70114
Interim Final Rule Comment Period End--Amendment	12/17/2010	

Regulatory Flexibility Analysis  
 Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Agency Contact: Amy J. Turner  
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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB43

 [View Related Documents](#)

Title: Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions and Patient Protections Under the Affordable Care Act

Abstract: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act (PHS Act). These regulations provide guidance on the rules prohibiting preexisting condition exclusions and other discrimination based on health status (PHS Act section 2704); prohibition of lifetime and annual income limits (PHS section 2711); the prohibition of rescissions of health coverage after coverage begins (PHS Act section 2712); prohibition on discrimination in favor of highly compensated individuals (PHS section 2716); and patient protections (PHS Act section 2719A). As mentioned in the previous request, RIN 1210-AB41 was split into additional RINS due to the breadth of issues covered and this is the third request in a series relating to the Affordable Care Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Interim Final Rule	06/28/2010	75 FR 37188
Interim Final Rule Comment Period End	08/27/2010	

Regulatory Flexibility Analysis  
 Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Related Agencies: Joint : HHS; Joint : IRS

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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB45

 [View Related Documents](#)

Title: Group Health Plans and Health Insurance Issuers Relating to Internal and External Appeals Processes Under the Patient Protection and Affordable Care Act

Abstract: The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules relating to internal and external appeals processes under the Affordable Care Act. As mentioned in previous requests, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered and this is the fifth request in a series relating to the Affordable Care Act.

Priority: Other Significant  
 Agenda Stage of Rulemaking: Long-term Action  
 Major: Undetermined  
 Unfunded Mandates: Undetermined  
 CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: Not Yet Determined  
 Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Interim Final Rule	08/26/2010	75 FR 52597
Interim Final Rule Effective	09/01/2010	

Regulatory Flexibility Analysis  
 Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined  
 Related Agencies: Joint : OCIIO; Joint : IRS  
 Agency Contact: Amy J. Turner  
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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB47

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Title: Amendment of Abandoned Plan Program

Abstract: On April 21, 2001, the Department published a package of regulations, collectively entitled Termination of Abandoned Individual Account Plans, which facilitate the termination of, and distribution of benefits from, individual account pension plans that have been abandoned by their sponsoring employers. See 71 FR 20820. This rulemaking will examine whether, and how, to amend those regulations by expanding the scope of individuals entitled to be a "qualified termination administrator" (QTA). Under the Termination of Abandoned Individual Account Plans regulations, only a QTA is authorized to determine whether an individual account plan is abandoned and to carry out related activities necessary to the termination and

winding up of the plan's affairs.

Priority: Other Significant  
 Major: Undetermined  
 CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 1135; ERISA sec 505  
 Legal Deadline: None

Agenda Stage of Rulemaking: Long-term Action  
 Unfunded Mandates: Undetermined

Timetable:

Action	Date	FR Cite
NPRM	12/00/2011	

Regulatory Flexibility Analysis  
 Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined  
 Agency Contact: Jeffrey J. Turner  
 Chief, Division of Regulations, Office of Regulations and Interpretations  
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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AA54

 [View Related Documents](#)

Title: Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996

Abstract: This item is being withdrawn. Next steps and timing are being evaluated in light of Affordable Care Act implementation activities.

Priority: Economically Significant  
 Major: Yes  
 CFR Citation: 29 CFR 2590 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 1027; 29 USC 1059; 29 USC 1135; 29 USC 1171 to 1172; 29 USC 1191c  
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action  
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/1997	62 FR 16894
Interim Final Rule Effective	06/07/1997	
Interim Final Rule Comment Period End	07/07/1997	
Request for Information	10/25/1999	64 FR 57520
Comment Period End	01/25/2000	
Request for Information	12/30/2004	69 FR 78825
NPRM	12/30/2004	69 FR 78800
Final Rule	12/30/2004	69 FR 78720
Final Action Effective	02/28/2005	
Request for Information Comment Period End	03/30/2005	
NPRM Comment Period End	03/30/2005	
Withdrawn	10/27/2010	

Regulatory Flexibility Analysis Required: No  
 Federalism: No  
 Energy Affected: No  
 Agency Contact: Amy J. Turner  
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Government Levels Affected: No

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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB07

 [View Related Documents](#)

Title: Improved Fee Disclosure for Pension Plan Participants

Abstract: This rulemaking will ensure that the participants and beneficiaries in participant-directed individual account plans are provided the information they need, including information about fees and expenses, to make informed investment decisions. The rulemaking may include amendments to the regulation governing ERISA section 404(c) plans (29 CFR 2550.404c-1). The rulemaking is needed to clarify and improve the information currently required to be furnished to participants and beneficiaries.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1104; 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Information	04/25/2007	72 FR 20457
Comment Period End	07/24/2007	
NPRM	07/23/2008	73 FR 43014
NPRM Comment Period End	09/08/2008	
Final Action	10/20/2010	75 FR 64910

Regulatory Flexibility Analysis Required: Business;  
 Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB15

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Title: Time and Order of Issuance of Domestic Relations Orders

Abstract: Section 1001 of the Pension Protection Act of 2006, requires the Secretary of Labor to issue, not later than 1 year after the date of enactment, regulations clarifying certain issues relating to the timing and order of domestic relations orders under section 206(d)(3) of the Employee Retirement Income Security Act (ERISA). This rule will provide guidance to plan administrators, service providers, participants, and alternate payees on the qualified domestic relations order requirements under ERISA.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2530.206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1056; ERISA sec 206(d)(3); PL 109-280, sec 1001, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/2007	72 FR 10070
Interim Final Rule Effective	04/06/2007	
Interim Final Rule Comment Period End	05/07/2007	
Final Action	06/10/2010	75 FR 32846

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: Susan Elizabeth Rees

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB34

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Title: Definition of "Welfare Plan"

Abstract: Department of Labor regulation 29 CFR 2510.3-1 clarifies the definition of the terms "employee welfare benefit plan" and "welfare plan" for purposes of title I of the Employee Retirement Income Security Act of 1974 (ERISA) by identifying certain practices, which do not constitute employee welfare benefit plans. This rulemaking would amend that regulation to clarify the circumstances under which health care arrangements established or maintained by State or local governments for the benefit of nongovernmental employees do not constitute an employee welfare benefit plan for purposes of section 3(1) of ERISA and 29 CFR 2510.3-1. A draft proposed regulation was submitted to OMB for review before the enactment of the Patient Protection Affordable Care Act. The Department decided to review whether and to what extent further regulation in this area is necessary or appropriate in light of this comprehensive health care reform legislation. The Department requested that OMB return the NPRM to the Department for further review and consideration.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2510.3-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; ERISA sec 505

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	09/17/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Agency Contact: Jeffrey J. Turner

Chief, Division of Regulations, Office of Regulations and Interpretations

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Department of Labor (DOL)  
Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB36

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Title: Genetic Information Nondiscrimination; Penalties for Noncompliance

Abstract: This item is being withdrawn. Next steps and timing are being evaluated in light of Affordable Care Act implementation activities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1182 and 1191b(d); 29 USC 1132 and 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	10/27/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Agency Contact: Amy J. Turner

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Department of Labor (DOL)  
Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB40

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Title: Children's Health Insurance Program: Notice Requirements for Employers

Abstract: This item is being withdrawn. Next steps and timing are being evaluated in light of Affordable Care Act implementation activities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135 and 1181

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	10/27/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Small Entities Affected: Business

Federalism: Undetermined

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB69

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Title: Nondisplacement of Qualified Workers Under Service Contracts

Abstract: Executive Order 13495 of January 30, 2009, Nondisplacement of Qualified Workers Under Service Contracts, establishes the policy that Federal service contracts generally include a clause requiring the contractor and its subcontractors, under a contract that succeeds a contract for the same or similar service at the same location, to offer qualified employees (except managerial and supervisory personnel) employed on the predecessor contract a right of first refusal to employment under the successor contract. The order assigns enforcement responsibility to the Secretary of Labor and directs the Secretary, in consultation with the Federal Acquisition Regulatory Council, to issue regulations to implement the order.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 9 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 13495, sec 4 to 6; 5 USC 301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Transferred to 1235-AA02	09/28/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

Agency Contact: Timothy Helm

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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB76

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Title: Occupational Exposure to Beryllium

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by the United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage. On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium including: current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected work sites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA is currently conducting a scientific peer review of its draft risk assessment, which is scheduled to be completed in November 2010. Additionally, an economic peer review is scheduled to be completed in May 2011.

Priority: Economically Significant

Agenda Stage of Rulemaking: PreRule

Major: Yes

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Request for Information	11/26/2002	67 FR 70707
SBREFA Report Completed	01/23/2008	
Initiated Peer Review of Health Effects and Risk Assessment	03/22/2010	
Complete Peer Review	11/19/2010	
Complete Economic Peer Review	05/00/2011	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Dorothy Dougherty

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC33

 [View Related Documents](#)

Title: Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes

Abstract: On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Diacetyl and a number of other volatile organic compounds are used to manufacture artificial butter food flavorings. These food flavorings are used by various food manufacturers in a multitude of food products including microwave popcorn, certain bakery goods, and some snack foods. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking. Evidence from NIOSH and other sources indicated that employee exposure to diacetyl and food flavorings containing diacetyl is associated with bronchiolitis obliterans, a debilitating and potentially fatal disease of the small airways in the lung. Severe obstructive airway disease has been observed in the microwave popcorn industry and in food flavoring manufacturing plants. Experimental evidence has shown that inhalation exposure to artificial butter flavoring vapors and diacetyl damaged tissue lining the nose and airways of rats and mice. OSHA published an Advanced Notice of Proposed Rulemaking (ANPRM) on January 21, 2009, but withdrew the ANPRM on March 17, 2009, in order to facilitate timely development of a standard. The Agency subsequently initiated review of the draft proposed standard in accordance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). The SBREFA Panel Report was completed on July 2, 2009. The occurrence of severe lung disease among workers in workplaces where diacetyl is manufactured and used has led some manufacturers to reduce or eliminate the amount of diacetyl in some kinds of flavorings, foods, and beverages. They have begun to use substitutes such as 2,3-pentanedione. These substitutes, some of which are structurally similar to diacetyl, have not been well-studied and there is growing concern that they also pose health risks for workers. Research on 2,3-pentanedione conducted by NIOSH and NIEHS suggests that, in rats, 2,3-pentanedione causes airway damage similar to that produced by diacetyl. NIOSH is currently developing a criteria document on occupational exposure to diacetyl. The criteria document will also address exposure to 2,3-pentanedione. It will include an assessment of the effects of exposure as well as quantitative risk assessment. OSHA intends to rely on these portions of the criteria document for the health effects analysis and quantitative risk assessment for the Agency's diacetyl rulemaking. NIOSH will initiate public peer review of the criteria document in April, 2011.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Stakeholder Meeting	10/17/2007	72 FR 54619
ANPRM	01/21/2009	74 FR 3937
ANPRM Withdrawn	03/17/2009	74 FR 11329
ANPRM Comment Period End	04/21/2009	
Completed SBREFA Report	07/02/2009	
Initiate Peer Review of Health Effects and Risk Assessment	04/00/2011	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Dorothy Dougherty

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC34

 [View Related Documents](#)

Title: Bloodborne Pathogens

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.1030 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 533; 5 USC 610; 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	10/22/2009	
Request for Comments Published	05/14/2010	75 FR 27237
Comment Period End	08/12/2010	
Analyze Comments	05/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: John Smith

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC46

 [View Related Documents](#)

Title: Infectious Diseases

Abstract: Employees in health care and other high-risk environments face long-standing infectious diseases hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations or who are exposed in other high-risk environments are at increased risk of contracting TB, SARS, MRSA, and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries. OSHA published an RFI on May 6, 2010, the comment period closed on August 4, 2010. OSHA is currently analyzing the comments submitted by stakeholders.

