



Federal Register

**Monday,
December 20, 2010**

Part II

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

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

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

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: 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.

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.

Hilda L. Solis,
Secretary of Labor.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
20	Redesignation of Title 20 CFR, Chapter VI	1290-AA24

Office of Federal Contract Compliance Programs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
21	Non Discrimination In Compensation: Compensation Data Collection Tool	1250-AA03

Office of Federal Contract Compliance Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
22	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results Under the VEVRAA of 1974, As Amended	1250-AA00
23	Construction Contractor Affirmative Action Requirements (Reg Plan Seq No. 1)	1250-AA01
24	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors: Evaluation of Recruitment and Placement Results Under Section 503	1250-AA02

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

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Office of Labor-Management Standards—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
25	Internet Balloting in Union Officer Elections	1245-AA04

Office of Labor-Management Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
26	Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA (Reg Plan Seq No. 2)	1245-AA03
27	Persuader Agreements: Consultant Form LM-21 Receipts and Disbursements Report	1245-AA05

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

Office of Labor-Management Standards—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
28	Labor Organization Officer and Employee Report (Form LM-30)	1245-AA01

Office of Labor-Management Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
29	Notification of Employee Rights Under Federal Labor Laws	1245-AA00
30	Form T-1: Reports by Labor Organizations on Related Organizations; Reporting by Public Sector Intermediate Unions	1245-AA02

Office of Workers' Compensation Program—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
31	Claims for Compensation Under the Federal Employees' Compensation Act	1240-AA03

Office of Workers' Compensation Program—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
32	Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels	1240-AA02
33	Regulations Implementing Amendments to the Black Lung Benefits Act: Determining Coal Miners and Survivors Entitlement to Benefits	1240-AA04

Office of Workers' Compensation Program—Completed Actions

Sequence Number	Title	Regulation Identifier Number
34	Death Gratuity Authorized for Federal Employees	1240-AA00
35	Defense Base Act Waivers	1240-AA01

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Wage and Hour Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
36	Amendments to The Family and Medical Leave Act of 1993	1235-AA03
37	Right To Know Under the Fair Labor Standards Act (Reg Plan Seq No. 3)	1235-AA04
38	Application of the Fair Labor Standards Act to Domestic Service	1235-AA05
39	Child Labor Regulations, Orders, and Statements of Interpretations	1235-AA06

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

Wage and Hour Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
40	Amendments to the Fair Labor Standards Act	1235-AA00
41	Nondisplacement of Qualified Workers Under Service Contracts	1235-AA02

Wage and Hour Division—Completed Actions

Sequence Number	Title	Regulation Identifier Number
42	Child Labor Regulations, Orders, and Statements of Interpretation	1235-AA01

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
43	Nondisplacement of Qualified Workers Under Service Contracts	1215-AB69

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
44	YouthBuild Program Regulation	1205-AB49
45	Trade Adjustment Assistance for Workers Program; Regulations	1205-AB57
46	Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers) (Reg Plan Seq No. 4)	1205-AB58
47	Equal Employment Opportunity in Apprenticeship and Training, Amendment of Regulations (Reg Plan Seq No. 5)	1205-AB59
48	Senior Community Service Employment Program; Additional Indicator on Volunteer Work	1205-AB60

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

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
49	Wage Methodology for the Temporary Non-Agricultural Employment H-2B program	1205-AB61

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Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
50	Senior Community Service Employment Program; Performance Accountability	1205-AB47
51	Senior Community Service Employment Program	1205-AB48
52	Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances	1205-AB53

Employee Benefits Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
53	Lifetime Income Options for Participants and Beneficiaries in Retirement Plans (Reg Plan Seq No. 6)	1210-AB33
54	Automatic Enrollment in Health Plans of Employees of Large Employers Under FLSA Section 18A	1210-AB46

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

Employee Benefits Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
55	Annual Funding Notice	1210-AB18
56	Pension Benefit Statements	1210-AB20
57	Definition of “Fiduciary” (Reg Plan Seq No. 7)	1210-AB32
58	Improved Fee Disclosure for Welfare Plans	1210-AB37
59	Target Date Disclosure	1210-AB38
60	Amendment to Claims Procedure Regulation	1210-AB39
61	Ex Parte Cease and Desist and Summary Seizure Orders Under ERISA Section 521	1210-AB48

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

Employee Benefits Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
62	Improved Fee Disclosure for Pension Plans	1210-AB08
63	Statutory Exemption for Provision of Investment Advice	1210-AB35
64	Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act	1210-AB41
65	Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act	1210-AB44
66	Prohibited Transaction Exemption Procedures	1210-AB49

Employee Benefits Security Administration—Long-Term Actions

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

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Employee Benefits Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
72	Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996	1210-AA54
73	Improved Fee Disclosure for Pension Plan Participants	1210-AB07
74	Time and Order of Issuance of Domestic Relations Orders	1210-AB15
75	Definition of “Welfare Plan”	1210-AB34
76	Genetic Information Nondiscrimination; Penalties for Noncompliance	1210-AB36
77	Children’s Health Insurance Program: Notice Requirements for Employers	1210-AB40

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
78	Metal and Nonmetal Dams	1219-AB70

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
79	Respirable Crystalline Silica Standard (Reg Plan Seq No. 8)	1219-AB36
80	Lowering Miners’ Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors (Reg Plan Seq No. 9)	1219-AB64
81	Notification of Legal Identity	1219-AB67
82	Safety and Health Management Programs for Mines (Reg Plan Seq No. 10)	1219-AB71
83	Criteria and Procedures for Proposed Assessment of Civil Penalties	1219-AB72
84	Pattern of Violations (Reg Plan Seq No. 11)	1219-AB73
85	Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards ...	1219-AB75
86	Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines (Reg Plan Seq No. 12)	1219-AB76

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

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
87	Proximity Detection Systems for Underground Mines (Reg Plan Seq No. 13)	1219-AB65

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

Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
88	Revising Electrical Product Approval Regulations	1219-AB37

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
89	Occupational Exposure to Beryllium	1218-AB76
90	Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes	1218-AC33
91	Bloodborne Pathogens (Section 610 Review)	1218-AC34

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Occupational Safety and Health Administration—Prerule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
92	Infectious Diseases (Reg Plan Seq No. 14)	1218-AC46
93	Injury and Illness Prevention Program (Reg Plan Seq No. 15)	1218-AC48
94	Reinforcing and Post-Tensioned Steel Construction	1218-AC51
95	Backing Operations (Reg Plan Seq No. 16)	1218-AC52

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

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
96	Occupational Exposure to Crystalline Silica (Reg Plan Seq No. 17)	1218-AB70
97	Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)	1218-AB80
98	Combustible Dust	1218-AC41
99	Occupational Injury and Illness Recording and Reporting Requirements—Modernizing OSHA's Reporting System (Reg Plan Seq No. 18)	1218-AC49
100	Occupational Injury and Illness Recording and Reporting Requirements—NAICS Update and Reporting Revisions	1218-AC50

