



Federal Register

**Monday,
April 26, 2010**

Part IV

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

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

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

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The Department's agencies have carefully assessed their available resources and what they can accomplish in the next 12 months and have adjusted their agendas accordingly.

The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between April 2010 and April 2011, as well as those completed during the past 6 months.

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 and the Regulatory Flexibility Act require the semiannual publication in the Federal Register of an agenda of regulations. As permitted by law, the Department of Labor is combining the publication of its agendas under the Regulatory Flexibility Act and Executive Order 12866.

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

In addition, beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

The Regulatory Flexibility Act, which became effective on January 1, 1981, requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a

substantial number of small entities" (5 U.S.C. 602).

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

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

Occupational Safety and Health Administration

Methylene Chloride (RIN 1218-AC23)

Bloodborne Pathogens (RIN 1218-AC34)

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 agenda.

For this edition of the Department of Labor's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the Federal Register that includes the Unified Agenda.

Hilda L. Solis, Secretary of Labor.

Office of Federal Contract Compliance Programs—Prerule Stage

Table with 3 columns: Sequence Number, Title, Regulation Identifier Number. Row 1: 453, Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors: Evaluation of Recruitment and Placement Results Under Section 503, 1250-AA02

Office of Federal Contract Compliance Programs—Proposed Rule Stage

Table with 3 columns: Sequence Number, Title, Regulation Identifier Number. Row 1: 454, Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results Under the VEVRAA of 1974, As Amended, 1250-AA00

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Office of Federal Contract Compliance Programs—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
455	Construction Contractor Affirmative Action Requirements	1250-AA01

Office of Labor Management Standards—Prerule Stage

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

Office of Labor Management Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
457	Labor Organization Officer and Employee Report (Form LM-30)	1245-AA01
458	Form T-1: Reports by Labor Organizations on Related Organizations; Reporting by Public Sector Intermediate Unions	1245-AA02
459	Persuader Agreements: Employer and Labor Consultant Reporting Under the LMRDA	1245-AA03

Office of Labor Management Standards—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
460	Notification of Employee Rights Under Federal Labor Laws	1245-AA00

Office of Worker's Compensation Program—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
461	Defense Base Act Waivers	1240-AA01
462	Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels	1240-AA02
463	Claims for Compensation Under the Federal Employees' Compensation Act	1240-AA03

Office of Worker's Compensation Program—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
464	Death Gratuity Authorized for Federal Employees	1240-AA00

Wage and Hour Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
465	Nondisplacement of Qualified Workers Under Service Contracts	1235-AA02
466	The Family and Medical Leave Act of 1993, as Amended	1235-AA03
467	Records To Be Kept by Employers Under the Fair Labor Standards Act	1235-AA04

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Wage and Hour Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
468	Amendments to the Fair Labor Standards Act	1235-AA00
469	Child Labor Regulations, Orders, and Statements of Interpretation	1235-AA01

Wage and Hour Division—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
470	Application of the Fair Labor Standards Act to Domestic Service	1235-AA05

Employment Standards Administration—Long-Term Actions

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

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
472	Amendments to the Fair Labor Standards Act	1215-AB13
473	Child Labor Regulations, Orders, and Statements of Interpretation	1215-AB44
474	Child Labor Regulations, Orders, and Statements of Interpretation	1215-AB57
475	Death Gratuity Authorized for Federal Employees	1215-AB66
476	Notification of Employee Rights Under Federal Labor Laws	1215-AB70
477	Defense Base Act Waivers	1215-AB72
478	Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels	1215-AB73
479	Labor Organization Officer and Employee Report (Form LM-30)	1215-AB74
480	Form T-1: Reports by Labor Organizations on Related Organizations; Reporting by Public Sector Intermediate Unions	1215-AB75
481	The Family and Medical Leave Act of 1993, as Amended	1215-AB76
482	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors: Evaluation of Recruitment and Placement Results Under Section 503	1215-AB77
483	Records To Be Kept by Employers Under the Fair Labor Standards Act	1215-AB78
484	Persuader Agreements: Employer and Labor Consultant Reporting Under the LMRDA	1215-AB79
485	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results Under the VEVRAA of 1974, as amended	1215-AB80
486	Construction Contractor Affirmative Action Requirements	1215-AB81
487	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AB83
488	Internet Balloting in Union Officer Elections	1215-AB84