Priority: Economically Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 533; 29 USC 657 and 658; 29 USC 660; 29 USC 666; 29 USC 669; 29 USC 673; ...

Legal Deadline: None

Regulatory Plan:

Statement of Need: In 2007, the healthcare and social assistance sector as a whole had 16.5 million employees. Healthcare workplaces can range from small private practices of physicians to hospitals that employ thousands of workers. In addition, healthcare is increasingly being provided in other settings such as nursing homes, free-standing surgical and outpatient centers, emergency care clinics, patients' homes, and prehospitalization emergency care settings. The Agency is particularly concerned by studies that indicate that transmission of infectious diseases to both patients and healthcare workers may be occurring as a result of incomplete adherence to recognized, but voluntary, infection control measures. Another concern is the movement of healthcare delivery from the traditional hospital setting, with its greater infrastructure and resources to effectively implement infection control measures, into more diverse and smaller workplace setting with less infrastructure and fewer resources, but with an expanding worker population.

Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Costs and Benefits: The estimates of the costs and benefits are still under development.

Risks: Analysis of risks is still under development.

Timetable:

Action	Date	FR Cite
Request for Information (RFI)	05/06/2010	75 FR 24835
RFI Comment Period End	08/04/2010	
Analyze Comments	12/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

Agency Contact: Dorothy Dougherty

Director, Directorate of Standards and Guidance



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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC51

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Title: Reinforcing and Post-Tensioned Steel Construction

Abstract: Current rules regarding reinforcing steel and post-tensioning activities do not adequately address worker hazards in work related to post-tensioning and reinforcing steel. Both are techniques for reinforcing concrete and are generally used in commercial and industrial construction. OSHA currently has few rules which address the steel reinforcing and post-tensioning fields directly. The few rules that do exist are found in Subpart Q – Concrete and Masonry Construction of 29 CFR 1926. The use of reinforced steel and post-tensioned poured in place concrete in commercial and industrial construction is expected to rise. Without adequate standards, the rate of accidents will likely rise as well. Currently, workers performing steel reinforcing suffer injuries caused by unsafe material handling, structural collapse, and impalement by protruding reinforcing steel dowels, among others. Employees involved in post-tensioning activities are at risk for accidents caused by the misuse of post-tensioning equipment and improper training. OSHA IMIS data shows that more than 100 workers have died while performing work on or near post-tensioning operations or reinforcing steel over the past 10 years and preliminary research indicates that several hundred more workers are injured each year. The Occupational Safety and Health Administration (OSHA) is seeking public comment on Post-tensioning and Reinforcing Steel from professionals who work in the post-tensioning and reinforcing steel field and will consider rulemaking to prevent worker deaths and injuries related to these operations. By requesting information from professionals who work in the reinforcing steel and post-tensioning fields and other members of the public, OSHA hopes to determine whether a new rule is necessary, and, if so, what hazards need to be addressed.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	03/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC52

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## Title: Backing Operations

Abstract: NIOSH reports that half of the fatalities involving construction equipment occur while the equipment is backing. Backing accidents cause 500 deaths and 15,000 injuries per year. Emerging technologies in the field of backing operations include after market devices, such as camera, radar, and sonar, to help monitor the presence of workers on foot in blind areas, and new monitoring technology, such as tag-based warning systems that use radio frequency (RFID) and magnetic field generators on equipment to detect electronic tags worn by workers.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b)

Legal Deadline: None

## Regulatory Plan:

Statement of Need: A study by the Census of Fatal Occupational Injuries found that the most common primary sources of injury to be trucks (45%), road grading and surfacing machinery (15%), and cars (15%). That same study showed that of the 465 vehicle and equipment-related fatalities within work zones, 318 workers on foot were struck by a vehicle. Incidents involving backing vehicles were prominent among the worker-on-foot fatalities that occurred (51%). The primary injury sources of fatalities of workers on foot struck by a construction vehicle were trucks (61%) and construction machines (30%). OSHA believes that regulatory action is necessary to address risks associated with backup operations.

Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Costs and Benefits: The estimates of the costs and benefits are still under development.

Risks: Analysis of risks is still under development.

## Timetable:

Action	Date	FR Cite
RFI	05/00/2011	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

Agency Contact: Ben Bare

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB70

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## Title: Occupational Exposure to Crystalline Silica

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula proposed by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1968 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable

crystalline silica. Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. The American Society for Testing and Materials has published recommended standards for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL-CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure monitoring, training, and medical surveillance. OSHA is currently developing a NPRM.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: State, Local, Or Tribal Governments

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur. In 2005, the most recent year for which data is available, silicosis was identified on 161 death certificates as an underlying or contributing cause of death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer has designated crystalline silica as carcinogenic to humans, and the National Toxicology Program has concluded that respirable crystalline silica is a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune diseases. Exposure studies and OSHA enforcement data indicate that some workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits. Congress has included compensation of silicosis victims on Federal nuclear testing sites in the Energy Employees' Occupational Illness Compensation Program Act of 2000. There is a particular need for the Agency to modernize its exposure limits for construction and shipyard workers, and to address some specific issues that will need to be resolved to propose a comprehensive standard.

Legal Basis: The legal basis for the proposed rule is a preliminary determination that workers are exposed to a significant risk of silicosis and other serious disease and that rulemaking is needed to substantially reduce the risk. In addition, the proposed rule will recognize that the PELs for construction and maritime are outdated and need to be revised to reflect current sampling and analytical technologies.

Alternatives: Over the past several years, the Agency has attempted to address this problem through a variety of non-regulatory approaches, including initiation of a Special Emphasis Program on silica in October 1997, sponsorship with NIOSH and MSHA of the National Conference to Eliminate Silicosis, and dissemination of guidance information on its Web site.

Costs and Benefits: The scope of the proposed rulemaking and estimates of the costs and benefits are still under development.

Risks: A detailed risk analysis is under way.

#### Timetable:

Action	Date	FR Cite
Completed SBREFA Report	12/19/2003	
Initiated Peer Review of Health Effects and Risk Assessment	05/22/2009	
Completed Peer Review	01/24/2010	
NPRM	04/00/2011	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

Federalism: Yes

Energy Affected: No

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB80

 [View Related Documents](#)

Title: Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)

Abstract: In 1990, OSHA proposed a rule (55 FR 13360) addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. Slips, trips, and falls are among the leading causes of work-related injuries and fatalities. Since that time, new technologies and procedures have become available to protect employees from these hazards. The Agency has been working to update these rules to reflect current technology. OSHA published a notice to re-open the rulemaking for comment on May 2, 2003, because a number of issues were raised in the NPRM record. As a result of the comments received on that notice, OSHA has determined that the rule proposed in 1990 is out-of-date and does not reflect current industry practice or technology. The Agency published a second NPRM on May 24, 2010, which was modified to reflect current information as well as reassess the impact. Hearings will be held in January 2011.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 1910, subparts D and I (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/10/1990	55 FR 13360
NPRM Comment Period End	08/22/1990	
Hearing	09/11/1990	55 FR 29224
Reopen Record	05/02/2003	68 FR 23527
Comment Period End	07/31/2003	
Second NPRM	05/24/2010	75 FR 28861
Second NPRM Comment Period End	08/23/2010	
Notice of Informal Hearing	11/12/2010	75 FR 69369
Public Hearing	01/18/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC41

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Title: Combustible Dust

Abstract: OSHA has commenced rulemaking to develop a combustible dust standard for general industry. The U.S. Chemical Safety Board (CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured another 718. Based on these findings, the CSB recommended the Agency pursue a rulemaking on this issue. OSHA has previously addressed aspects of this risk. For example, on July 31, 2005, OSHA published the Safety and Health Information Bulletin, "Combustible Dust in Industry: Preventing and Mitigating the

Effects of Fire and Explosions." Additionally, OSHA implemented a Combustible Dust National Emphasis Program (NEP) March 11, 2008. However, the Agency does not have a comprehensive standard that addresses combustible dust hazards. OSHA will use the information gathered from the NEP to assist in the development of this rule. OSHA published an ANPRM October 21, 2009. Additionally, stakeholder meetings were held in Washington, DC on December 14, 2009, in Atlanta, GA on February 17, 2010, and in Chicago, IL on April 21, 2010. A webchat for combustible dust was also held on June 28, 2010. The next step in this rulemaking will be to initiate SBREFA in April 2011.

Priority: Economically Significant  
 Major: Yes  
 CFR Citation: 29 CFR 1910, subpart H (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 6559(b); 29 USC 657  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
ANPRM	10/21/2009	74 FR 54333
Stakeholder Meetings	12/14/2009	
ANPRM Comment Period End	01/19/2010	
Stakeholder Meetings	02/17/2010	
Stakeholders Meetings	03/09/2010	75 FR 10739
Initiate SBREFA	04/00/2011	

Regulatory Flexibility Analysis  
 Required: Undetermined  
 Federalism: No  
 Energy Affected: No  
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Government Levels Affected: Undetermined

Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC49

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Title: Occupational Injury and Illness Recording and Reporting Requirements--Modernizing OSHA's Reporting System  
 Abstract: OSHA is proposing changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data and would improve the accuracy and availability of the relevant records and statistics. This proposal involves modification to 29 CFR part 1904.41 to expand OSHA's legal authority to collect and make available injury and illness information required under part 1904.

Priority: Other Significant  
 Major: Undetermined  
 CFR Citation: 29 CFR 1904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 657  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: Undetermined

Regulatory Plan:

Statement of Need: The collection of establishment specific injury and illness data in electronic format on a timely basis is needed to help OSHA, employers, employees, researchers, and the public more effectively prevent workplace injuries and illnesses, as well as support President Obama's Open Government Initiative to increase the ability of the public to easily find, download, and use the resulting dataset generated and held by the Federal Government.

Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to develop and maintain an

effective program of collection, compilation, and analysis of occupational safety and health statistics (29 U.S.C. 673).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Costs and Benefits: The estimates of the costs and benefits are still under development.