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

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
101	Confined Spaces in Construction	1218-AB47
102	General Working Conditions for Shipyard Employment	1218-AB50
103	Electric Power Transmission and Distribution; Electrical Protective Equipment	1218-AB67
104	Standards Improvement Project (SIP III)	1218-AC19
105	Hazard Communication (Reg Plan Seq No. 19)	1218-AC20
106	Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes	1218-AC25
107	Nationally Recognized Testing Laboratories Fee Schedule—Revised Approach	1218-AC27
108	Cooperative Agreements	1218-AC32
109	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	1218-AC36
110	Occupational Injury and Illness Recording and Reporting Requirements—Musculoskeletal Disorders (MSD) Column	1218-AC45
111	Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008	1218-AC47
112	Procedures for the Handling of Retaliation Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, As Amended	1218-AC53
113	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	1218-AC54
114	Procedures for the Handling of Retaliation Complaints Under Section 1558 of the Affordable Care Act of 2010	1218-AC55

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

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
115	Cranes and Derricks in Construction	1218-AC01
116	Methylene Chloride (Completion of a Section 610 Review)	1218-AC23

DOL

Office of the Assistant Secretary for Veterans' Employment and Training—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
117	Revised Funding Formula for Jobs for Veterans State Grants	1293-AA17

Office of the Assistant Secretary for Veterans' Employment and Training—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
118	Establishment of a Uniform National Threshold Entered Employment Rate Under the Jobs for Veterans	1293-AA18

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

20. ● REDESIGNATION OF TITLE 20 CFR, CHAPTER VI

Priority: Info./Admin./Other

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

CFR Citation: 20 CFR 701 to 704; 20 CFR 718 to 726

Legal Deadline: None

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."

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Pamela Peters, Program Analyst, Department of Labor, 200 Constitution Avenue, NW, Room S-2312, Washington, DC 20210 Phone: 202 693-6468

Related RIN: Related to 1240-AA02

RIN: 1290-AA24

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

21. ● NON DISCRIMINATION IN COMPENSATION: COMPENSATION DATA COLLECTION TOOL

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

Unfunded Mandates: Undetermined

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

CFR Citation: 41 CFR 60-2

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM	02/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Sandra M. Dillon, Deputy Director, Division of Policy, Planning and Program Development, Department of Labor, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW., N3422, Washington, DC 20210 Phone: 202 693-0102 TDD Phone: 202 693-1337 Fax: 202 693-1304 Email: ofccp-public@dol.gov

RIN: 1250-AA03

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

Proposed Rule Stage

22. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS; EVALUATION OF RECRUITMENT AND PLACEMENT RESULTS UNDER THE VEVRAA OF 1974, AS AMENDED

Priority: Substantive, Nonsignificant

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)

CFR Citation: 41 CFR 60-250 and 60-300

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	
NPRM Comment Period End	04/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Sandra M. Dillon, Deputy Director, Division of Policy, Planning and Program Development, Department of Labor, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW., N3422, Washington, DC 20210
 Phone: 202 693-0102
 TDD Phone: 202 693-1337
 Fax: 202 693-1304
 Email: ofccp-public@dol.gov

Related RIN: Previously reported as 1215-AB80

RIN: 1250-AA00

23. CONSTRUCTION CONTRACTOR AFFIRMATIVE ACTION REQUIREMENTS

Regulatory Plan: This entry is Seq. No. 1 in part II of this issue of the **Federal Register**.

RIN: 1250-AA01

24. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS; EVALUATION OF RECRUITMENT AND PLACEMENT RESULTS UNDER SECTION 503

Priority: Other Significant

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

CFR Citation: 41 CFR 60-741

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/10	75 FR 43116
ANPRM Comment Period End	09/21/10	
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

URL For More Information:

www.dol.gov/ofccp

URL For Public Comments:

www.regulations.gov

Agency Contact: Sandra M. Dillon, Deputy Director, Division of Policy, Planning and Program Development, Department of Labor, Office of Federal Contract Compliance Programs, 200 Constitution Avenue NW., N3422, Washington, DC 20210
 Phone: 202 693-0102
 TDD Phone: 202 693-1337
 Fax: 202 693-1304
 Email: ofccp-public@dol.gov

Related RIN: Previously reported as 1215-AB77

RIN: 1250-AA02

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

Prerule Stage

25. INTERNET BALLOTING IN UNION OFFICER ELECTIONS

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

Legal Authority: 29 USC 481 and 482

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Request for Information	12/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

URL For More Information:

www.olms.dol.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Department of Labor, Office of Labor-Management Standards, Room N-5609, FP Building, 200 Constitution Avenue NW., Washington, DC 20210
 Phone: 202 693-1254
 Fax: 202 693-1340

DOL—OLMS

Prerule Stage

Email: davis.andrew@dol.gov

Related RIN: Previously reported as 1215-AB84

RIN: 1245-AA04

Department of Labor (DOL)

Proposed Rule Stage

Office of Labor—Management Standards (OLMS)

26. PERSUADER AGREEMENTS: EMPLOYER AND LABOR RELATIONS CONSULTANT REPORTING UNDER THE LMRDA

Regulatory Plan: This entry is Seq. No. 2 in part II of this issue of the Federal Register.

RIN: 1245-AA03

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Department of Labor, Office of Labor-Management Standards, Room N-5609, FP Building, 200 Constitution Avenue NW., Washington, DC 20210 Phone: 202 693-1254 Fax: 202 693-1340 Email: davis.andrew@dol.gov

RIN: 1245-AA05

27. PERSUADER AGREEMENTS: CONSULTANT FORM LM-21 RECEIPTS AND DISBURSEMENTS REPORT

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

Legal Authority: 29 USC 433 and 438

CFR Citation: 29 CFR 406

Department of Labor (DOL)

Final Rule Stage

Office of Labor—Management Standards (OLMS)

28. LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT (FORM LM-30)

Priority: Other Significant

Legal Authority: 29 USC 432 and 438

CFR Citation: 29 CFR 404

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	08/10/10	75 FR 48416
NPRM Comment Period End	10/12/10	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Department of Labor, Office of Labor-Management Standards, Room N-5609, FP Building, 200 Constitution Avenue NW., Washington, DC 20210 Phone: 202 693-1254 Fax: 202 693-1340 Email: davis.andrew@dol.gov

Related RIN: Previously reported as 1215-AB74

RIN: 1245-AA01

Department of Labor (DOL)

Completed Actions

Office of Labor—Management Standards (OLMS)

29. NOTIFICATION OF EMPLOYEE RIGHTS UNDER FEDERAL LABOR LAWS

Priority: Other Significant

Legal Authority: EO 13496

CFR Citation: 29 CFR 471

Legal Deadline: None

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.