Employment and Training Administration—Proposed Rule Stage

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

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Employment and Training Administration—Final Rule Stage

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

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
497	Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses	1205-AB52
498	Temporary Agricultural Employment of H-2A Aliens in the United States	1205-AB55
499	Trade Adjustment Assistance Program; Merit Staffing of State Administration and Allocation of Training Funds to the States	1205-AB56

Employee Benefits Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
500	Lifetime Income Options for Participants and Beneficiaries in Retirement Plans	1210-AB33

Employee Benefits Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
501	Annual Funding Notice	1210-AB18
502	Pension Benefit Statements	1210-AB20
503	Definition of "Fiduciary"	1210-AB32
504	Definition of "Welfare Plan"	1210-AB34
505	Statutory Exemption for Provision of Investment Advice	1210-AB35
506	Genetic Information Nondiscrimination; Penalties for Noncompliance	1210-AB36
507	Improved Fee Disclosure for Welfare Plans	1210-AB37
508	QDIA Target Date Disclosure	1210-AB38
509	Amendment to Claims Procedure Regulation	1210-AB39
510	Children's Health Insurance Program: Notice Requirements for Employers	1210-AB40

Employee Benefits Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
511	Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996	1210-AA54
512	Improved Fee Disclosure for Pension Plan Participants	1210-AB07
513	Improved Fee Disclosure for Pension Plans	1210-AB08
514	Time and Order of Issuance of Domestic Relations Orders	1210-AB15
515	Mental Health Parity and Addiction Equity Act	1210-AB30

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Employee Benefits Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
516	Regulations Implementing the Patient Protection and Affordable Care Act of 2010 (PPACA)	1210-AB41

Employee Benefits Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
517	Amendment of Regulation Relating to Definition of Plan Assets—Participant Contributions	1210-AB02
518	Participant Contributions 610 Regulation Review (Completion of a Section 610 Review)	1210-AB11
519	Statutory Exemption for Provision of Investment Advice	1210-AB13
520	Multiemployer Plan Information Made Available on Request	1210-AB21
521	Genetic Information Nondiscrimination	1210-AB27
522	Amendments to Civil Penalties Under ERISA Section 502(c)(8)	1210-AB31

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
523	Proximity Detection Systems for Underground Mines	1219-AB65
524	Metal and Nonmetal Dams	1219-AB70
525	Safety and Health Management Programs for Mines	1219-AB71

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
526	Revising Electrical Product Approval Regulations	1219-AB37
527	Lowering Miners' Exposure to Coal Mine Dust Including Continuous Personal Dust Monitors	1219-AB64
528	Notification of Legal Identity	1219-AB67
529	Criteria and Procedures for Proposed Assessment of Civil Penalties	1219-AB72
530	Pattern of Violations	1219-AB73
531	Preshift Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Safety or Health Standards	1219-AB75

Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
532	Respirable Crystalline Silica Standard	1219-AB36

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
533	High-Voltage Continuous Mining Machine Standard for Underground Coal Mines	1219-AB34
534	Coal Mine Respirable Dust: Continuous Personal Dust Monitor (CPDM)	1219-AB48
535	Smoke Density and Toxicity	1219-AB60
536	Coal Mine Dust Sampling Devices	1219-AB61

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Mine Safety and Health Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
537	Criteria and Procedures for Proposed Assessment of Civil Penalties/Recordkeeping and Reporting: Immediate Notification	1219-AB63

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
538	Occupational Exposure to Beryllium	1218-AB76
539	Methylene Chloride (Section 610 Review)	1218-AC23
540	Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl	1218-AC33
541	Bloodborne Pathogens (610 Review) (Section 610 Review)	1218-AC34
542	Infectious Diseases	1218-AC46
543	Injury and Illness Prevention Program	1218-AC48
544	Occupational Injury and Illness Recording and Reporting Requirements—Modernizing OSHA's Reporting System	1218-AC49