Risks: Analysis of risks is still under development.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings	05/25/2010	75 FR 24505
Comment Period End	06/18/2010	75 FR 24505
NPRM	09/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC50

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Title: Occupational Injury and Illness Recording and Reporting Requirements--NAICS Update and Reporting Revisions

Abstract: This proposal involves changes to two aspects of the OSHA recordkeeping and reporting requirements. First, OSHA is proposing to update appendix A to subpart B of part 1904. This appendix contains a list of industries that are partially exempt from the requirements to maintain a log of occupational injuries and illnesses, generally due to their relatively low rates of occupational injury and illness. The current list of industries is based on the Standard Industrial Classification (SIC) system. In 1997, a newer system, the North American Industry Classification System (NAICS), was introduced to classify establishments by industry. The proposed rule would update appendix A by replacing it with a list of industries based on the NAICS and based on more recent occupational injury and illness rates. Second, OSHA is proposing to revise the reporting requirements regarding the obligations of employers to report to OSHA the occurrence of fatalities and certain injuries. The existing regulations require employers to report to OSHA within 8 hours any work-related incident resulting in the death of an employee or the in-patient hospitalization of three or more employees.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB47

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Title: Confined Spaces in Construction

Abstract: In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces (29 CFR 1910.146). This standard does not apply to the construction industry because of differences in the nature of the worksite in the construction industry. In discussions with the United Steel Workers of America on a settlement agreement for the general industry standard, OSHA agreed to issue a proposed rule to extend confined-space protection to construction workers appropriate to their work environment.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1926.36 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
SBREFA Panel Report	11/24/2003	
NPRM	11/28/2007	72 FR 67351
NPRM Comment Period End	01/28/2008	
NPRM Comment Period Extended	02/28/2008	73 FR 3893
Public Hearing	07/22/2008	
Close Record	10/23/2008	
Final Action	11/00/2011	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Ben Bare

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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB50

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Title: General Working Conditions for Shipyard Employment

Abstract: During the 1980s, OSHA initiated a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, ship repair, and shipbreaking industries. The operations addressed in this rulemaking relate to general working conditions such as housekeeping, illumination, sanitation, first aid, and lockout/tagout. An estimated 100,000 workers are potentially exposed to these hazards each year. The proposed rule was published December 20, 2007, and public hearings were held in 2008. OSHA anticipates publishing a final rule in January 2011.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1915, subpart F (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/20/2007	72 FR 72451
NPRM Comment Period End	03/19/2008	
Public Hearings Held--September 9-10, 2008	06/30/2008	73 FR 36823
Public Hearings Held--October 21-22, 2008	09/19/2008	73 FR 54340
Public Hearing Comment Period End	02/20/2009	
Analyze Record	07/31/2009	
Final Rule	01/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB67

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Title: Electric Power Transmission and Distribution; Electrical Protective Equipment

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 35 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations. OSHA published an NPRM on June 15, 2005. A public hearing was held from March 6 through March 14 in 2006. OSHA reopened the record to gather additional information on minimum approach distances for specific ranges of voltages. The record was reopened a second time to allow more time for comment and to gather information on minimum approach distances for all voltages and on the newly revised Institute of Electrical and Electronics Engineers consensus standard. Additionally, a public hearing was held on October 28, 2009. The posthearing comment period ended in February 2010. OSHA anticipates publishing a final rule in May 2011.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.136 to 1910.137; 29 CFR 1910.269; 29 CFR 1926, subpart V; 29 CFR 1926.97 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/2003	
NPRM	06/15/2005	70 FR 34821
NPRM Comment Period End	10/13/2005	
Public Hearing To Be Held 03/06/2006	10/12/2005	70 FR 59290

Comment Period Extended to 01/11/2006	10/12/2005	70 FR 59290
Posthearing Comment Period End	07/14/2006	
Reopen Record	10/22/2008	73 FR 62942
Comment Period End	11/21/2008	
Close Record	11/21/2008	
Second Reopening Record	09/14/2009	74 FR 46958
Comment Period End	10/15/2009	
Public Hearings	10/28/2009	
Posthearing Comment Period End	02/10/2010	
Final Rule	05/00/2011	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Local

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC19

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Title: Standards Improvement Project (SIP III)

Abstract: OSHA is continuing its efforts to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. This effort builds upon the success of the Standards Improvement Project (SIP) Phase I published on June 18, 1998 (63 FR 33450), and Phase II published on January 5, 2005 (70 FR 1111). The Agency believes that such changes can reduce compliance costs and reduce the paperwork burden associated with a number of its standards. The Agency will only consider such changes if they do not diminish employee protections. To initiate the project, OSHA published an advance notice of proposed rulemaking (ANPRM) on December 21, 2006, to solicit input from the public on rules that may be addressed in Phase III of SIP. The Agency plans to include both safety and health topics in Phase III. OSHA published a NPRM on July 2, 2010. The comment period closed on September 30, 2010. The next action for this rulemaking is to publish the final rule.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/21/2006	71 FR 76623
ANPRM Comment Period End	02/20/2007	
Analyze Record	04/30/2007	
NPRM	07/02/2010	75 FR 38646
NPRM Comment Period End	09/30/2010	
Final Action	06/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC20

 [View Related Documents](#)

Title: Hazard Communication

Abstract: OSHA's Hazard Communication Standard (HCS) requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and prepare labels and material safety data sheets to convey the hazards and associated protective measures to users of the chemicals. All employers with hazardous chemicals in their workplaces are required to have a hazard communication program, including labels on containers, material safety data sheets (MSDS), and training for employees. Within the United States (U.S.), there are other Federal agencies that also have requirements for classification and labeling of chemicals at different stages of the life cycle. Internationally, there are a number of countries that have developed similar laws that require information about chemicals to be prepared and transmitted to affected parties. These laws vary with regard to the scope of substances covered, definitions of hazards, the specificity of requirements (e.g., specification of a format for MSDSs), and the use of symbols and pictograms. The inconsistencies between the various laws are substantial enough that different labels and safety data sheets must often be used for the same product when it is marketed in different nations. The diverse and sometimes conflicting national and international requirements can create confusion among those who seek to use hazard information. Labels and safety data sheets may include symbols and hazard statements that are unfamiliar to readers or not well understood. Containers may be labeled with such a large volume of information that important statements are not easily recognized. Development of multiple sets of labels and safety data sheets is a major compliance burden for chemical manufacturers, distributors, and transporters involved in international trade. Small businesses may have particular difficulty in coping with the complexities and costs involved. As a result of this situation, and in recognition of the extensive international trade in chemicals, there has been a long-standing effort to harmonize these requirements and develop a system that can be used around the world. In 2003, the United Nations adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Countries are now adopting the GHS into their national regulatory systems.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.1200; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21  
(To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Multiple sets of requirements for labels and safety data sheets present a compliance burden for U.S. manufacturers, distributors, and transports involved in international trade. The comprehensibility of hazard information and worker safety will be enhanced as the GHS will: (1) Provide consistent information and definitions for hazardous chemicals; (2) address stakeholder concerns regarding the need for a standardized format for material safety data sheets; and (3) increase understanding by using standardized pictograms and harmonized hazard statements. The increase in comprehensibility and consistency will reduce confusion and thus improve worker safety and health. In addition, the adoption of the GHS would facilitate international trade in chemicals, reduce the burdens caused by having to comply with differing requirements for the same product, and allow companies that have not had the resources to deal with those burdens to be involved in international trade. This is particularly important for small producers who may be precluded currently from international trade because of the compliance resources required to address the extensive regulatory requirements for classification and labeling of chemicals. Thus every producer is likely to experience some benefits from domestic harmonization, in addition to the benefits that will accrue to producers involved in international trade. Several nations, including the European Union, have adopted the GHS with an implementation schedule through 2015. U.S. manufacturers, employers, and employees will be at a disadvantage in the event that our system of hazard communication is not in compliance with the GHS.

Legal Basis: The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action.

Costs and Benefits: The estimates of the costs and benefits are still under development.

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/2006	71 FR 53617
ANPRM Comment Period End	11/13/2006	
Complete Peer Review of Economic Analysis	11/19/2007	
NPRM	09/30/2009	74 FR 50279
NPRM Comment Period End	12/29/2009	
Hearing	03/02/2010	
Hearing	03/31/2010	
Post Hearing Comment Period End	06/01/2010	
Final Action	08/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: Yes

Energy Affected: No

Agency Contact: Dorothy Dougherty

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC25

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Title: Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes

Abstract: Section 629, the employee protection provision of the Energy Policy Act of 2005, amended the Energy Reorganization Act of 1978 (ERA), 42 U.S.C. section 5851. The amendments add Department of Energy and Nuclear Regulatory Commission employees to the employees covered under the Act, as are contractors and subcontractors of the Commission. In addition, Congress added a "kick-out" provision allowing the complainant to remove the complaint to District Court if the Secretary of Labor has not issued a final decision within a year of the filing of the complaint. These are significant changes to the ERA, necessitating immediate revision of the regulations, 29 CFR part 24, Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes, which governs whistleblower investigations under the Energy Reorganization Act of 1978 as well as under six EPA statutes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 24 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 15 USC 2622; 33 USC 1367; 42 USC 300j-9(i); 42 USC 5851; 42 USC 6971; 42 USC 7622; 42 USC 9610

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/2007	72 FR 44956
Interim Final Rule Comment Period End	10/09/2007	
Final Action	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Nilgun Tolek

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC27

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Title: Nationally Recognized Testing Laboratories Fee Schedule--Revised Approach

Abstract: OSHA is proposing to adjust the methodology it uses to establish the fees that the Agency charges for the services it provides to Nationally Recognized Testing Laboratories (NRTLs). A number of OSHA standards require that certain products and equipment used in the workplace be tested and certified by an organization that has been recognized by OSHA. OSHA requires NRTL applicants to provide detailed and comprehensive information about their programs, processes, and procedures in writing when they apply. OSHA reviews the written information and conducts an on-site assessment to determine whether the organization meets the requirements of 29 CFR 1910.7. OSHA uses a similar process when an NRTL applies for expansion or renewal of its recognition. In addition, the Agency conducts annual audits to ensure that the recognized laboratories maintain their programs and continue to meet the recognition requirements. In 2000, OSHA began charging NRTLs for the services it provides them. The services are processing of NRTL applications and audits of NRTL operations, and they define the fundamental functions of the NRTL Program. OSHA has determined that its current NRTL fee schedule does not recoup the full costs of the services performed because it does not recover certain indirect costs of those services. These indirect costs stem from attendant activities and accrue to the benefit of those services. OSHA's proposed fee schedule would account for these indirect costs. In determining the revised fee structure, OSHA will follow the guidelines established by the Office of Management and Budget in Circular Number A-25. The proposed schedule will require prepayment of all the fees, which complies with the circular and changes the timing of the payment of many of the fees. OSHA is currently approving the final rule.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.7(f) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/07/2009	74 FR 64027
NPRM Comment Period End	01/21/2010	
Final Action	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC32

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Title: Cooperative Agreements

Abstract: OSHA proposes to revise its regulations for the federally funded On-site Consultation Program to: a) Clarify the ability of the Assistant Secretary to define sites which would receive inspections regardless of Safety and Health Achievement Recognition Program (SHARP) exemption status; b) allow Compliance Safety and Health Officers to proceed with enforcement visits resulting from referrals at sites undergoing Consultation visits and at sites that have been awarded SHARP status; and c) limit the deletion period from OSHA's programmed inspection schedule for those employers participating in the SHARP program. Note: SHARP is a recognition program that OSHA administers to provide incentives and support for small employers to develop, implement, and continuously improve effective safety and health programs at their worksites.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1908 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 656 and 657; 29 USC 670