DOL—OLMS

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	08/03/09	74 FR 38488
NPRM Comment Period End	09/02/09	
Final Action	05/20/10	75 FR 28368
Final Action Effective	06/21/10	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Department of Labor, Office of Labor-Management Standards, Room N-5609, FP Building, 200 Constitution Avenue NW., Washington, DC 20210
Phone: 202 693-1254
Fax: 202 693-1340
Email: davis.andrew@dol.gov

Related RIN: Previously reported as 1215-AB70

RIN: 1245-AA00

30. FORM T-1: REPORTS BY LABOR ORGANIZATIONS ON RELATED ORGANIZATIONS; REPORTING BY PUBLIC SECTOR INTERMEDIATE UNIONS

Priority: Other Significant

Legal Authority: 29 USC 438

CFR Citation: 29 CFR 403

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	02/02/10	75 FR 5456
NPRM Comment Period End	04/05/10	
Final Action	12/01/10	75 FR 74936
Final Action Effective	01/03/11	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Organizations

Government Levels Affected: None

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

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Department of Labor, Office of Labor-Management Standards, Room N-5609, FP Building, 200 Constitution Avenue NW., Washington, DC 20210
Phone: 202 693-1254
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Related RIN: Previously reported as 1215-AB75

RIN: 1245-AA02

Department of Labor (DOL)

Office of Workers' Compensation Program (OWCP)

Final Rule Stage

31. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Priority: Other Significant

Legal Authority: 5 USC 8149

CFR Citation: 20 CFR 1; 20 CFR 10; 20 CFR 25

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	08/13/10	75 FR 49596

DOL—OWCP

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/12/10	
End Review	05/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Douglas Fitzgerald, Director, Division of Federal Employees' Compensation, Office of Workers' Compensation Programs, Department of Labor, Office of Workers' Compensation Program, 200

Constitution Avenue NW., FP Building, Room S-3229, Washington, DC 20210
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 Fax: 202 693-1497
 Email: fitzgerald.douglas@dol.gov

Related RIN: Previously reported as 1215-AB83
RIN: 1240-AA03

**Department of Labor (DOL)
 Office of Workers' Compensation Program (OWCP)**

Long-Term Actions

32. REGULATIONS IMPLEMENTING THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT: RECREATIONAL VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 939

CFR Citation: 20 CFR 701

Legal Deadline: None

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.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Niss, Director, Division of Longshore and Harbor Workers' Compensation, OWCP, Department of Labor, Office of Workers' Compensation Program, 200 Constitution Avenue NW., FP Building, Room C-4315, Washington, DC 20210
 Phone: 202 693-0038
 Fax: 202 693-1380
 Email: niss.michael@dol.gov

Related RIN: Previously reported as 1215-AB73
RIN: 1240-AA02

33. REGULATIONS IMPLEMENTING AMENDMENTS TO THE BLACK LUNG BENEFITS ACT: DETERMINING COAL MINERS AND SURVIVORS ENTITLEMENT TO BENEFITS

Priority: Other Significant

Legal Authority: 30 USC 936; 30 USC 921

CFR Citation: 20 CFR 718; 20 CFR 725

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	03/00/12	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael McClaran, Chief, Branch of Standards, Regulations, and Procedures, Division of Coal Mine Workers' Compensation, Department of Labor, Office of Workers' Compensation Program, 200 Constitution Avenue NW., Suite N-3464, Washington, DC 20210
 Phone: 202 693-0978
 Fax: 202 693-1395
 Email: mcclaran.michael@dol.gov

RIN: 1240-AA04

**Department of Labor (DOL)
 Office of Workers' Compensation Program (OWCP)**

Completed Actions

34. DEATH GRATUITY AUTHORIZED FOR FEDERAL EMPLOYEES

Priority: Other Significant

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

CFR Citation: 20 CFR 10.900 et al

Legal Deadline: None

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

DOL—OWCP

Completed Actions

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/18/09	74 FR 41617
Interim Final Rule Effective	08/18/09	
Interim Final Rule Comment Period End	10/19/09	
Final Action	02/03/10	75 FR 5499
Final Action Effective	04/05/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jennifer Valdivieso, Acting Chief, Branch of Regulations

and Procedures, Division of Federal Employees Compensation, Department of Labor, Office of Workers' Compensation Program, 200 Constitution Avenue, NW, Washington, DC 20210

Phone: 202 693-0964

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Email: valdivieso.jennifer@dol.gov

Related RIN: Previously reported as 1215-AB66

RIN: 1240-AA00

35. DEFENSE BASE ACT WAIVERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1651(e)

CFR Citation: 20 CFR 704

Legal Deadline: None

Abstract: The Office of Workers' Compensation Programs is withdrawing this entry from the agenda at this time

due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Withdrawn	07/17/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Agency Contact: Michael Niss, Director, Division of Longshore and Harbor Workers' Compensation, OWCP, Department of Labor, Office of Workers' Compensation Program, 200 Constitution Avenue NW., FP Building, Room C-4315, Washington, DC 20210
Phone: 202 693-0038
Fax: 202 693-1380
Email: niss.michael@dol.gov

Related RIN: Previously reported as 1215-AB72

RIN: 1240-AA01

Department of Labor (DOL)

Wage and Hour Division (WHD)

Proposed Rule Stage

36. AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993

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

Legal Authority: 29 USC 2654

CFR Citation: 29 CFR 825

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	02/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: Helen Applewhaite, Family and Medical Leave Act Branch Chief, Division of Enforcement Policy, Department of Labor, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210
Phone: 202 693-0066
Fax: 202 693-1387

Related RIN: Previously reported as 1215-AB76

RIN: 1235-AA03

37. RIGHT TO KNOW UNDER THE FAIR LABOR STANDARDS ACT

Regulatory Plan: This entry is Seq. No. 3 in part II of this issue of the **Federal Register**.

RIN: 1235-AA04

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

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 552

Legal Deadline: None

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.

DOL—WHD

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal, Local, State

Additional Information: Previously reported as 1215-AB85.

Agency Contact: Montaniel Navarro, Fair Labor Standards Act Branch Chief, Division of Enforcement Policy, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210 Phone: 202 693-0067 Fax: 202 693-1387

RIN: 1235-AA05

39. • CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATIONS

Priority: Other Significant

Legal Authority: 29 USC 212 and 213(c)

CFR Citation: 29 CFR 570

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Arthur M. Kerschner, Child Labor and Special Employment Branch Chief, Division of Enforcement Policy, Department of Labor, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210 Phone: 202 693-0072 Fax: 202 693-1387

RIN: 1235-AA06

Department of Labor (DOL)

Wage and Hour Division (WHD)

Final Rule Stage

40. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT

Priority: Other Significant

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

CFR Citation: 29 CFR 4; 29 CFR 531; 29 CFR 778 to 780; 29 CFR 785 to 786; 29 CFR 790

Legal Deadline: None

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.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

URL For Public Comments: www.regulations.gov

Agency Contact: Montaniel Navarro, Fair Labor Standards Act Branch Chief, Division of Enforcement Policy, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210 Phone: 202 693-0067 Fax: 202 693-1387

Related RIN: Previously reported as 1215-AB13

RIN: 1235-AA00

41. NONDISPLACEMENT OF QUALIFIED WORKERS UNDER SERVICE CONTRACTS

Priority: Other Significant

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

CFR Citation: 29 CFR 9

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	03/19/10	75 FR 13382
NPRM Comment Period End	05/18/10	
Final Action	03/00/11	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Timothy Helm, Government Contracts Branch Chief,

DOL—WHD

Final Rule Stage

Division of Enforcement Policy,
Department of Labor, Room S-3502, FP
Building, 200 Constitution Avenue
NW., Washington, DC 20210

Phone: 202 693-0064

Fax: 202 693-1387

Related RIN: Previously reported as
1215-AB69

RIN: 1235-AA02

Department of Labor (DOL)

Completed Actions

Wage and Hour Division (WHD)

42. CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION

Priority: Other Significant

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

CFR Citation: 29 CFR 570

Legal Deadline: None

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>).