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
545	Confined Spaces in Construction	1218-AB47
546	Occupational Exposure to Crystalline Silica	1218-AB70
547	Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)	1218-AB80
548	Standards Improvement Project (SIP III)	1218-AC19
549	Hazard Communication	1218-AC20
550	Cooperative Agreements	1218-AC32
551	Occupational Injury and Illness Recording and Reporting Requirements—NAICS Update and Reporting Revisions	1218-AC50

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
552	General Working Conditions for Shipyard Employment	1218-AB50
553	Electric Power Transmission and Distribution; Electrical Protective Equipment	1218-AB67
554	Cranes and Derricks in Construction	1218-AC01
555	Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes	1218-AC25
556	Nationally Recognized Testing Laboratories Fee Schedule—Revised Approach	1218-AC27
557	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 Rail Safety Act	1218-AC36
558	Occupational Injury and Illness Recording and Reporting Requirements—Musculoskeletal Disorders (MSD) Column	1218-AC45
559	Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008	1218-AC47

Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
560	Combustible Dust	1218-AC41

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Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
561	Hearing Conservation Program for Construction Workers	1218-AB89
562	Explosives	1218-AC09
563	Emergency Response and Preparedness	1218-AC17
564	Revision and Update of Standards for Power Presses	1218-AC22
565	Abbreviated Portacount® Quantitative Fit-Testing Protocol	1218-AC39
566	Tree Care Operations	1218-AC40
567	Occupational Exposure to Hexavalent Chromium; Final Rule Remand	1218-AC43

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

Sequence Number	Title	Regulation Identifier Number
568	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
569	Establishment of a Uniform National Threshold Entered Employment Rate Under the Jobs for Veterans State Grants	1293-AA18

Department of Labor (DOL)

Prerule Stage

Office of Federal Contract Compliance Programs (OFCCP)

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

Priority: Substantive, Nonsignificant

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 Advance Notice of Proposed Rulemaking (ANPRM) seeks information regarding 41 CFR parts 60

to 741. In particular, the ANPRM invites public comments in respect to improving employment opportunities for individuals with disabilities. Further, the ANPRM will request information on how Federal contractors and subcontractors can conduct more substantive analyses and fully monitor their recruitment and placement efforts on behalf of individuals with disabilities.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/10	

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
Email: dillon.sandra.m@dol.gov

Related RIN: Previously reported as 1215-AB77

RIN: 1250-AA02

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

Proposed Rule Stage

454. 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	12/00/10	

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
 Email: dillon.sandra.m@dol.gov

Related RIN: Previously reported as 1215-AB80

RIN: 1250-AA00

455. CONSTRUCTION CONTRACTOR AFFIRMATIVE ACTION REQUIREMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 41 CFR 60-1; 41 CFR 60-4

Legal Deadline: None

Abstract: This Notice of Proposed Rulemaking (NPRM) would revise the regulations in 41 CFR parts 60-1 and 60-4 implementing the affirmative action requirements of Executive Order 11246 that are applicable to Federal and federally assisted construction contractors. This NPRM would remove outdated regulatory provisions and update the provisions in the regulations that set forth the actions construction contractors are required to take to implement their affirmative action obligations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

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
 Email: dillon.sandra.m@dol.gov

Related RIN: Previously reported as 1215-AB81

RIN: 1250-AA01

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

Prerule Stage

456. 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	11/00/10	

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, 200 Constitution Avenue NW., FP Building, Room N-5609, Washington, DC 20210
 Phone: 202 693-0123
 Fax: 202 693-1340
 Email: davis.andrew@dol.gov

Related RIN: Previously reported as 1215-AB84

RIN: 1245-AA04

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

Proposed Rule Stage

457. 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 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	08/00/10	

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, 200 Constitution Avenue NW., FP Building, Room N-5609, Washington, DC 20210
 Phone: 202 693-0123
 Fax: 202 693-1340
 Email: davis.andrew@dol.gov

Related RIN: Previously reported as 1215-AB74

RIN: 1245-AA01

458. 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	12/00/10	

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, 200 Constitution Avenue NW., FP Building, Room N-5609, Washington, DC 20210
 Phone: 202 693-0123
 Fax: 202 693-1340
 Email: davis.andrew@dol.gov

Related RIN: Previously reported as 1215-AB75

RIN: 1245-AA02

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

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

Legal Authority: 29 USC 433; 29 USC 438

CFR Citation: 29 CFR 405; 29 CFR 406

Legal Deadline: None

Abstract: The Department intends to publish notice and comment rulemaking seeking consideration of a revised interpretation of section 203(c) of the Labor-Management Reporting and Disclosure Act (LMRDA). That statutory provision creates an "advice"

exemption from reporting requirements that apply to employers and other persons in connection with persuading employees about the right to organize and bargain collectively. A proposed revised interpretation would narrow the scope of the advice exemption.