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/03/2010	75 FR 54064
NPRM Comment Period End	11/02/2010	
Final Action	09/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC36

 [View Related Documents](#)

Title: Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act of 2007; Surface Transportation Assistance Act of 1982, as Amended; and Federal Railroad Safety

Abstract: OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This Act amended the Federal Rail Safety Act (FRSA), to give OSHA responsibility for administering the whistleblower protection provision of FRSA, which provides protections from retaliation to employees working for railroad carriers and their contractors and subcontractors who report potential violations or engage in certain activities related to safety and security. OSHA will implement procedures for the handling and investigation of retaliation complaints pursuant to section 1413 of the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 1413, known as the National Transit Systems Security Act (NTSSA), included a new whistleblower protection provision to be administered by OSHA that provides protection from retaliation to employees of public transportation agencies and their contractors and subcontractors who report potential violations or engage in certain activities related to safety and security. OSHA will amend 29 CFR 1978, the procedures applicable to the handling and investigation of whistleblower complaints under the Surface Transportation Assistance Act (STAA), 49 U.S.C. 31105, to implement statutory changes enacted by Congress under section 1536 of the Implementing Recommendations of the 9/11 Commission Act of 2007, and to provide other procedural updates as needed. The statute provides retaliation protection to employees working for commercial motor carriers who report potential violations or engage in certain activities related to safety and security. Pursuant to these statutes, the rules will set forth the procedures for handling and investigating retaliation complaints, including a statutory "kick-out" provision allowing the complainant to file the complaint in District Court if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint. Immediate implementation of these regulations is necessitated to govern whistleblower investigations conducted under the new and revised statutes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1982; 29 CFR 1978 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-53, sec 1521, The Implementing Recommendations of the 9/11 Commission Act of 2007; 49 USC 20109; PL 110-53, sec 1413, The Implementing Recommendations of the 9/11 Commission Act of 2007; 6 USC 1142; PL 110-53, sec 1536, The Implementing Recommendations of the 9/11 Commission Act of 2007; 49 USC 31105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/31/2010	
Interim Final Rule	08/31/2010	75 FR 53522
Interim Final Rule Comment Period End	11/01/2010	
Final Action	11/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC45

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Title: Occupational Injury and Illness Recording and Reporting Requirements--Musculoskeletal Disorders (MSD) Column

Abstract: The Occupational Safety and Health Administration (OSHA) issued a final rule on Occupational Injury and Illness Recording and Reporting Requirements (66 FR 5916, Jan. 19, 2001), that became effective January 1, 2002. After a regulatory review, the Agency determined that two provisions of the final rule would be delayed and reconsidered; the recording of occupational hearing loss (1904.10) and recording work-related musculoskeletal disorders (WMSDs) (1904.12) (66 FR 35113, Jul. 3, 2001). Subsequently, OSHA issued a final 1904.10 regulation setting recording criteria for occupational hearing loss (67 FR 44037, Jul. 1, 2002). Following notice and comment, OSHA published another final rule to remove the WMSD column from the regulation and the accompanying definition used to check the column on the OSHA 300 Log of Work-Related Injuries and Illness (68 FR 38601, Jun. 30, 2003). OSHA has reconsidered the need for a 300 Log column for WMSD, and for defining "musculoskeletal disorders" for checking the column. The Agency believes that having aggregate data on WMSDs may help employers and workers track these injuries at individual workplaces, and that the Nation's occupational injury and illness information may benefit from improved statistics on WMSD. Improved WMSD information might also assist the Agency in its day-to-day activities and overall safety and health policymaking.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 533; 29 USC 657 and 658; 29 USC 660; 29 USC 666; 29 USC 669

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/29/2010	75 FR 4728
NPRM Comment Period End	03/09/2010	75 FR 10738
Public Meeting	03/09/2010	
Extension of Comment Period End	03/30/2010	
Final Action	02/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business

Federalism: No

Energy Affected: No  
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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC47

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Title: Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008

Abstract: OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to Section 219 of the Consumer Product Safety Improvement Act of 2008. This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees in the consumer product industry, including employees of manufacturers, importers, private labelers, distributors and retailers, who report reasonably believed violations of the Consumer Product Safety Act or any other Act enforced by the Consumer Product Safety Commission, or any order, rule, regulation, standard, or ban under those Acts. Pursuant to the statute, the procedures will include remedies and legal burdens of proof provisions. Additionally, the Act includes a "kick-out" provision that allows the complainant to file the complaint in District Court if the Secretary has not issued a final determination within 210 days, or within 90 days after receiving a written determination. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the new statute.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1983 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-314, sec 219, the Consumer Product Safety Improvement Act of 2008; 15 USC 2087

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/31/2010	
Interim Final Rule	08/31/2010	75 FR 53533
Interim Final Rule Comment Period End	11/01/2010	
Final Action	11/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC53

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Title: Procedures for the Handling of Retaliation Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, As Amended

Abstract: OSHA is proposing to amend 29 CFR 1980, the procedures applicable to the handling and investigation of whistleblower complaints under the Corporate and Criminal Fraud Accountability Act, title VIII of the Sarbanes-Oxley Act, 18 U.S.C. 1514A (SOX), to implement statutory changes enacted by Congress under sections 922 and 929A of the Dodd Frank Wall Street Reform and Consumer Protection Act (DFA) of 2010, and to provide other procedural updates as needed. SOX provides protection for employees who report alleged violations of the Federal mail, wire, bank or securities fraud statutes, or the Securities Exchange Act, or any other Federal law relating to fraud against shareholders. Under the DFA, the amendments to SOX extend the statutory filing period from 90 to 180 days, provide parties with a right to a jury trial, extend coverage to nationally recognized statistical rating organizations, and clarify coverage of corporate subsidiaries. Promulgation of these changes to the regulation is necessary to govern whistleblower investigations conducted under SOX.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1980 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 18 USC 1514A; PL 111-203, secs 922 and 929A, the Dodd Frank Wall Street Reform and Consumer Protection Act of 2010

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC54

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Title: Complaints Under the Employee Protection Provision of the Consumer Financial Protection Act of 2010, Section 1057 of the DODD-FRANK Wall Street Reform and Consumer

Abstract: OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA) of 2010. This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees in the consumer financial product and service industries who engage in protected activities under title X of the DFA or any other provision of law that is subject to the jurisdiction of the Bureau of Consumer Financial Protection, an independent bureau within the Federal Reserve System. Pursuant to the statute, the procedures will include remedies and legal burdens of proof provisions, and a "kick-out" provision allowing the complainant to file the complaint in District Court if within 210 days of the filing of the complaint the Secretary has not issued a final determination, or within 90 days after receiving a written determination. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the new statute, which becomes effective on July 21, 2011.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1985 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 111-203, sec 1057, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/2011	

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: No  
 Energy Affected: No  
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Government Levels Affected: No  
 Federalism: No

Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC55

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Title: Procedures for the Handling of Retaliation Complaints Under Section 1558 of the Affordable Care Act of 2010  
 Abstract: OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to section 1558 of the Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act or ACA), which added section 18C to the Fair Labor Standards Act. This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees who engage in protected activities under the ACA. Pursuant to the statute, the procedures will follow those enacted under the Consumer Product Safety Improvement Act, 15 U.S.C. 2087(b), including remedies and legal burdens of proof provisions. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the new statute.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1984 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 218C, FLSA sec 18C; PL 111-148, sec 1558, Patient Protection and Affordable Care Act of 2010

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/2011	

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: No  
 Energy Affected: No  
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Government Levels Affected: No  
 Federalism: No

Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC01

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Title: Cranes and Derricks in Construction

Abstract: A number of industry stakeholders asked OSHA to update the cranes and derricks portion of subpart N (29 CFR 1926.550), specifically requesting that negotiated rulemaking be used. In 2002, OSHA published a notice of intent to establish a

negotiated rulemaking committee. A year later, in 2003, committee members were announced and the Cranes and Derricks Negotiated Rulemaking Committee was established and held its first meeting. In July 2004, the committee reached consensus on all issues resulting in a final consensus document. A Notice of Proposed Rulemaking (NPRM) was published on October 9, 2008. The comment period for the NPRM was extended and closed January 22, 2009. A public hearing was held on March 20, 2009. The final rule was posted and made public on July 28, 2010, and published in the Federal Register on August 9, 2010.

Priority: Economically Significant  
 Major: Yes  
 CFR Citation: 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 651(b); 29 USC 655(b); 40 USC 333  
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Notice of Intent To Establish Negotiated Rulemaking	07/16/2002	67 FR 46612
Comment Period End	09/16/2002	
Request for Comments on Proposed Committee Members	02/27/2003	68 FR 9036
Request for Comments Period End	03/31/2003	68 FR 9036
Established Negotiated Rulemaking Committee	06/12/2003	68 FR 35172
Rulemaking Negotiations Completed	07/30/2004	
SBREFA Report	10/17/2006	
NPRM	10/09/2008	73 FR 59714
NPRM Comment Period Extended	12/02/2008	73 FR 73197
NPRM Comment Period End	01/22/2009	
Public Hearing	03/20/2009	
Close Record	06/18/2009	
Final Rule	08/09/2010	75 FR 47906

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal; Tribal  
 Federalism: No  
 Energy Affected: No  
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Department of Labor (DOL)  
 Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC23

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Title: Methylene Chloride

Abstract: OSHA undertook a review of the Methylene Chloride Standard (29 CFR 1910.1052) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review considered the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State, or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Priority: Substantive, Nonsignificant  
 Major: No  
 CFR Citation: 29 CFR 1910.1052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 5 USC 553; 5 USC 610; 29 USC 655(b)  
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Begin Review	12/01/2006	

Request for Comments	07/10/2007	72 FR 37501
Comment Period End	10/09/2007	
Reopen Comment Period	01/08/2008	73 FR 1299
Comment Period End	03/10/2008	
End Review	05/05/2010	75 FR 24509

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: John Smith

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Department of Labor (DOL)

Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB70

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Title: Metal and Nonmetal Dams

Abstract: Nearly 2,000 impoundments exist at metal and nonmetal mines. Impoundment failures can endanger lives and damage property. MSHA issued an advance notice of proposed rulemaking requesting information about proper design, construction, operation and maintenance of impoundments at metal and nonmetal mines, as well as related safety issues for impoundments at metal and nonmetal mines.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 56; 30 CFR 57 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811; 30 USC 812

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	08/13/2010	75 FR 49429
Extension of Comment Period (Comment Period Ends-12/13/2010)	10/07/2010	75 FR 62024
ANPRM Comment Period End	10/12/2010	
Extension of Comment Period End	12/13/2010	
Analyze Comments	09/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB36

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Title: Respirable Crystalline Silica Standard

Abstract: Current standards limit exposures to quartz (crystalline silica) in respirable dust. The coal mining industry standard is based on the formula 10 mg/m<sup>3</sup> divided by the percentage of quartz where the quartz percent is greater than 5 percent calculated as an MRE equivalent concentration. The metal and nonmetal mining industry standard is based on the 1973 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values formula: 10 mg/m<sup>3</sup> divided by the percentage of quartz plus 2. Overexposure to crystalline silica can result in some miners developing silicosis, an irreversible but preventable lung disease, which ultimately may be fatal. Both formulas are designed to limit exposures to 0.1 mg/m<sup>3</sup> (100 ug) of silica. The Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers made several recommendations related to reducing exposure to silica. NIOSH recommends a 50 ug/m<sup>3</sup> exposure limit for respirable crystalline silica. MSHA will publish a proposed rule to address miners' exposure to respirable crystalline silica.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 56 to 57; 30 CFR 70 to 72; 30 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811; 30 USC 813

Legal Deadline: None

Regulatory Plan:

Statement of Need: MSHA standards are outdated; current regulations may not protect workers from developing silicosis. Evidence indicates that miners continue to develop silicosis. MSHA's proposed regulatory action exemplifies the agency's commitment to protecting the most vulnerable populations while assuring broad-based compliance. MSHA will regulate based on sound science to eliminate or reduce the hazards with the broadest and most serious consequences. MSHA intends to use OSHA's work on the health effects and risk assessment, adapting it as necessary for the mining industry.