Timetable:

Action	Date	FR Cite
NPRM	04/17/07	72 FR 19337
NPRM Comment Period End	07/16/07	
Final Action	05/20/10	75 FR 28404

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Arthur M. Kerschner, Child Labor and Special Employment Branch Chief, Division of Enforcement Policy, Department of Labor, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210

Phone: 202 693-0072

Fax: 202 693-1387

Related RIN: Previously reported as
1215-AB57

RIN: 1235-AA01

Department of Labor (DOL)

Completed Actions

Employment Standards Administration (ESA)

43. NONDISPLACEMENT OF QUALIFIED WORKERS UNDER SERVICE CONTRACTS

Priority: Other Significant

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

CFR Citation: 29 CFR 9

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Transferred to	09/28/10	
1235-AA02		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Timothy Helm, Government Contracts Branch Chief, Division of Enforcement Policy, Department of Labor, Room S-3502, FP Building, 200 Constitution Avenue NW., Washington, DC 20210

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Fax: 202 693-1387

RIN: 1215-AB69

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

Proposed Rule Stage

44. YOUTHBUILD PROGRAM
REGULATION

Priority: Other Significant

Legal Authority: PL 109-281

CFR Citation: 20 CFR 672

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	08/27/10	75 FR 52671
NPRM Comment Period End	10/26/10	
Analyzing Comments	04/00/11	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Grace A. Kilbane, Administrator, Office of Workforce Investment, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Room S-4231, Washington, DC 20210
Phone: 202 693-3980
Email: kilbane.grace@dol.gov

RIN: 1205-AB49

45. TRADE ADJUSTMENT
ASSISTANCE FOR WORKERS
PROGRAM; REGULATIONS

Priority: Other Significant

Legal Authority: 19 USC 2320;
Secretary's Order 3-2007, 72 FR 15907

CFR Citation: 20 CFR 617; 20 CFR 618;
20 CFR 672; 29 CFR 90

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	05/00/11	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: Federal,
State

Agency Contact: Erin Fitzgerald, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-5428, FP Building, Washington, DC 20210
Phone: 202 693-3560
Fax: 202 693-3149
Email: fitzgerald.erin@dol.gov

RIN: 1205-AB57

46. LABOR CERTIFICATION PROCESS
AND ENFORCEMENT FOR
TEMPORARY EMPLOYMENT IN
OCCUPATIONS OTHER THAN
AGRICULTURE OR REGISTERED
NURSING IN THE UNITED STATES
(H-2B WORKERS)

Regulatory Plan: This entry is Seq. No. 4 in part II of this issue of the Federal Register.

RIN: 1205-AB58

47. EQUAL EMPLOYMENT
OPPORTUNITY IN APPRENTICESHIP
AND TRAINING, AMENDMENT OF
REGULATIONS

Regulatory Plan: This entry is Seq. No. 5 in part II of this issue of the Federal Register.

RIN: 1205-AB59

48. SENIOR COMMUNITY SERVICE
EMPLOYMENT PROGRAM;
ADDITIONAL INDICATOR ON
VOLUNTEER WORK

Priority: Other Significant

Legal Authority: 40 USC 3056 et seq

CFR Citation: 20 CFR 641

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	11/23/10	75 FR 71514
NPRM Comment Period End	01/24/11	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: Federal,
State, Tribal

Agency Contact: Grace A. Kilbane, Administrator, Office of Workforce Investment, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Room S-4231, Washington, DC 20210
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Email: kilbane.grace@dol.gov

RIN: 1205-AB60

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

Final Rule Stage

49. • WAGE METHODOLOGY FOR THE TEMPORARY NON-AGRICULTURAL EMPLOYMENT H-2B PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

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

CFR Citation: 20 CFR 655.10

Legal Deadline: Final, Judicial, December 28, 2010. 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.

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 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 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.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Dr. William L. Carlson, Administrator, Office of Foreign Labor Certification, Department of Labor, Employment and Training Administration, FP Building, Room C-4312, 200 Constitution Avenue NW., Washington, DC 20210
 Phone: 202 693-3010
 Email: carlson.william@dol.gov

RIN: 1205-AB61

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

Completed Actions

50. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM; PERFORMANCE ACCOUNTABILITY

Priority: Other Significant

Legal Authority: 42 USC 3056 et seq

CFR Citation: 20 CFR 641

Legal Deadline: Other, Statutory, June 30, 2007, Interim Final Rule.

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).

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/29/07	72 FR 35832
Interim Final Rule Comment Period End	08/28/07	
Final Action	09/01/10	75 FR 53786

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Agency Contact: Grace A. Kilbane, Administrator, Office of Workforce Investment, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Room S-4231, Washington, DC 20210
 Phone: 202 693-3980
 Email: kilbane.grace@dol.gov

Related RIN: Related to 1205-AB48

RIN: 1205-AB47

51. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 3056 et seq

CFR Citation: 20 CFR 641

Legal Deadline: None

Abstract: The Older Americans Act Amendments of 2006, Public Law 109-

DOL—ETA

Completed Actions

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).

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Agency Contact: Grace A. Kilbane, Administrator, Office of Workforce Investment, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Room S-4231, Washington, DC 20210 Phone: 202 693-3980 Email: kilbane.grace@dol.gov

Related RIN: Related to 1205-AB47

RIN: 1205-AB48

52. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; FUNDING GOALS FOR INTEREST-FREE ADVANCES

Priority: Other Significant

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

CFR Citation: 20 CFR 606

Legal Deadline: None

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.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

URL For More Information: www.regulations.gov

URL For Public Comments: www.regulations.gov

Agency Contact: Ronald Wilus, Chief, Division of Fiscal and Actuarial Services, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., FP Building, Room S-4231, Washington, DC 20210 Phone: 202 693-2931 Email: wilus.ronald@dol.gov

RIN: 1205-AB53

Department of Labor (DOL)

Prerule Stage

Employee Benefits Security Administration (EBSA)

53. LIFETIME INCOME OPTIONS FOR PARTICIPANTS AND BENEFICIARIES IN RETIREMENT PLANS

Regulatory Plan: This entry is Seq. No. 6 in part II of this issue of the Federal Register.