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

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

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

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

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

DOL—OLMS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**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, 200

Constitution Avenue NW., FP Building, Room N–5609, Washington, DC 20210
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Related RIN: Previously reported as 1215–AB79**RIN:** 1245–AA03

Department of Labor (DOL)

Final Rule Stage

Office of Labor Management Standards (OLMS)

460. 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's Employment Standards Administration 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.

Timetable:

Action	Date	FR Cite
NPRM	08/03/09	74 FR 38488
NPRM Comment Period End	09/02/09	
Final Action	06/00/10	

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, 200 Constitution Avenue NW., FP Building, Room N–5609, Washington, DC 20210
Phone: 202 693–0123
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Related RIN: Previously reported as 1215–AB70**RIN:** 1245–AA00

Department of Labor (DOL)

Proposed Rule Stage

Office of Worker's Compensation Program (OWCP)

461. DEFENSE BASE ACT WAIVERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 1651(e)**CFR Citation:** 20 CFR 704**Legal Deadline:** None

Abstract: The Defense Base Act (DBA), 42 U.S.C. section 1651 et seq., provides workers' compensation benefits for civilian employees of U.S. Government contractors injured or killed while working overseas. The DBA authorizes the Secretary of Labor to waive application of the DBA in any contract, subcontract, location, or class of employees upon the recommendation of the head of any department or agency of the U.S. Government. 42 U.S.C. section 1651(e). Over the years, DOL has granted a variety of waivers without any published rules. This proposed regulation would clarify the procedures for agencies to request waivers, including who may request a waiver, the format of a waiver request, and the supporting information

required. The regulation would also explain DOL's procedures for reviewing and granting a waiver, including the factors DOL considers in granting a waiver and the conditions and limitations of any waiver granted.

Timetable:

Action	Date	FR Cite
NPRM	03/00/11	

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 Worker's 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**462. 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

DOL—OWCP

Proposed Rule Stage

proposing a rule that addresses the definition of recreational vessel, coverage of those employees who work in both covered employment and employment excluded under the amendment, and the interplay between State workers' compensation coverage and Longshore Act coverage for those who repair recreational vessels and who dismantle them for repair.

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	

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 Worker's 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

463. 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	08/00/10	

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 Worker's Compensation Program, 200 Constitution Avenue NW., FP Building, Room S-3229, Washington, DC 20210 Phone: 202 693-0040 Fax: 202 693-1497 Email: fitzgerald.douglas@dol.gov

Related RIN: Previously reported as 1215-AB83

RIN: 1240-AA03

Department of Labor (DOL)

Final Rule Stage

Office of Worker's Compensation Program (OWCP)

464. 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 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

Action	Date	FR Cite
Interim Final Rule Effective	08/18/09	
Interim Final Rule Comment Period End	10/19/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

DOL—OWCP

Final Rule Stage

Agency Contact: Jennifer Valdivieso, Acting Chief, Branch of Regulations and Procedures, Division of Federal Employees Compensation, Department of Labor, Office of Worker's

Compensation Program, 400 West Bay Street, Room 826, Jacksonville, FL 32202
Phone: 904 357-4754
Fax: 904 357-4779

Email: valdivieso.jennifer@dol.gov

Related RIN: Previously reported as 1215-AB66

RIN: 1240-AA00

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

Proposed Rule Stage

465. 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	12/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Timothy Helm, Government Contracts Branch Chief, Division of Enforcement Policy, Department of Labor, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210
Phone: 202 693-0064
Fax: 202 693-1387

Related RIN: Previously reported as 1215-AB69

RIN: 1235-AA02

466. THE FAMILY AND MEDICAL LEAVE ACT OF 1993, AS AMENDED

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: DOL will propose regulatory changes to implement the National Defense Authorization Act for FY 2010, which further expanded the existing military leave provisions; and the Airline Flight Crew Technical Corrections Act, which expanded FMLA eligibility requirements to include airline flight crews.