Legal Basis: Promulgation of this standard is authorized by sections 101 and 103 of the Federal Mine Safety and Health Act of 1977.

Alternatives: This rulemaking would improve health protection from that afforded by the existing standards. MSHA will consider alternative methods of addressing miners' exposures based on the capabilities of the sampling and analytical methods.

Costs and Benefits: MSHA will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: For over 70 years, toxicology information and epidemiological studies have shown that exposure to respirable crystalline silica presents potential health risks to miners. These potential adverse health effects include simple silicosis and progressive massive fibrosis (lung scarring). Evidence indicates that exposure to silica may cause cancer. MSHA believes that the health evidence forms a reasonable basis for reducing miners' exposure to respirable crystalline silica.

Timetable:

Action	Date	FR Cite
NPRM	07/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: Local; State

Required: Undetermined

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: Undetermined

RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB64

 [View Related Documents](#)

Title: Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors

Abstract: The Federal Coal Mine Health and Safety Act of 1969 established the first comprehensive respirable dust standards for coal mines. These standards were designed to reduce the incidence of coal workers' pneumoconiosis (CWP) or (black lung) and silicosis and eventually eliminate these diseases. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners continue to be at risk of developing occupational lung disease, according to the National Institute for Occupational Safety and Health (NIOSH). In September 1995, NIOSH issued a Criteria Document in which it recommended that the respirable coal mine dust permissible exposure limit (PEL) be cut in half. In February 1996, the Secretary of Labor convened a Federal Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners (Advisory Committee) to assess the adequacy of MSHA's current program and standards to control respirable dust in underground and surface coal mines, as well as other ways to eliminate black lung and silicosis among coal miners. The Committee represented the labor, industry and academic communities. The Committee submitted its report to the Secretary of Labor in November 1996, with the majority of the recommendations unanimously supported by the Committee members. The Committee recommended a number of actions to reduce miners' exposure to respirable coal mine dust. This proposed rule is an important element in MSHA's Comprehensive Black Lung Reduction Strategy (Strategy) to "End Black Lung Now" and combines the following rulemaking actions: (1) "Occupational Exposure to Coal Mine Dust (Lowering Exposure)," RIN 1219-AB64; (2) "Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust," RIN 1219-AB14; (3) "Determination of Concentration of Respirable Coal Mine Dust," RIN 1219-AB18; and (4) "Respirable Coal Mine Dust: Continuous Personal Dust Monitor (CPDM)," RIN 1219-AB48.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811; 30 USC 813(h)

Legal Deadline: None

Regulatory Plan:

Statement of Need: Comprehensive respirable dust standards for coal mines were designed to reduce the incidence, and eventually eliminate, CWP and silicosis. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners remain at risk of developing occupational lung disease, according to NIOSH. Recent NIOSH data indicates increased prevalence of CWP "clusters" in several geographical areas, particularly in the Southern Appalachian Region.

Legal Basis: Promulgation of this regulation is authorized by the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006.

Alternatives: MSHA is considering amendments, revisions, and additions to existing standards.

Costs and Benefits: MSHA developed a preliminary regulatory economic analysis to accompany the proposed rule.

Risks: Respirable coal dust is one of the most serious occupational hazards in the mining industry. Occupational exposure to excessive levels of respirable coal mine dust can cause coal workers' pneumoconiosis and silicosis, which are potentially disabling and can cause death. MSHA is pursuing both regulatory and nonregulatory actions to eliminate these diseases through the control of coal mine respirable dust levels in mines and reduction of miners' exposure. MSHA developed a risk assessment to accompany the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/19/2010	75 FR 64412
Hearings	11/15/2010	75 FR 69617
NPRM-Rescheduling of Public Hearings; Correction	11/30/2010	75 FR 73995
Post Hearing Comment Period End	02/28/2011	
NPRM Comment Period End	02/28/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information

URL: <http://www.msha.gov/S&HINFO/BlackLung/homepage2009.asp> Public Comment URL: <http://www.regulations.gov>

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Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB67

 [View Related Documents](#)

Title: Notification of Legal Identity

Abstract: The current requirements do not provide sufficient information for MSHA to identify all of the mine "operators" responsible for operator safety and health obligations under the Federal Mine Safety and Health Act of 1977, as amended. This proposed regulation would expand the information required to be submitted to MSHA and allow the Agency to better focus on the most egregious or persistent violators and more effectively deter future violations by imposing penalties and other remedies on those violators.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 41 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 801; 30 USC 813(h); 30 USC 819(d); 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB71

 [View Related Documents](#)

Title: Safety and Health Management Programs for Mines

Abstract: MSHA held public meetings and gathered information and suggestions from the mining community on effective, comprehensive safety and health management programs, including programs used in the mining industry. MSHA will use all information received to develop a proposed rule for safety and health management programs to eliminate hazards and prevent injuries and illnesses at mines.

Priority: Other Significant  
 Major: No  
 CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 30 USC 811 and 812  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: Undetermined

#### Regulatory Plan:

Statement of Need: Mining is one of the most hazardous industries in this country. Yet year after year, many mines experience low injury and illness rates and low violation rates. For these mine operators, preventing harm to their miners is more than compliance with safety and health requirements; it reflects an embodiment of a culture of safety--from CEO to the miner to the contractor. This culture of safety derives from a commitment to a systematic, effective, comprehensive management of safety and health at mines with full participation of all miners. MSHA believes requiring effective safety and health management programs in mining will create a sustained industry-wide effort to eliminate hazards and will result in the prevention of injuries and illnesses.

Legal Basis: Promulgation of this standard is authorized by section 101 of the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006.

Alternatives: No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries and illnesses.

Costs and Benefits: MSHA will develop a preliminary regulatory economic analysis to accompany the proposed rule.

Risks: The lack of a comprehensive safety and health management program contributes to a higher incidence of injury and illness rates and higher violation rates.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/2011	

Regulatory Flexibility Analysis  
 Required: Undetermined  
 Small Entities Affected: Business  
 Energy Affected: No

Government Levels Affected: No  
 Federalism: No

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Department of Labor (DOL)  
 Mine Safety and Health Administration (MSHA)

RIN: 1219-AB72

 [View Related Documents](#)

Title: Criteria and Procedures for Proposed Assessment of Civil Penalties

Abstract: MSHA will develop a proposed rule to revise the process for proposing civil penalties. The assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. The Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. MSHA believes that the procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues.

Priority: Other Significant  
 Major: No  
 CFR Citation: 30 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 30 USC 811; 30 USC 957  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: Undetermined

## Timetable:

Action	Date	FR Cite
NPRM	03/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB73

 [View Related Documents](#)

Title: Pattern of Violations

Abstract: MSHA is preparing a proposed rule to revise the Agency's existing regulation for pattern of violations contained in 30 CFR part 104. MSHA has determined that the existing pattern criteria and procedures do not reflect the statutory intent for section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) that operators manage health and safety conditions at mines so that the root causes of significant and substantial (S&S) violations are addressed before they become a hazard to the health and safety of miners. The legislative history of the Mine Act explains that Congress intended the pattern of violations tool be used for operators who have demonstrated a disregard for the health and safety of miners. The proposal would reflect statutory intent, simplify the pattern of violations criteria, and improve consistency in applying the patterns of violations criteria.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 30 CFR 104 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 814(e); 30 USC 957

Legal Deadline: None

## Regulatory Plan:

Statement of Need: The pattern of violations provision was a new enforcement tool in the Mine Act. The Mine Act places the ultimate responsibility for ensuring the safety and health of miners on mine operators. The goal of the pattern of violations proposed rule is to compel operators to manage health and safety conditions so that the root causes of S&S violations are found and fixed before they become a hazard to miners. MSHA's existing regulation is not consistent with the language, purpose, and legislative history of the Mine Act and hinders the Agency's use of pattern of violations to identify chronic violators who thumb their noses at the law by a continuing cycle of citation and abatement.

Legal Basis: Promulgation of this standard is authorized by sections 104(e) and 957 of the Federal Mine Safety and Health Act of 1977.

Alternatives: MSHA will consider alternative criteria for determining when a pattern of significant and substantial violations exists in order to improve health and safety conditions in mines and provide protection for miners. Congress provided the Secretary with broad discretion in determining criteria, recognizing that MSHA may need to modify the criteria as Agency experience dictates.

Costs and Benefits: MSHA will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: Mine operators with a chronic history of persistent serious violations needlessly expose miners to the same hazards again and again. These operators demonstrate a disregard for the safety and health of miners; this indicates a serious safety and health management problem at the mine. The existing regulation has not been effective in reducing repeated risks to miners at these mines.

## Timetable:

Action	Date	FR Cite
NPRM	01/00/2011	

Regulatory Flexibility Analysis  
 Required: Undetermined  
 Small Entities Affected: Business  
 Energy Affected: No  
 RIN Information URL: <http://www.msha.gov/regsinfo.htm>  
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Government Levels Affected: No  
 Federalism: No  
 Public Comment URL: <http://www.regulations.gov>

Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB75

 [View Related Documents](#)

Title: Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards

Abstract: In the ever changing mine environment, it is critical that hazardous conditions be recognized and abated quickly. Additionally, other conditions that could develop into a hazard if left uncorrected must also be eliminated. Operator examinations for hazards and violations of mandatory health or safety standards are mandated in the Mine Act and are a critical component of an effective safety and health program for underground mines. While this requirement was previously included in regulations, the 1992 final rule addressing ventilation in underground coal mines only included the requirement that the mine examiners look for hazardous conditions. The 1992 rule omitted from the standard the text taken from the Mine Act requiring examinations for violations of mandatory safety or health standards. The reinstatement of this practice of having examiners look for mandatory health or safety standards during MSHA inspections of underground mines. Therefore, MSHA will be revising existing standards for preshift, supplemental, on-shift, and weekly examinations to address violations of mandatory safety or health standards. This will complement the proposed rule concerning Safety and Health Management Programs for Mines (1219-AB71).