RIN: 1210-AB33

Protection and Affordable Care Act of 2010

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Request For Information	05/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

Agency Contact: Janet Walters, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N5655, Washington, DC 20210 Phone: 202 693-8500 Fax: 202 219-7291

RIN: 1210-AB46

54. • AUTOMATIC ENROLLMENT IN HEALTH PLANS OF EMPLOYEES OF LARGE EMPLOYERS UNDER FLSA SECTION 18A

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 218A; FLSA sec 18A; PL 111-148, sec 1511, Patient

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

Proposed Rule Stage**55. ANNUAL FUNDING NOTICE****Priority:** Other Significant**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**CFR Citation:** 29 CFR 2520; 29 CFR 2520.104-46; 29 CFR 2520.104b-10**Legal Deadline:** Final, Statutory, August 18, 2007.**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.**Timetable:**

Action	Date	FR Cite
NPRM	11/18/10	75 FR 70625
NPRM Comment Period End	01/18/11	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Stephanie Ward, Senior Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210 Phone: 202 693-8500 Fax: 202 219-7921**RIN:** 1210-AB18**56. PENSION BENEFIT STATEMENTS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 1025; ERISA sec 105; PL 109-280, sec 508, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505**CFR Citation:** 29 CFR 2520**Legal Deadline:** Final, Statutory, August 18, 2007.**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.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Suzanne Adelman, Senior Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210 Phone: 202 693-8500 Fax: 202 219-7291**RIN:** 1210-AB20**57. DEFINITION OF "FIDUCIARY"****Regulatory Plan:** This entry is Seq. No. 7 in part II of this issue of the **Federal Register**.**RIN:** 1210-AB32**58. IMPROVED FEE DISCLOSURE FOR WELFARE PLANS****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 29 USC 1135; ERISA sec 505; 29 USC 1108**CFR Citation:** 29 CFR 2550.408b-2**Legal Deadline:** None**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.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Agency Contact:** Jeffrey J. Turner, Chief, Division of Regulations, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210 Phone: 202 693-8500**RIN:** 1210-AB37**59. TARGET DATE DISCLOSURE****Priority:** Other Significant**Legal Authority:** 29 USC 1135; ERISA sec 505; 29 USC 1104**CFR Citation:** 29 CFR 2550.404c-5**Legal Deadline:** None**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 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

DOL—EBSA

Proposed Rule Stage

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.

Timetable:

Action	Date	FR Cite
NPRM	11/30/10	75 FR 73987
NPRM Comment Period End	01/14/11	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Jeffrey Turner, Chief, Division of Regulations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210
Phone: 202 693-8500
Fax: 202 219-7219

RIN: 1210-AB38

60. AMENDMENT TO CLAIMS PROCEDURE REGULATION

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 2550.503-1

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Jeffrey Turner, Chief, Division of Regulations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210
Phone: 202 693-8500
Fax: 202 219-7219

RIN: 1210-AB39

61. • EX PARTE CEASE AND DESIST AND SUMMARY SEIZURE ORDERS UNDER ERISA SECTION 521

Priority: Other Significant

Legal Authority: 29 USC 1151; 29 USC 1135

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Stephanie Lewis, Attorney, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Bldg, Rm N-411, Washington, DC 20210
Phone: 202 693-5588

RIN: 1210-AB48

Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

Final Rule Stage

62. IMPROVED FEE DISCLOSURE FOR PENSION PLANS

Priority: Economically Significant. Major under 5 USC 801.

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

CFR Citation: 29 CFR 2550

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	12/13/07	72 FR 70988

DOL—EBSA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	02/11/08	
Interim Final Rule	07/16/10	75 FR 41600
Interim Final Rule Comment Period End	08/30/10	
Final Action	04/00/11	

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

Agency Contact: Kristen Zarenko, Senior Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AB08**63. STATUTORY EXEMPTION FOR PROVISION OF INVESTMENT ADVICE****Priority:** Economically Significant. Major under 5 USC 801.**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**CFR Citation:** 29 CFR 2550**Legal Deadline:** None

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.

Timetable:

Action	Date	FR Cite
NPRM	03/02/10	75 FR 9360
NPRM Comment Period End	05/05/10	
Final Action	05/00/11	

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

Agency Contact: Fred Wong, Senior Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210
Phone: 202 693-8500
Fax: 202 219-7291

Related RIN: Related to 1210-AB13**RIN:** 1210-AB35**64. GROUP HEALTH PLANS AND HEALTH INSURANCE ISSUERS RELATING TO DEPENDENT COVERAGE OF CHILDREN TO AGE 26 UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/10	75 FR 27121

Action	Date	FR Cite
Interim Final Rule Comment Period End	08/11/10	
Reviewing Comments	04/00/11	

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

Undetermined

Federalism: Undetermined

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210
Phone: 202 693-8335
Fax: 202 219-1942

RIN: 1210-AB41**65. • GROUP HEALTH PLANS AND HEALTH INSURANCE ISSUERS RELATING TO COVERAGE OF PREVENTIVE SERVICES UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/10	75 FR 41726
Interim Final Rule Comment Period End	09/17/10	
Interim Final Rule Effective	09/17/10	
Reviewing Comments	04/00/11	

DOL—EBSA

Final Rule Stage

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210 Phone: 202 693-8335 Fax: 202 219-1942

RIN: 1210-AB44

66. • PROHIBITED TRANSACTION EXEMPTION PROCEDURES

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

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

CFR Citation: 29 CFR 2570.30 to 2570.52

Legal Deadline: None

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).

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Mark W. Judge, Office of Exemption Determinations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., N-5700, Washington, DC 20210 Phone: 202 693-8550

Related RIN: Previously reported as 1210-AA98

RIN: 1210-AB49

Department of Labor (DOL)

Long-Term Actions

Employee Benefits Security Administration (EBSA)

67. MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 29 USC 1185a

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, October 8, 2009, as per MHPAEA section 512(d).

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.

Timetable:

Action	Date	FR Cite
Request for Information	04/28/09	74 FR 19155
Request for Information Comment Period End	05/28/09	
Interim Final Rule	02/02/10	75 FR 5410
Interim Final Rule Effective	04/05/10	

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/03/10	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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.