Statement of Need: The FMLA requires covered employers to grant eligible employees up to 12 work weeks of unpaid, job-protected leave a year for specified family and medical reasons, and to maintain group health benefits during the leave as if the employees continued to work instead of taking leave. When an eligible employee returns from FMLA leave, the employer must restore the employee to the same or an equivalent job with equivalent pay, benefits, and other conditions of employment. FMLA makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided by the FMLA. The President signed the National Defense Authorization Act for FY 2010 and the Airline Flight Crew Technical Corrections Act on October 28, 2009, and December 21, 2009, respectively. The Department is reviewing the implementation of these statutory amendments and other revisions of the current regulations.

Summary of Legal Basis: These regulations are authorized by section 404 of the Family and Medical Leave Act, 29 U.S.C. 2654.

Alternatives: After completing a review of the implementation of the recent statutory amendments to the FMLA regulatory alternatives will be

developed for notice-and-comment rulemaking.

Anticipated Cost and Benefits:

Preliminary estimates of the anticipated costs and benefits of this initiative will be determined once regulatory alternatives are developed.

Risks: This rulemaking action does not directly affect risks to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

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

467. RECORDS TO BE KEPT BY EMPLOYERS UNDER THE FAIR LABOR STANDARDS ACT

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

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Legal Deadline: None

Abstract: The Department of Labor proposes to update the recordkeeping regulations under the Fair Labor Standards Act in order to enhance the transparency and disclosure to workers of how their pay is computed, and to modernize other recordkeeping requirements for employees under "telework" and "flexiplace" arrangements.

DOL—WHD

Proposed Rule Stage

Statement of Need: The recordkeeping regulation issued under the Fair Labor Standards Act (FLSA), 29 CFR part 516, specifies the scope and manner of records covered employers must keep that demonstrate compliance with minimum wage, overtime, and child labor requirements under the FLSA, or the records to be kept that confirm particular exemptions from some of the Act's requirements may apply. This proposal intends to update the recordkeeping requirements to foster more openness and transparency in demonstrating employers' compliance with applicable requirements to their workers, to better ensure compliance by regulated entities, and to assist in enforcement. In addition, the proposal intends to update the recordkeeping requirements applicable to certain domestic employees and to modernize the requirements, consistent with the increasing emphasis on flexiplace and telecommuting, to allow for automated or electronic recordkeeping systems

instead of the mandatory manual preparation of "homeworker" handbooks currently required for all work that an employee may perform in the home.

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

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

Anticipated Cost and Benefits: Preliminary estimates of anticipated costs and benefits of this regulatory initiative have not been determined at this time and will be determined at a later date as appropriate.

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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-AB78

RIN: 1235-AA04

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

Final Rule Stage

468. 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	06/00/10	

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

469. 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>).

DOL—WHD

Final Rule Stage

Statement of Need: The Fair Labor Standards Act (FLSA) requires the Secretary of Labor to issue regulations on the employment of minors between 14 and 16 years of age, ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being, and to designate occupations that are particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14- and 15-year-olds may be employed and specifies the number of hours in a day and in a week and time periods within a day that such minors may be employed. Updating the child labor regulations issued under the FLSA will help meet the challenge of ensuring good jobs that are safe, healthy, and fair for the Nation's working youth, while balancing their educational needs with job-related experiences that are safe. Updated child labor regulations that better address the safety needs of today's workplaces will ensure our young workers have permissible job opportunities that are safe, enhancing their opportunities to gain the skills to find and hold good jobs with the potential to increase their earnings over time. Ensuring safe and reasonable work hours for working youth will also ensure that top priority is given to their education, consistent with the purposes of the statute.

Summary of Legal Basis: These regulations are issued pursuant to sections 3(1), 11, 12, and 13 of the Fair Labor Standards Act, 29 U.S.C. 203(1), 211, 121, and 213.