Priority: Substantive, Nonsignificant  
 Major: No  
 CFR Citation: 30 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 30 USC 811; 30 USC 961  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
NPRM	12/00/2010	

Regulatory Flexibility Analysis  
 Required: Undetermined  
 Federalism: No  
 Energy Affected: No  
 Related RINs: Related to 1219-AB71  
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Government Levels Affected: No

Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB76

 [View Related Documents](#)

Title: Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines

Abstract: The Mine Safety and Health Administration (MSHA) issued an emergency temporary standard (ETS) under section 101(b) of the Federal Mine Safety and Health Act of 1977 in response to the grave danger that miners in underground bituminous coal mines face when accumulations of coal dust are not made inert. MSHA concluded from investigations of mine explosions and other reports that immediate action was necessary to protect miners. Accumulations of coal dust can ignite, resulting in an explosion, or after an explosion, it can propagate, increasing the severity of the explosion. The ETS requires mine operators to increase the incombustible content of combined coal dust, rock dust, and other dust to at least 80 percent in underground areas of bituminous mines. The ETS further requires that the incombustible content of such combined dust be raised 0.4 percent for each 0.1 percent of methane present. The ETS strengthens the protection for miners by reducing the potential for a coal mine explosion.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR sec 75.403 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811, 864

Legal Deadline: None

Regulatory Plan:

Statement of Need: MSHA determined that a revised standard for "Maintenance of Incombustible Content of Rock Dust" is necessary to immediately protect underground coal miners from hazards of coal dust explosions. This determination is based on: (1) MSHA's accident investigation reports of mine explosions in intake air courses that involved coal dust (Dubaniewicz 2009); (2) the National Institute for Occupational Safety and Health's Report of Investigations 9679 (Cashdollar et al. 2010), "Recommendations for a New Rock Dusting Standard to Prevent Coal Dust Explosions in Intake Airways"; and (3) MSHA's experience and data.

Legal Basis: Promulgation of this standard is authorized by section 101(b) of the Federal Mine Safety and Health Act of 1977.

Alternatives: MSHA will consider revisions to the ETS, based on public comments received during the rulemaking process.

Costs and Benefits: MSHA estimates that the ETS would result in approximately \$22.0 million in yearly costs for the underground bituminous coal mining industry. The ETS provides additional safety protection for miners in underground bituminous coal mines from the explosion hazard of coal and other dusts. MSHA estimates that, on average, the ETS would prevent approximately 1.5 deaths every year and would prevent one additional injury about every 4 years.

Risks: Based on NIOSH's data and recommendations, and MSHA's data and experience, the Secretary determined that miners are exposed to grave danger in areas of underground bituminous coal mines that are not properly and sufficiently rock dusted in accordance with the requirements in this ETS.

Timetable:

Action	Date	FR Cite
Emergency Temporary Standard	09/23/2010	75 FR 57849
Hearing	10/28/2010	
Hearing	10/26/2010	
Hearing	11/18/2010	
Hearing	11/16/2010	
Comment Period End	12/20/2010	
Final Action	06/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB65

 [View Related Documents](#)

Title: Proximity Detection Systems for Underground Mines

Abstract: The Mine Safety and Health Administration (MSHA) will issue an emergency temporary standard (ETS) under section 101(b) of the Federal Mine Safety and Health Act of 1977 in response to the grave danger that miners face when working near mobile equipment in underground mines. MSHA has concluded, from investigations of accidents involving mobile equipment and other reports, that immediate action is necessary to protect miners. To date, in 2010, there have been five fatalities resulting from crushing and pinning accidents. Mobile equipment can pin, crush, or strike a miner working near the equipment. Proximity detection technology can prevent these types of accidents. The ETS would strengthen the protection for underground miners by reducing the potential of pinning, crushing or striking hazards associated with working close to mobile equipment. As a part of the Secretary's strategy for securing safe and healthy workplaces, the Mine Safety and Health Administration will undertake regulatory action related to reducing injuries and fatalities to workers in close proximity to moving equipment and vehicles.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811

Legal Deadline: None

Regulatory Plan:

Statement of Need: Mining is one of the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

Legal Basis: Promulgation of this standard is authorized by section 101(b) of the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006.

Alternatives: No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries.

Costs and Benefits: MSHA will develop a regulatory economic analysis to accompany the ETS.

Risks: The lack of proximity detection systems on mobile equipment in underground mines contributes to a higher incidence of debilitating injuries and accidental deaths.

Timetable:

Action	Date	FR Cite
Request for Information (RFI)	02/01/2010	75 FR 5009
Comment Period Ended	04/02/2010	
Emergency Temporary Standard	03/00/2011	
Final Action	12/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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Department of Labor (DOL)  
Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB37

 [View Related Documents](#)

Title: Revising Electrical Product Approval Regulations

Abstract: 30 CFR part 18 (Electric Motor-Driven Mine Equipment and Accessories) describes the approval requirements for electrically operated machines and accessories intended for use in underground gassy mines, and for related matters, such as approval procedures, certification of components, and acceptance of flame-resistant hoses and conveyor belts. Aside from minor modifications, part 18 has been largely unchanged since it was promulgated in 1968. MSHA is proposing revisions to improve the efficiency of the approval process, recognize new technology, add quality assurance provisions, address existing policies through the rulemaking process, and reorganize portions of the approval regulations. MSHA will be addressing the requirements in this part in phases. The first phase, Flame-Resistance Testing of Mining Materials, was completed with the final rule published on December 31, 2008 (73 FR 80580). The second phase will be Intrinsic Safety Requirements. This action will be published second because the MINER Act required underground coal mine operators to submit an Emergency Response Plan (ERP) that sets forth a means of providing post-accident communication and electronic tracking.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 7; 30 CFR 17 to 18; 30 CFR 22 to 23; 30 CFR 27; 30 CFR 14; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM (Phase 1)	06/19/2008	73 FR 35026
NPRM Comment Period End	09/08/2008	
Final Action--Phase 1	12/31/2008	73 FR 80580
NPRM--Phase 2 Intrinsic Safety Requirements	08/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: Undetermined

RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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Department of Labor (DOL)  
Wage and Hour Division ( WHD )

RIN: 1235-AA03

 [View Related Documents](#)

Title: Amendments to The Family and Medical Leave Act of 1993

Abstract: The Department of Labor proposes to amend the regulations implementing the Family and Medical Leave Act to incorporate amendments made by the National Defense Authorization Act for FY 2010 and the Airline Flight Crew Technical Corrections Act. When initiated, this regulatory action was intended to be review revisions to the regulations implementing the National Defense Authorization Act for FY 2008 military family leave amendments and other revisions of the regulations implemented in January 2009. Subsequent to the initiation of this action, Congress passed the National Defense Authorization

Act for FY 2010 and the Airline Flight Crew Technical Corrections Act. As a result of the Congressional action the scope of this rulemaking has changed to implement the statutory amendments.

Priority: Economically Significant  
 Major: Undetermined  
 CFR Citation: 29 CFR 825 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )  
 Legal Authority: 29 USC 2654  
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule  
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
NPRM	02/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State; Tribal

Federalism: Undetermined

Energy Affected: No

Related RINs: Previously Reported as 1215-AB76

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Department of Labor (DOL)  
 Wage and Hour Division ( WHD )

RIN: 1235-AA04

 [View Related Documents](#)

Title: Right To Know Under the Fair Labor Standards Act

Abstract: The Department of Labor proposes to update the recordkeeping regulations under the Fair Labor Standards Act in order to enhance the transparency and disclosure to workers of their status as the employer's employee or some other status, such as an independent contractor, and if an employee, how their pay is computed. The Department also proposes to clarify that the mandatory manual preparation of "homeworker" handbooks applies only to employers of employees performing homework in the restricted industries. The title of this proposed rule has changed to better reflect the purpose of this action.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 516 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 29 USC 211(c)

Legal Deadline: None

Regulatory Plan:

Statement of Need: The recordkeeping regulation issued under the Fair Labor Standards Act (FLSA), 29 CFR part 516, specifies the scope and manner of records covered employers must keep that demonstrate compliance with minimum wage, overtime, and child labor requirements under the FLSA, or the records to be kept that confirm particular exemptions from some of the Act's requirements may apply. This proposal intends to update the recordkeeping requirements to foster more openness and transparency in demonstrating employers' compliance with applicable requirements to their workers, to better ensure compliance by regulated entities, and to assist in enforcement. In addition, the proposal intends to update the requirements for live-in domestic employees and, to clarify that the mandatory manual preparation of "homeworker" handbooks applies only to employers of employees performing homework in the restricted industries.

Legal Basis: These regulations are authorized by section 11 of the Fair Labor Standards Act, 29 U.S.C. 211.

Alternatives: Alternatives will be developed in considering proposed revisions to the current recordkeeping requirements. The public will be invited to provide comments on the proposed revisions and possible alternatives.

Costs and Benefits: The Department will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

Risks: This action does not affect public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State; Tribal

Federalism: Undetermined

Energy Affected: No

Related RINs: Previously Reported as 1215-AB78

Agency Contact: Montaniel Navarro

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Department of Labor (DOL)

Wage and Hour Division ( WHD )

RIN: 1235-AA05

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Title: Application of the Fair Labor Standards Act to Domestic Service

Abstract: Fair Labor Standards Act (FLSA) section 13(a)(15) provides an exemption from minimum wage and overtime compensation for domestic employees engaged in providing companionship services. FLSA section 13(b)(21) provides an exemption from overtime compensation for live-in domestic employees. In light of significant changes in the home care industry, the DOL is proposing to update regulations at 29 CFR part 552, Application of the FLSA to Domestic Service, including examining the definition of "companionship services," the criteria used to judge whether employees qualify as trained personnel who are not exempt companions, and the applicability of the exemption to third party employers.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 552 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 213 (a)(15); 29 USC 213 (b)(21)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/00/2011	

Additional Information: Previously reported as 1215-AB85.