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210 Phone: 202 693-8335 Fax: 202 219-1942

Related RIN: Related to 0938-AP65, Related to 1545-BJ05

RIN: 1210-AB30

68. • GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE RELATING TO STATUS AS A GRANDFATHERED HEALTH PLAN UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/17/10	75 FR 34538

DOL—EBSA

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	08/16/10	
Interim Final Rule— Amendment	11/17/10	75 FR 70114
Interim Final Rule Effective— Amendment	11/15/10	
Interim Final Rule Amendment Effective	11/15/10	
Interim Final Rule Comment Period End—Amendment	12/17/10	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210
Phone: 202 693-8335
Fax: 202 219-1942

RIN: 1210-AB42

69. • PREEXISTING CONDITION EXCLUSIONS, LIFETIME AND ANNUAL LIMITS, RESCISSIONS AND PATIENT PROTECTIONS UNDER THE AFFORDABLE CARE ACT

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/28/10	75 FR 37188
Interim Final Rule Comment Period End	08/27/10	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210
Phone: 202 693-8335
Fax: 202 219-1942

RIN: 1210-AB43

70. • GROUP HEALTH PLANS AND HEALTH INSURANCE ISSUERS RELATING TO INTERNAL AND EXTERNAL APPEALS PROCESSES UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/10	75 FR 52597
Interim Final Rule Effective	09/01/10	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210
Phone: 202 693-8335
Fax: 202 219-1942

RIN: 1210-AB45

71. • AMENDMENT OF ABANDONED PLAN PROGRAM

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135; ERISA sec 505

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

DOL—EBSA

Long-Term Actions

Government Levels Affected:
Undetermined

Federalism: Undetermined

Agency Contact: Jeffrey J. Turner,
Chief, Division of Regulations, Office of
Regulations and Interpretations,
Department of Labor, Employee
Benefits Security Administration, 200

Constitution Avenue NW., FP Building,
Room N-5655, Washington, DC 20210
Phone: 202 693-8500

RIN: 1210-AB47

Department of Labor (DOL)

Completed Actions

Employee Benefits Security Administration (EBSA)

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

Priority: Economically Significant.
Major under 5 USC 801.

Legal Authority: 29 USC 1027; 29 USC 1059; 29 USC 1135; 29 USC 1171 to 1172; 29 USC 1191c

CFR Citation: 29 CFR 2590

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/97	62 FR 16894
Interim Final Rule Effective	06/07/97	
Interim Final Rule Comment Period End	07/07/97	
Request for Information	10/25/99	64 FR 57520
Comment Period End	01/25/00	
NPRM	12/30/04	69 FR 78800
Request for Information	12/30/04	69 FR 78825
Final Rule	12/30/04	69 FR 78720
Final Action Effective	02/28/05	
Request for Information Comment Period End	03/30/05	
NPRM Comment Period End	03/30/05	
Withdrawn	10/27/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210
Phone: 202 693-8335

Fax: 202 219-1942

RIN: 1210-AA54

73. IMPROVED FEE DISCLOSURE FOR PENSION PLAN PARTICIPANTS

Priority: Economically Significant.
Major under 5 USC 801.

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

Legal Authority: 29 USC 1104; 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

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.

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Michael Del Conte, Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution

Avenue NW., Room N-5655,
Washington, DC 20210
Phone: 202 693-8500
Fax: 202 219-7291

RIN: 1210-AB07

74. TIME AND ORDER OF ISSUANCE OF DOMESTIC RELATIONS ORDERS

Priority: Other Significant

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

CFR Citation: 29 CFR 2530.206

Legal Deadline: Final, Statutory,
August 18, 2007.

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.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan Elizabeth Rees, Senior Pension Law Specialist, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210

DOL—EBSA

Completed Actions

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RIN: 1210-AB15

75. DEFINITION OF “WELFARE PLAN”

Priority: Other Significant

Legal Authority: 29 USC 1135; ERISA sec 505

CFR Citation: 29 CFR 2510.3-1

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Withdrawn	09/17/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Jeffrey J. Turner, Chief, Division of Regulations, Office of Regulations and Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210
 Phone: 202 693-8500

RIN: 1210-AB34

76. GENETIC INFORMATION NONDISCRIMINATION; PENALTIES FOR NONCOMPLIANCE

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Withdrawn	10/27/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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 Fax: 202 219-1942

RIN: 1210-AB36

77. CHILDREN’S HEALTH INSURANCE PROGRAM: NOTICE REQUIREMENTS FOR EMPLOYERS

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 1135 and 1181

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Withdrawn	10/27/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5653, Washington, DC 20210
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RIN: 1210-AB40

Department of Labor (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

78. METAL AND NONMETAL DAMS

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 812

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

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.

Timetable:

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

DOL—MSHA

Prerule Stage

Extension of Comment 12/13/10
Period End

Analyze Comments 09/00/11

**Regulatory Flexibility Analysis
Required:** Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey,
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RIN: 1219-AB70

Department of Labor (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

**79. RESPIRABLE CRYSTALLINE
SILICA STANDARD**

Regulatory Plan: This entry is Seq. No. 8 in part II of this issue of the **Federal Register**.

RIN: 1219-AB36

**80. LOWERING MINERS' EXPOSURE
TO COAL MINE DUST, INCLUDING
CONTINUOUS PERSONAL DUST
MONITORS**

Regulatory Plan: This entry is Seq. No. 9 in part II of this issue of the **Federal Register**.

RIN: 1219-AB64

**81. NOTIFICATION OF LEGAL
IDENTITY**

Priority: Other Significant

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

CFR Citation: 30 CFR 41

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

**Regulatory Flexibility Analysis
Required:** Undetermined

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

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RIN: 1219-AB67

**82. SAFETY AND HEALTH
MANAGEMENT PROGRAMS FOR
MINES**

Regulatory Plan: This entry is Seq. No. 10 in part II of this issue of the **Federal Register**.

RIN: 1219-AB71

**83. CRITERIA AND PROCEDURES
FOR PROPOSED ASSESSMENT OF
CIVIL PENALTIES**

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 30 USC 811 ; 30 USC 957

CFR Citation: 30 CFR 100

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	03/00/11	

**Regulatory Flexibility Analysis
Required:** Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1219-AB72

84. PATTERN OF VIOLATIONS

Regulatory Plan: This entry is Seq. No. 11 in part II of this issue of the **Federal Register**.

RIN: 1219-AB73

**85. EXAMINATION OF WORK AREAS
IN UNDERGROUND COAL MINES FOR
VIOLATIONS OF MANDATORY
HEALTH OR SAFETY STANDARDS**

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 811; 30 USC 961

CFR Citation: 30 CFR 75

Legal Deadline: None

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.

DOL—MSHA

Proposed Rule Stage

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).

Timetable:

Action	Date	FR Cite
NPRM	12/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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Related RIN: Related to 1219-AB71

RIN: 1219-AB75

86. • MAINTENANCE OF INCOMBUSTIBLE CONTENT OF ROCK DUST IN UNDERGROUND COAL MINES

Regulatory Plan: This entry is Seq. No. 12 in part II of this issue of the **Federal Register**.

RIN: 1219-AB76

Department of Labor (DOL)

Final Rule Stage

Mine Safety and Health Administration (MSHA)

87. PROXIMITY DETECTION SYSTEMS FOR UNDERGROUND MINES

Regulatory Plan: This entry is Seq. No. 13 in part II of this issue of the **Federal Register**.

RIN: 1219-AB65

Department of Labor (DOL)

Long-Term Actions

Mine Safety and Health Administration (MSHA)

88. REVISING ELECTRICAL PRODUCT APPROVAL REGULATIONS

Priority: Other Significant

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 17 to 18; 30 CFR 22 to 23; 30 CFR 27; 30 CFR 14; ...