Alternatives: When developing regulatory alternatives in the analysis of recommendations of the National Institute for Occupational Safety and Health in its 2002 report to the Department on the child labor hazardous occupations orders and other proposals, the Department has focused on assuring healthy, safe, and fair workplaces for young workers that are not detrimental to their education, as required by the statute. Some of the regulatory alternatives were developed based on recent legislative amendments.

Anticipated Cost and Benefits: Preliminary estimates of the anticipated costs and benefits of this rulemaking initiative indicated it was not economically significant. Benefits to the public, including employers and workers, will include safer working conditions and the avoidance of injuries and lost productivity involving young workers.

Risks: The Department's child labor regulations, by ensuring that permissible job opportunities for working youth are safe and healthy and not detrimental to their education, produce positive benefits by reducing

health-related and lost-productivity costs employers might otherwise incur from higher accident and injury rates to young and inexperienced workers. Because of the limited nature of the regulatory revisions contemplated under this initiative, a detailed assessment of the magnitude of risk was not prepared.

Timetable:

Action	Date	FR Cite
NPRM	04/17/07	72 FR 19337
NPRM Comment Period End	07/16/07	
Final Action	04/00/10	

Regulatory Flexibility Analysis

Required: Undetermined

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) Wage and Hour Division (WHD)

Long-Term Actions

470. • 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.

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

Department of Labor (DOL)

Long-Term Actions

Employment Standards Administration (ESA)

471. 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	To Be	Determined
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, 200 Constitution Avenue NW., Room S-3502, FP Building, Washington, DC 20210
Phone: 202 693-0064
Fax: 202 693-1387

RIN: 1215-AB69

Department of Labor (DOL)

Completed Actions

Employment Standards Administration (ESA)

472. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT

Timetable:

Action	Date	FR Cite
Transferred to RIN	03/02/10	
1235-AA00		

RIN: 1215-AB13

Timetable:

Action	Date	FR Cite
ANPRM	04/17/07	72 FR 19328
ANPRM Comment	07/16/07	
Period End		
Reviewing of	02/01/10	
Comments		
Completed		
Withdrawn	02/24/10	

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

Timetable:

Action	Date	FR Cite
Transferred to RIN	03/02/10	
1235-AA01		

RIN: 1215-AB57

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

Priority: Other Significant

Legal Authority: 29 USC 203(1)

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: The Department of Labor is currently withdrawing this item, after having completed a review of the comments submitted in response an ANPRM seeking additional data and public input to supplement National Institute for Occupational Safety and Health (NIOSH) recommendations and conclusions included in a May 2002 report to the Department of Labor on the Fair Labor Standards Act child labor regulations. The additional comments did not provide sufficient information on which the Department could base further rulemaking at this time. The NIOSH recommendations may be the subject of future rulemaking. Related rulemaking under a separate NPRM continues. See related RIN 1215-AB57.

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

URL For Public Comments:

www.regulations.gov

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: Related to 1215-AB57

RIN: 1215-AB44

475. DEATH GRATUITY AUTHORIZED FOR FEDERAL EMPLOYEES

Timetable:

Action	Date	FR Cite
Transferred to RIN	03/02/10	
1240-AA00		

RIN: 1215-AB66

476. NOTIFICATION OF EMPLOYEE RIGHTS UNDER FEDERAL LABOR LAWS

Timetable:

Action	Date	FR Cite
Transferred to RIN	03/02/10	
1245-AA00		

RIN: 1215-AB70

477. DEFENSE BASE ACT WAIVERS

Timetable:

Action	Date	FR Cite
Transferred to RIN	03/02/10	
1240-AA01		

RIN: 1215-AB72

DOL—ESA

Completed Actions

478. REGULATIONS IMPLEMENTING THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT: RECREATIONAL VESSELS**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1240-AA02	03/02/10	

RIN: 1215-AB73

479. LABOR ORGANIZATION OFFICER AND EMPLOYEE REPORT (FORM LM-30)**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1245-AA01	03/02/10	

RIN: 1215-AB74

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

Action	Date	FR Cite
Transferred to RIN 1245-AA02	03/02/10	

RIN: 1215-AB75

481. THE FAMILY AND MEDICAL LEAVE ACT OF 1993, AS AMENDED**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1235-AA03	03/02/10	