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal; Local; State

Federalism: No

Energy Affected: No

Agency Contact: Montaniel Navarro

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Department of Labor (DOL)  
Wage and Hour Division ( WHD )

RIN: 1235-AA06

 [View Related Documents](#)

Title: Child Labor Regulations, Orders, and Statements of Interpretations

Abstract: The Department is proposing to revise the child labor regulations issued pursuant to the Fair Labor Standards Act, 29 U.S.C. 212 which sets forth the criteria for the employment of minors years of age in agriculture. The Department's proposed revisions primarily concern part E-1 of the regulation, which addresses hazardous occupations in agriculture.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 212 and 213(c)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Agency Contact: Arthur M. Kerschner

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Department of Labor (DOL)  
Wage and Hour Division ( WHD )

RIN: 1235-AA00

 [View Related Documents](#)

Title: Amendments to the Fair Labor Standards Act

Abstract: Small Business Job Protection Act of 1996 (H.R. 3448) enacted on August 20, 1996 (Pub. L. 104-188, title II), amended the Portal-to-Portal Act (PA) and the Fair Labor Standards Act (FLSA). The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub. L. 110-28) also amended the FLSA by increasing the minimum wage in three steps: to \$5.85 per hour effective July 24, 2007; to \$6.55 per hour effective July 24, 2008; and to \$7.25 per hour effective July 24, 2009. Changes will be required in the regulations to reflect these amendments. Other updates will address needed clarifications to additional sections of the regulations, including sections affected by Public Law 106-151, section 1 (Dec. 9, 1999), 113 Stat. 1731, and Public Law 106-202 (May 18, 2000), 114 Stat. 308.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4; 29 CFR 531; 29 CFR 778 to 780; 29 CFR 785 to 786; 29 CFR 790 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/28/2008	73 FR 43654
NPRM Comment Period Extended	08/22/2008	73 FR 49621
NPRM Comment Period End	09/11/2008	
Final Action	01/00/2011	

Regulatory Flexibility Analysis Required: No      Government Levels Affected: Federal; Local; State  
 Federalism: No  
 Energy Affected: No  
 Public Comment URL: [www.regulations.gov](http://www.regulations.gov)  
 Related RINS: Previously Reported as 1215-AB13  
 Agency Contact: Montaniel Navarro  
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Department of Labor (DOL)  
 Wage and Hour Division ( WHD )

RIN: 1235-AA02

 [View Related Documents](#)

Title: Nondisplacement of Qualified Workers Under Service Contracts

Abstract: Executive Order 13495 of January 30, 2009, Nondisplacement of Qualified Workers Under Service Contracts, establishes the policy that Federal service contracts generally include a clause requiring the contractor and its subcontractors, under a contract that succeeds a contract for the same or similar service at the same location, to offer qualified employees (except managerial and supervisory personnel) employed on the predecessor contract a right of first refusal to employment under the successor contract. The order assigns enforcement responsibility to the Secretary of Labor and directs the Secretary, in consultation with the Federal Acquisition Regulatory Council, to issue regulations to implement the order.

Priority: Other Significant      Agenda Stage of Rulemaking: Final Rule  
 Major: No      Unfunded Mandates: No  
 CFR Citation: 29 CFR 9 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: EO 13495, sec 4 to 6; 5 USC 301  
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/19/2010	75 FR 13382
NPRM Comment Period End	05/18/2010	
Final Action	03/00/2011	

Regulatory Flexibility Analysis Required: No      Government Levels Affected: Federal  
 Federalism: No  
 Energy Affected: No  
 Related RINS: Previously Reported as 1215-AB69  
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Department of Labor (DOL)  
 Wage and Hour Division ( WHD )

RIN: 1235-AA01

 [View Related Documents](#)

Title: Child Labor Regulations, Orders, and Statements of Interpretation

Abstract: The Department of Labor continues to review the Fair Labor Standards Act child labor provisions to ensure that the implementing regulations provide job opportunities for working youth that are healthy and safe and not detrimental to their education, as required by the statute (29 U.S.C. sections 203(l), 212(c), 213(c), and 216(e)). This final rule will update the regulations to reflect statutory amendments enacted in 2004, and will propose, among other updates, revisions to address several recommendations of the National Institute for Occupational Safety and Health (NIOSH) in its 2002 report to the Department of Labor on the child labor Hazardous Occupations Orders (HOs) (available at <http://www.youthrules.dol.gov/resources.htm>).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 29 USC 203(l); 29 USC 212; 29 USC 213(c)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/17/2007	72 FR 19337
NPRM Comment Period End	07/16/2007	
Final Action	05/20/2010	75 FR 28404

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1215-AB57

Agency Contact: Arthur M. Kerschner

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Department of Labor (DOL)

Office of Workers Compensation ( OWCP )

RIN: 1240-AA03

 [View Related Documents](#)

Title: Claims for Compensation Under the Federal Employees' Compensation Act

Abstract: ESA's Office of Workers' Compensation Programs (OWCP) plans to issue new regulations to update its organizational description to reflect the reorganization that will transform OWCP into a stand-alone organization reporting directly to the Office of the Secretary of Labor. OWCP administers four major disability compensation programs that provide wage replacement benefits, medical treatment, vocational rehabilitation and other benefits (such as survivors' benefits) to certain workers who experience work-related injury or occupational disease. The Federal Employees' Compensation Act (FECA) provides workers' compensation benefits to Federal workers for employment-related injuries and occupational diseases as well as survivor benefits for a covered employee's employment-related death. OWCP plans to update its regulations governing administration of claims under the FECA. The last comprehensive update of the FECA regulations was undertaken more than 10 years ago. Since that time a number of improvements have been made to OWCP's processing of claims. The regulations will be revised to reflect those changes and to incorporate new procedures that will enhance OWCP's ability to administer FECA. Changes to the regulations will facilitate the return to work of injured workers who are able to work by such measures as increasing the opportunity for vocational rehabilitation. Revisions to the regulations will also enhance OWCP's ability to efficiently provide sufficient income and medical care for those who are unable to work. The planned regulatory changes will better explain the increased automation of the medical billing process; reflect changes in procedure, such as FECA's centralized mail processing; and also codify changes in case law affecting FECA claims administration. OWCP also plans to modernize the provision of compensation for employees situated overseas who are neither citizens nor residents of the United States to reflect current realities in regard to such employees. The regulations will also be revised to reflect a recent statutory change to the FECA moving the 3-day waiting period before qualifying for wage-loss compensation for employees of the Postal Service.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 1; 20 CFR 10; 20 CFR 25 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 8149

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/13/2010	75 FR 49596
NPRM Comment Period End	10/12/2010	
End Review	05/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1215-AB83

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Department of Labor (DOL)

Office of Workers Compensation ( OWCP )

RIN: 1240-AA02

 [View Related Documents](#)

Title: Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels

Abstract: The American Recovery and Reinvestment Act of 2009 amended the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 to 950, to exclude from the Act's coverage certain employees who repair recreational vessels and who dismantle them for repair, regardless of the vessel's length. To implement this amendment, the Department anticipates proposing a rule that addresses the definition of recreational vessel and coverage of those employees who work in both covered employment and employment excluded under the amendment.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 701 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 939

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/17/2010	75 FR 50718
NPRM Republished	10/15/2010	75 FR 63425
NPRM Comment Period End	11/17/2010	
Final Action	12/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Related RINs: Previously Reported as 1215-AB73

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Department of Labor (DOL)  
Office of Workers Compensation ( OWCP )

RIN: 1240-AA04

 [View Related Documents](#)

Title: Regulations Implementing Amendments to the Black Lung Benefits Act: Determining Coal Miners and Survivors Entitlement to Benefits

Abstract: The Patient Protection and Affordable Care Act (PPACA) of 2010 amended the Black Lung Benefits Act, 30 U.S.C. 901-44, to reinstate two methods of establishing entitlement that were repealed with respect to claims filed after 1981. Specifically, the PPACA reinstated 30 U.S.C. 921(c)(4)(presumption of total disability or death due to pneumoconiosis arising out of coal mine employment where the miner had 15 years of coal mine employment and proof of total disability) and 30 U.S.C. 932(l) (automatic entitlement to benefits for eligible survivors of miners who were awarded benefits based on lifetime claims). The newly amended statutory provisions apply to claims filed after January 1, 2005. The Department anticipates proposing rules that define the class of claims affected by the amendments and set the criteria for establishing entitlement to benefits under the amendments.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 718; 20 CFR 725 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 936; 30 USC 921

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2012	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
Office of Workers Compensation ( OWCP )

RIN: 1240-AA00

 [View Related Documents](#)

Title: Death Gratuity Authorized for Federal Employees

Abstract: The National Defense Authorization Act for FY 2008, which was signed in to law on January 28, 2008, resulted in the creation of a new section of the Federal Employees' Compensation Act. This section establishes a death gratuity payment of up to \$100,000 for federal employees who die of injuries incurred in connection with the employee's service with an armed force in a contingency operation. This bill also contains a provision for retroactivity for employees who died on or after October 7, 2001.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 10.900 et al (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-181 National Defense Authorization Act for FY 2008

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/18/2009	74 FR 41617
Interim Final Rule Effective	08/18/2009	
Interim Final Rule Comment Period End	10/19/2009	
Final Action	02/03/2010	75 FR 5499
Final Action Effective	04/05/2010	75 FR 5499

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1215-AB66

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Department of Labor (DOL)

Office of Workers Compensation ( OWCP )

RIN: 1240-AA01

 [View Related Documents](#)

Title: Defense Base Act Waivers

Abstract: The Office of Workers' Compensation Programs is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 704 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 42 USC 1651(e)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/17/2010	

Regulatory Flexibility Analysis  
Required: Undetermined

Government Levels Affected: Federal

Federalism: No

Related RINs: Previously Reported as 1215-AB72

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Department of Labor (DOL)

Office of Labor Management Standards ( OLMS )

RIN: 1245-AA04

 [View Related Documents](#)

Title: Internet Balloting in Union Officer Elections

Abstract: The Department intends to publish a Request for Information regarding the application of title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) in the context of Internet balloting in union officer elections.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 481 and 482

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Information	12/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

RIN Information URL: [www.olms.dol.gov](http://www.olms.dol.gov)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Previously Reported as 1215-AB84

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Department of Labor (DOL)

Office of Labor Management Standards ( OLMS )

RIN: 1245-AA03

 [View Related Documents](#)

Title: Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA

Abstract: The Department intends to publish notice and comment rulemaking seeking consideration of a revised interpretation of section 203(c) of the Labor-Management Reporting and Disclosure Act (LMRDA). That statutory provision creates an "advice" exemption from reporting requirements that apply to employers and other persons in connection with persuading employees about the right to organize and bargain collectively. A proposed revised interpretation would narrow the scope of the advice exemption.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 405; 29 CFR 406 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 433; 29 USC 438

Legal Deadline: None

Regulatory Plan:

Statement of Need: The Department of Labor is proposing a regulatory initiative to better implement the public disclosure objectives of the Labor-Management Reporting and Disclosure Act (LMRDA) regarding employer-consultant agreements to persuade employees concerning their rights to organize and bargain collectively. Under LMRDA section 203, an employer must report any agreement or arrangement with a third party consultant to persuade employees as to their collective bargaining rights or to obtain certain information concerning the activities of employees or a labor organization in connection with a labor dispute involving the employer. The consultant also is required to report concerning such an agreement or arrangement with an employer. Statutory exceptions to these reporting requirements are set forth in LMRDA section 203(c), which provides, in part, that employers and consultants are not required to file a report by reason of the consultant's giving or agreeing to give "advice"

to the employer. The Department believes that its current policy concerning the scope of the "advice exception" is overbroad and that a narrower construction would better allow for the employer and consultant reporting intended by the LMRDA. Regulatory action is needed to provide workers with information critical to their effective participation in the workplace.

**Legal Basis:** This proposed rulemaking is authorized under U.S.C. sections 433 and 438 and applies to regulations at 29 CFR part 405 and 29 CFR part 406.