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM (Phase 1)	06/19/08	73 FR 35026
NPRM Comment Period End	09/08/08	
Final Action—Phase 1	12/31/08	73 FR 80580

Action	Date	FR Cite
NPRM—Phase 2 Intrinsic Safety Requirements	08/00/12	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

URL For More Information:
www.msha.gov/regsinfo.htm

URL For Public Comments:
www.regulations.gov

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939
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RIN: 1219-AB37

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

Prerule Stage

89. OCCUPATIONAL EXPOSURE TO BERYLLIUM

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Request for Information	11/26/02	67 FR 70707
SBREFA Report Completed	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment	03/22/10	
Complete Peer Review	11/19/10	

Action	Date	FR Cite
Complete Economic Peer Review	05/00/11	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1218-AB76

90. OCCUPATIONAL EXPOSURE TO FOOD FLAVORINGS CONTAINING DIACETYL AND DIACETYL SUBSTITUTES

Priority: Other Significant

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

CFR Citation: 29 CFR 1910

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting	10/17/07	72 FR 54619
ANPRM	01/21/09	74 FR 3937
ANPRM Withdrawn	03/17/09	74 FR 11329
ANPRM Comment Period End	04/21/09	
Completed SBREFA Report	07/02/09	
Initiate Peer Review of Health Effects and Risk Assessment	04/00/11	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

DOL—OSHA

Prerule Stage

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RIN: 1218-AC33

91. BLOODBORNE PATHOGENS (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 533; 5 USC 610; 29 USC 655(b)

CFR Citation: 29 CFR 1910.1030

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Begin Review	10/22/09	
Request for Comments Published	05/14/10	75 FR 27237
Comment Period End	08/12/10	
Analyze Comments	05/00/11	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1218-AC34

92. INFECTIOUS DISEASES

Regulatory Plan: This entry is Seq. No. 14 in part II of this issue of the **Federal Register**.

RIN: 1218-AC46

93. INJURY AND ILLNESS PREVENTION PROGRAM

Regulatory Plan: This entry is Seq. No. 15 in part II of this issue of the **Federal Register**.

RIN: 1218-AC48

94. • REINFORCING AND POST-TENSIONED STEEL CONSTRUCTION

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 655(b)

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ben Bare, Acting Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3468, Washington, DC 20210
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RIN: 1218-AC51

95. • BACKING OPERATIONS

Regulatory Plan: This entry is Seq. No. 16 in part II of this issue of the **Federal Register**.

RIN: 1218-AC52

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

Proposed Rule Stage

96. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

Regulatory Plan: This entry is Seq. No. 17 in part II of this issue of the **Federal Register**.

RIN: 1218-AB70

97. WALKING WORKING SURFACES AND PERSONAL FALL PROTECTION SYSTEMS (SLIPS, TRIPS, AND FALL PREVENTION)

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, subparts D and I

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	04/10/90	55 FR 13360
NPRM Comment Period End	08/22/90	
Hearing	09/11/90	55 FR 29224
Reopen Record	05/02/03	68 FR 23527
Comment Period End	07/31/03	
Second NPRM	05/24/10	75 FR 28861
Second NPRM Comment Period End	08/23/10	
Notice of Informal Hearing	11/12/10	75 FR 69369
Public Hearing	01/18/11	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1218-AB80

98. COMBUSTIBLE DUST

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 29 USC 6559(b); 29 USC 657

CFR Citation: 29 CFR 1910, subpart H

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/09	74 FR 54333
ANPRM Comment Period End	01/19/10	
Stakeholder Meetings	12/14/09	
Stakeholder Meetings	02/17/10	
Stakeholders Meetings	03/09/10	75 FR 10739
Initiate SBREFA	04/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 1218-AC41

99. OCCUPATIONAL INJURY AND ILLNESS RECORDING AND REPORTING REQUIREMENTS—MODERNIZING OSHA'S REPORTING SYSTEM

Regulatory Plan: This entry is Seq. No. 18 in part II of this issue of the **Federal Register**.

RIN: 1218-AC49

100. OCCUPATIONAL INJURY AND ILLNESS RECORDING AND REPORTING REQUIREMENTS—NAICS UPDATE AND REPORTING REVISIONS

Priority: Other Significant

Legal Authority: 29 USC 657

CFR Citation: 29 CFR 1904

Legal Deadline: None

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

DOL—OSHA

Proposed Rule Stage

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.

Timetable:

Action	Date	FR Cite
NPRM	03/00/11	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Keith Goddard, Director, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210
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RIN: 1218-AC50

Department of Labor (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

101. CONFINED SPACES IN CONSTRUCTION

Priority: Other Significant

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

CFR Citation: 29 CFR 1926.36

Legal Deadline: None

Abstract: In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces (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.

Timetable:

Action	Date	FR Cite
SBREFA Panel Report	11/24/03	
NPRM	11/28/07	72 FR 67351
NPRM Comment Period End	01/28/08	
NPRM Comment Period Extended	02/28/08	73 FR 3893
Public Hearing	07/22/08	
Close Record	10/23/08	
Final Action	11/00/11	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ben Bare, Acting Director, Directorate of Construction, Department of Labor, Occupational

Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3468, Washington, DC 20210
Phone: 202 693-2020
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RIN: 1218-AB47

102. GENERAL WORKING CONDITIONS FOR SHIPYARD EMPLOYMENT

Priority: Other Significant

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

CFR Citation: 29 CFR 1915, subpart F

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	12/20/07	72 FR 72451
NPRM Comment Period End	03/19/08	
Public Hearings Held—September 9–10, 2008	06/30/08	73 FR 36823

Action	Date	FR Cite
Public Hearings Held—October 21–22, 2008	09/19/08	73 FR 54340
Public Hearing Comment Period End	02/20/09	
Analyze Record	07/31/09	
Final Rule	01/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210
Phone: 202 693-1950
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Email: dougherty.dorothy@dol.gov

RIN: 1218-AB50

103. ELECTRIC POWER TRANSMISSION AND DISTRIBUTION; ELECTRICAL PROTECTIVE EQUIPMENT

Priority: Economically Significant. Major under 5 USC 801.

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

CFR Citation: 29 CFR 1910.136 to 1910.137; 29 CFR 1910.269; 29 CFR 1926, subpart V; 29 CFR 1926.97

Legal Deadline: None

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

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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.

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/03	
NPRM	06/15/05	70 FR 34821
NPRM Comment Period End	10/13/05	
Comment Period Extended to	10/12/05	70 FR 59290
01/11/2006		
Public Hearing To Be Held	10/12/05	70 FR 59290
03/06/2006		
Posthearing Comment Period End	07/14/06	
Reopen Record	10/22/08	73 FR 62942
Comment Period End	11/21/08	
Close Record	11/21/08	
Second Reopening Record	09/14/09	74 FR 46958

Action	Date	FR Cite
Comment Period End	10/15/09	
Public Hearings	10/28/09	
Posthearing Comment Period End	02/10/10	
Final Rule	05/00/11	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Local

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210
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RIN: 1218-AB67

104. STANDARDS IMPROVEMENT PROJECT (SIP III)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: Not Yet Determined

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
ANPRM	12/21/06	71 FR 76623

Action	Date	FR Cite
ANPRM Comment Period End	02/20/07	
Analyze Record	04/30/07	
NPRM	07/02/10	75 FR 38646
NPRM Comment Period End	09/30/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210
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RIN: 1218-AC19

105. HAZARD COMMUNICATION

Regulatory Plan: This entry is Seq. No. 19 in part II of this issue of the **Federal Register**.