RIN: 1215-AB76

482. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS: EVALUATION OF RECRUITMENT AND PLACEMENT RESULTS UNDER SECTION 503**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1250-AA02	03/02/10	

RIN: 1215-AB77

483. RECORDS TO BE KEPT BY EMPLOYERS UNDER THE FAIR LABOR STANDARDS ACT**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1235-AA04	03/02/10	

RIN: 1215-AB78

484. PERSUADER AGREEMENTS: EMPLOYER AND LABOR CONSULTANT REPORTING UNDER THE LMRDA**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1245-AA03	03/02/10	

RIN: 1215-AB79

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

Action	Date	FR Cite
Transferred to RIN 1250-AA00	03/02/10	

RIN: 1215-AB80

486. CONSTRUCTION CONTRACTOR AFFIRMATIVE ACTION REQUIREMENTS**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1250-AA01	03/02/10	

RIN: 1215-AB81

487. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1240-AA03	03/02/10	

RIN: 1215-AB83

488. INTERNET BALLOTING IN UNION OFFICER ELECTIONS**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1245-AA04	03/02/10	

RIN: 1215-AB84

Department of Labor (DOL)**Proposed Rule Stage****Employment and Training Administration (ETA)****489. YOUTHBUILD PROGRAM REGULATION****Priority:** Other Significant**Legal Authority:** PL 109-281**CFR Citation:** Not Yet Determined**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.

Statement of Need: The YouthBuild Transfer Act of 2006 (Transfer Act), Public Law 109-281, transfers the YouthBuild program from the HUD to the DOL. The transfer incorporates technical modifications and amends

DOL—ETA

Proposed Rule Stage

certain program features. The Employment and Training Administration is proposing new regulations which will govern its administration of the YouthBuild program.

The Transfer Act maintains all the goals of the YouthBuild program as originally developed under HUD, including supporting the development of affordable housing, but shifts the emphasis to skills training for youth participants. The Transfer Act makes the YouthBuild program consistent with the job training, education, and employment goals under the Workforce Investment Act, Public Law 105-220, as amended. This includes authorizing DOL to apply the common performance measures developed for Federal youth activities employment and training programs. The Transfer Act authorizes education and workforce investment, such as occupational skills training, internships, and job shadowing, as well as community service and peer-centered activities. In addition, the Transfer Act allows for greater coordination of the YouthBuild program with the workforce investment system, including local workforce investment boards, and One-Stop Career Centers, and their partner programs. These strengthened connections will enhance the job training and employment opportunities available to participating at-risk youth.

Summary of Legal Basis: These regulations are authorized by Public Law 109-281, The YouthBuild Transfer Act of 2006, to implement the amendments to subtitle D of Title I of the Workforce Investment Act of 1998 as amended (WIA).

Alternatives: The public will be afforded an opportunity to provide comments on the YouthBuild program changes when the Department publishes the NPRM in the Federal Register. A Final Rule will be issued after analysis and incorporation of public comments to the NPRM.

Anticipated Cost and Benefits: Preliminary estimates of the anticipated costs of this regulatory action have not been determined at this time and will be determined at a later date.

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

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

490. 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, 618, 665, 671; 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.

Statement of Need: The Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA) is the portion of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. No. 111-5, division B, title I, subtitle I) that reauthorized and substantially amended the Trade Adjustment Assistance for Workers (TAA) program. Significant program changes enacted in the TGAAA include amending the certification criteria to expand the types of workers who may be certified and expanding the available program benefits. This proposed rule is important because it will update the

program's regulations to be in concert with the notable program changes enacted by the TGAAA.

Summary of Legal Basis: These regulations are authorized by section 248 of the Trade Act (19 U.S.C. 2320), as amended by the TGAAA.

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

Anticipated Cost and Benefits: Preliminary estimates of the anticipated costs of this regulatory action have not been determined at this time and will be determined at a later date.