**Alternatives:** Alternatives will be developed and considered in the course of notice and comment rulemaking.

**Costs and Benefits:** Anticipated costs and benefits of this proposed regulatory initiative have not been assessed and will be determined at a later date, as appropriate.

**Risks:** This action does not affect public health, safety, or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2011	

**Regulatory Flexibility Analysis Required:** Business      **Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.olms.dol.gov](http://www.olms.dol.gov)

**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)

**Related RINs:** Previously Reported as 1215-AB79

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Department of Labor (DOL)  
Office of Labor Management Standards (OLMS)

RIN: 1245-AA05

 [View Related Documents](#)

**Title:** Persuader Agreements: Consultant Form LM-21 Receipts and Disbursements Report

**Abstract:** The Department intends to publish a notice and comment rulemaking seeking consideration of the Form LM-21, Receipts and Disbursements Report, which is required pursuant to section 203(b) of the Labor-Management Reporting and Disclosure Act (LMRDA). The rulemaking will propose mandatory electronic filing for Form LM-21 filers, and it will review the layout of the Form LM-21 and its instructions, including the detail required to be reported.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 406 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 433 and 438

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2011	

**Regulatory Flexibility Analysis Required:** Business      **Government Levels Affected:** No

**Federalism:** No

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Department of Labor (DOL)  
 Office of Labor Management Standards ( OLMS )

RIN: 1245-AA01

 [View Related Documents](#)

Title: Labor Organization Officer and Employee Report (Form LM-30)

Abstract: The Department intends to review questions of law and policy within the recently published changes to the Form LM-30. The Form LM-30 (Labor Organization Officer and Employee Report) is required by the Labor Management Reporting and Disclosure Act (LMRDA). The purpose of the Form, among others, is to identify potential conflicts of interest between the labor organization officials and their labor organization.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 404 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 432 and 438

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/10/2010	75 FR 48416
NPRM Comment Period End	10/12/2010	
Final Action	07/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Previously Reported as 1215-AB74

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Department of Labor (DOL)  
 Office of Labor Management Standards ( OLMS )

RIN: 1245-AA00

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Title: Notification of Employee Rights Under Federal Labor Laws

Abstract: Pursuant to Executive Order 13496 of January 30, 2009, the Department of Labor proposes to prescribe the size, form, and content of the notice to be posted by a contractor under paragraph 1 of the contract clause described in section 2 of the order. Such notice shall describe the rights of employees under Federal labor laws, consistent with the policy set forth in section 1 of the order.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 471 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 13496

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	08/03/2009	74 FR 38488
NPRM Comment Period End	09/02/2009	
Final Action	05/20/2010	75 FR 28368
Final Action Effective	06/21/2010	75 FR 28368

Additional Information: Per DOL, this RIN was transferred from 1215-AB70.

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1215-AB70

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Department of Labor (DOL)  
Office of Labor Management Standards ( OLMS )

RIN: 1245-AA02

 [View Related Documents](#)

Title: Form T-1: Reports by Labor Organizations on Related Organizations; Reporting by Public Sector Intermediate Unions

Abstract: On October 2, 2008, the Department published a final rule establishing a Form T-1, Trust Annual Report, which certain labor organizations must file to disclose financial information regarding trusts in which they are interested pursuant to the Labor-Management Reporting and Disclosure Act (LMRDA). This rulemaking would propose to rescind the Form T-1. It would instead propose that filers of Form LM-2, Labor Organization Annual Report, report on their wholly owned, wholly controlled and wholly financed organizations ("subsidiary organizations") on their Form LM-2 report. Additionally, the rulemaking would propose to change an interpretation of the LMRDA regarding intermediate bodies. The proposed revised interpretation would state that intermediate bodies are covered only if they are themselves composed, in whole or part, of private sector affiliates.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 403 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 29 USC 438

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	02/02/2010	75 FR 5456
NPRM Comment Period End	04/05/2010	
Final Action	12/01/2010	75 FR 74936
Final Action Effective	01/03/2011	

Additional Information: Per DOL this RIN was transferred from 1215-AB75.

Regulatory Flexibility Analysis  
Required: Organizations

Government Levels Affected: No

Federalism: No

Related RINs: Previously Reported as 1215-AB75

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Department of Labor (DOL)  
 Office of Federal Contract Compliance Programs ( OFCCP )

RIN: 1250-AA03

 [View Related Documents](#)

Title: Non Discrimination In Compensation: Compensation Data Collection Tool

Abstract: Compensation discrimination is one form of discrimination that is prohibited by Executive Order 11246, as amended, (E.O. 11246). Eliminating gender and race-based, compensation discrimination continues to be a priority issue for OFCCP. Consequently, OFCCP is considering the development of a new strategic compensation data collection tool that will effectively identify contractors that are likely to violate E.O. 11246. In addition, the data collection tool may be used to conduct establishment-specific, contractor-wide, and industry-wide analyses. Through publication of an Advance Notice of Proposed Rulemaking (ANPRM), OFCCP will seek input from stakeholders on issues relating to the scope, content, and format of the tool to ensure that it is an effective and efficient data collection instrument

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 41 CFR 60-2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 11246; 30 FR 12319, as amended by EO 11375; 32 FR 14303, as amended by EO 12086; 43 FR 46501

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	02/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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Department of Labor (DOL)  
 Office of Federal Contract Compliance Programs ( OFCCP )

RIN: 1250-AA00

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Title: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results Under the VEVRAA of 1974, As Amended

Abstract: This Notice of Proposed Rulemaking (NPRM) would revise the regulations in 41 CFR parts 60-250 and 60-300, implementing the nondiscrimination and affirmative action provisions of VEVRAA. This NPRM would strengthen the affirmative action requirements for Federal contractors and subcontractors. The NPRM would amend the regulations to require that Federal contractors and subcontractors conduct more substantive analyses of recruitment and placement actions taken under VEVRAA and would require the use of numerical targets to measure the effectiveness of affirmative action efforts. The NPRM would also make revisions to recordkeeping requirements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-250 and 60-300 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 793; 38 USC 4211 (2001) (amended 2002); 38 USC 4212 (2001) (amended 2002); EO 11758 (3 CFR 1971 to 1975 Comp. p 841)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2011	
NPRM Comment Period End	04/00/2011	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

Related RINs: Previously Reported as 1215-AB80

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Department of Labor (DOL)

Office of Federal Contract Compliance Programs ( OFCCP )

RIN: 1250-AA01

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Title: Construction Contractor Affirmative Action Requirements

Abstract: This Notice of Proposed Rulemaking (NPRM) would revise the regulations in 41 CFR part 60-4 implementing the affirmative action requirements of Executive Order 11246 that are applicable to Federal and federally assisted construction contractors. The NPRM will strengthen and enhance the effectiveness of the affirmative action program requirements for Federal and federally-assisted construction contractors and subcontractors, particularly in the area of recruitment and job training.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-1; 41 CFR 60-4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 201, 202, 205, 211, 301, 302, and 303 of EO 11246, as amended; 30 FR 12319; 32 FR 14303, as amended by EO 12086

Legal Deadline: None

Regulatory Plan:

Statement of Need: The regulations implementing construction contractor affirmative action obligations under Executive Order 11246, as amended, were last revised in 1980. Recent data show that disparities in the representation of women and racial minorities continue to exist in on-site construction occupations in the construction industry. The NPRM would remove outdated regulatory provisions, propose a new method for establishing affirmative action goals, and propose other revisions to the affirmative action requirements that reflect the realities of the labor market and employment practices in the construction industry today.

Legal Basis: This action is not required by statute or court order. Legal Authority: Sections 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended, 30 FR 12319; 32 FR 14303, as amended by E.O. 12086.

Alternatives: Regulatory alternatives will be addressed as the NPRM is developed

Costs and Benefits: There may be some additional costs to contractors as a result of the increased scope of required

actions. The benefits would likely include increased diversity in construction workplaces and increased opportunities for women and minorities to get on-site construction jobs. More detailed cost and benefit analyses will be made as the NPRM is developed.

Risks: Failure to provide updated regulations may impede the equal opportunity rights of some workers in protected classes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: Undetermined

Related RINs: Previously Reported as 1215-AB81

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Department of Labor (DOL)

Office of Federal Contract Compliance Programs ( OFCCP )

RIN: 1250-AA02

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Title: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors: Evaluation of Recruitment and Placement Results Under Section 503

Abstract: This Notice of Proposed Rulemaking (NPRM) 41 CFR part 60-741, implements the nondiscrimination and affirmative action provisions of section 503 of the Rehabilitation Act of 1973, as amended (Section 503). This NPRM would strengthen the affirmative action requirements for Federal contractors and subcontractors. The NPRM would amend the regulations to require that Federal contractors and subcontractors increase linkages and conduct more substantive analyses of recruitment and placement actions taken under section 503. The NPRM would also make revisions to recordkeeping requirements.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-741 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 706 and 793; EO 11758 (3 CFR 1971 to 1975 Comp p 841)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	07/23/2010	75 FR 43116
ANPRM Comment Period End	09/21/2010	
NPRM	08/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.dol.gov/ofccp](http://www.dol.gov/ofccp)

Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

Related RINs: Previously Reported as 1215-AB77

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Department of Labor (DOL)  
 Office of the Secretary ( OS )

RIN: 1290-AA24

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Title: Redesignation of Title 20 CFR, Chapter VI

Abstract: The current title of Chapter VI, title 20 CFR, is "Employment Standards Administration, Department of Labor." Because the Secretary of Labor dissolved the Employment Standards Administration (ESA) into its constituent components on November 8, 2009, Chapter VI must be redesignated. The rules contained in Chapter VI implement the Longshore and Harbor Workers' Compensation Act, as extended (33 U.S.C. 901 to 951), and the Black Lung Benefits Act, 30 U.S.C. 901 to 944. The Secretary has delegated authority for administering both programs to the Director, Office of Workers' Compensation Programs. 74 FR 58834 (Nov. 13, 2009). Accordingly, this final rule redesignates title 20 CFR, Chapter VI, as "Office of Workers' Compensation Program, Department of Labor."

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 701 to 704; 20 CFR 718 to 726 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 5 USC 301; 29 USC 551 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	10/15/2010	75 FR 63379

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1240-AA02

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Department of Labor (DOL)

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

RIN: 1293-AA17

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Title: Revised Funding Formula for Jobs for Veterans State Grants

Abstract: Request comments, including data and other information, on issues related to the funding formula applicable to the Jobs for Veterans State Grants pursuant to 20 CFR part 1001.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 1001 (To search for a specific CFR, visit the [Code of Federal Regulations](#) .)

Legal Authority: 38 USC 4102(c)(2)(B)(i)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
ANPRM	06/11/2010	75 FR 33203
ANPRM Comment Period End	09/09/2010	
End Review of Comments	02/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

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

RIN: 1293-AA18

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Title: Establishment of a Uniform National Threshold Entered Employment Rate Under the Jobs for Veterans

Abstract: Rule will establish a uniform national threshold entered employment rate for veterans under the Jobs for Veterans State Grants, as required by 38 U.S.C. 4102(c)(3)(B).

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 38 USC 4102(c)(3)(B)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	01/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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