RIN: 1218-AC20

106. PROCEDURES FOR HANDLING DISCRIMINATION COMPLAINTS UNDER FEDERAL EMPLOYEE PROTECTION STATUTES

Priority: Other Significant

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

CFR Citation: 29 CFR 24

Legal Deadline: None

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

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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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/07	72 FR 44956
Interim Final Rule Comment Period End	10/09/07	
Final Action	12/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3610, Washington, DC 20210
Phone: 202 693-2531
Fax: 202 693-2369

RIN: 1218-AC25

107. NATIONALLY RECOGNIZED TESTING LABORATORIES FEE SCHEDULE—REVISED APPROACH

Priority: Info./Admin./Other

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

CFR Citation: 29 CFR 1910.7(f)

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	12/07/09	74 FR 64027
NPRM Comment Period End	01/21/10	
Final Action	12/00/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mary Ann Garrahan, Director, Office of Technical Programs and Coordination Activities, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3655, Washington, DC 20210
Phone: 202 693-2110
Fax: 202 693-1644
Email: garrahan.maryann@dol.gov

RIN: 1218-AC27

108. COOPERATIVE AGREEMENTS

Priority: Other Significant

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

CFR Citation: 29 CFR 1908

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	09/03/10	75 FR 54064
NPRM Comment Period End	11/02/10	
Final Action	09/00/11	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Agency Contact: Steven F. Witt, Director, Directorate of Cooperative and State Programs, Department of Labor, 200 Constitution Avenue NW., Room N-3700, FP Building, Washington, DC 20210

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RIN: 1218-AC32

109. 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

Priority: Other Significant

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

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9/11 Commission Act of 2007; 49 USC 31105

CFR Citation: 29 CFR 1982; 29 CFR 1978

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/10	75 FR 53522
Interim Final Rule Effective	08/31/10	
Interim Final Rule Comment Period End	11/01/10	
Final Action	11/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3610, Washington, DC 20210
Phone: 202 693-2531
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RIN: 1218-AC36

110. OCCUPATIONAL INJURY AND ILLNESS RECORDING AND REPORTING REQUIREMENTS—MUSCULOSKELETAL DISORDERS (MSD) COLUMN

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1904

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	01/29/10	75 FR 4728
Public Meeting	03/09/10	
NPRM Comment Period End	03/09/10	75 FR 10738
Extension of Comment Period End	03/30/10	
Final Action	02/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3718, Washington, DC 20210
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RIN: 1218-AC45

111. PROCEDURES FOR THE HANDLING OF RETALIATION COMPLAINTS UNDER THE EMPLOYEE PROTECTION PROVISIONS OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT (CPSIA) OF 2008

Priority: Other Significant

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

CFR Citation: 29 CFR 1983

Legal Deadline: None

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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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/10	75 FR 53533
Interim Final Rule Effective	08/31/10	
Interim Final Rule Comment Period End	11/01/10	
Final Action	11/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3610, Washington, DC 20210
Phone: 202 693-2531
Fax: 202 693-2369

RIN: 1218-AC47

112. ● PROCEDURES FOR THE HANDLING OF RETALIATION COMPLAINTS UNDER SECTION 806 OF THE CORPORATE AND CRIMINAL FRAUD ACCOUNTABILITY ACT OF 2002, AS AMENDED

Priority: Other Significant

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

CFR Citation: 29 CFR 1980

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3610, Washington, DC 20210
Phone: 202 693-2531
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RIN: 1218-AC53

113. ● 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

Priority: Other Significant

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

CFR Citation: 29 CFR 1985

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3610, Washington, DC 20210
Phone: 202 693-2531

DOL—OSHA

Final Rule Stage

Fax: 202 693-2369

RIN: 1218-AC54

114. • PROCEDURES FOR THE HANDLING OF RETALIATION COMPLAINTS UNDER SECTION 1558 OF THE AFFORDABLE CARE ACT OF 2010

Priority: Other Significant

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

CFR Citation: 29 CFR 1984

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3610, Washington, DC 20210
Phone: 202 693-2531
Fax: 202 693-2369

RIN: 1218-AC55

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

Completed Actions

115. CRANES AND DERRICKS IN CONSTRUCTION

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 29 USC 651(b); 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Notice of Intent To Establish Negotiated Rulemaking	07/16/02	67 FR 46612
Comment Period End	09/16/02	
Request for Comments on Proposed Committee Members	02/27/03	68 FR 9036
Request for Comments Period End	03/31/03	68 FR 9036
Established Negotiated Rulemaking Committee	06/12/03	68 FR 35172
Rulemaking Negotiations Completed	07/30/04	
SBREFA Report	10/17/06	
NPRM	10/09/08	73 FR 59714
NPRM Comment Period Extended	12/02/08	73 FR 73197
NPRM Comment Period End	01/22/09	
Public Hearing	03/20/09	
Close Record	06/18/09	
Final Rule	08/09/10	75 FR 47906

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

Agency Contact: Ben Bare, Acting Director, Directorate of Construction,

Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3468, Washington, DC 20210
Phone: 202 693-2020
Fax: 202 693-1689

RIN: 1218-AC01

116. METHYLENE CHLORIDE (COMPLETION OF A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

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

CFR Citation: 29 CFR 1910.1052

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/06	
Request for Comments	07/10/07	72 FR 37501

DOL—OSHA

Completed Actions

Action	Date	FR Cite	Regulatory Flexibility Analysis Required:	Small Entities Affected:	Government Levels Affected:	Agency Contact:	RIN:
Comment Period End	10/09/07		No	No	None	Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3641, Washington, DC 20210 Phone: 202 693-2400 Fax: 202 693-1641 Email: smith.john@dol.gov	
Reopen Comment Period	01/08/08	73 FR 1299					
Comment Period End	03/10/08						
End Review	05/05/10	75 FR 24509					1218-AC23

Department of Labor (DOL)

Prerule Stage

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

117. REVISED FUNDING FORMULA FOR JOBS FOR VETERANS STATE GRANTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 20 CFR 1001

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
ANPRM	06/11/10	75 FR 33203
ANPRM Comment Period End	09/09/10	
End Review of Comments	02/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Gordon Burke, Director of Grants and Transition Programs, Department of Labor, Office of the Assistant Secretary for Veterans' Employment and Training, 200 Constitution Avenue NW., FP Building, Room S-1325, Washington, DC 20210
Phone: 202 693-4700

RIN: 1293-AA17

Department of Labor (DOL)

Proposed Rule Stage

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

118. ESTABLISHMENT OF A UNIFORM NATIONAL THRESHOLD ENTERED EMPLOYMENT RATE UNDER THE JOBS FOR VETERANS

Priority: Other Significant

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

CFR Citation: None

Legal Deadline: None

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).

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 1293-AA18

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