Timetable:

Action	Date	FR Cite
NPRM	03/00/11	

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 C-5311, FP Building, Washington, DC 20210
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RIN: 1205-AB57

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

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

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

CFR Citation: 20 CFR 655

Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) regulations require it, prior to the admission of H-2B workers, to seek advice from the Department of

DOL—ETA

Proposed Rule Stage

Labor regarding the importation of such workers. Specifically, DOL certifies that there is not sufficient U.S. worker(s) who are capable of performing the temporary services or labor at the time of an application for a visa, and that the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers. The Department currently administers such certification through an attestation-based program. As a result of the Department's program experience, this regulation proposes to re-engineer the H-2B program in order to strengthen the program's integrity and protections of U.S. workers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

Regulatory Flexibility Analysis Required: No**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
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RIN: 1205-AB58**492. EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING, AMENDMENT OF REGULATIONS****Priority:** Other Significant

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

CFR Citation: 29 CFR 30 (Revision)**Legal Deadline:** None

Abstract: Revisions to the equal opportunity regulatory framework for the National Apprenticeship Act are a critical element in the Department's vision to promote and expand registered apprenticeship opportunities in the 21st century while continuing to safeguard the welfare and safety of apprentices. In October 2008, the Agency issued a Final rule updating regulations for Apprenticeship Programs and Labor Standards for Registration. These regulations, codified

at Title 29 Code of Federal Regulations (CFR) part 29, had not been updated since first promulgated in 1977. The companion regulations, 29 CFR part 30, Equal Employment Opportunity (EEO) in Apprenticeship and Training, have not been amended since first promulgated in 1978.

The Agency now proposes to update 29 CFR part 30 to ensure that the National Registered Apprenticeship System is consistent and in alignment with changes in Affirmative Action regulations and EEO laws and court cases that have occurred over the past several decades [e.g. Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA)], and recent revisions to Title 29 CFR part 29. This second phase of regulatory updates will ensure that Registered Apprenticeship is positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.

Statement of Need: Federal regulations for Equal Employment Opportunity (EEO) in Apprenticeship and Training have not been updated since first promulgated in 1978. Updates to these regulations are necessary to ensure that DOL regulatory requirements governing the National Registered Apprenticeship System are consistent with the current state of EEO law, including affirmative action, the passage of, for example, the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA), and recent revisions to Title 29 CFR part 29, regulations for Apprenticeship Programs and Labor Standards for Registration.

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

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

will be issued after analysis and incorporation of public comments to the NPRM.

Anticipated Cost and Benefits:

Preliminary estimates of anticipated costs and benefits of this regulatory action have not been determined at this time. The Department will explore options for conducting a cost-benefit analysis for this regulatory action, if necessary.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: John V. Ladd, Office of Apprenticeship, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N5311, FP Building, Washington, DC 20210
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RIN: 1205-AB59**493. • 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 (P.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. 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) requires that the Secretary issue definitions of indicators of performance through

DOL—ETA

Proposed Rule Stage

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 proposed through a separate Notice of Proposed Rulemaking, published Aug. 14, 2008 (73 FR 47770).

The Department currently is preparing a final rule that combines the provisions in the IFR and NPRM, with a publication date of July 2010. 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 soliciting comments on an additional indicator on volunteer work.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

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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RIN: 1205-AB60

Department of Labor (DOL)

Final Rule Stage

Employment and Training Administration (ETA)

494. 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

Action	Date	FR Cite
Interim Final Rule	08/28/07	
Comment Period End		
Final Action	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

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Related RIN: Related to 1205-AB48

RIN: 1205-AB47

495. 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 109-365, 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	07/00/10	

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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DOL—ETA

Final Rule Stage

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Related RIN: Related to 1205–AB47

RIN: 1205–AB48

496. 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	10/00/10	

**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

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RIN: 1205–AB53

Department of Labor (DOL)

Completed Actions

Employment and Training Administration (ETA)

497. ATTESTATIONS BY FACILITIES TEMPORARILY EMPLOYING H–1C NONIMMIGRANT ALIENS AS REGISTERED NURSES

Priority: Other Significant

Legal Authority: PL 109–423; 120 Stat
2900; 8 USC 1101 (a)(15)(H)(i)(c); 8
USC 1182 (m)

CFR Citation: 22 CFR 655

Legal Deadline: None

Abstract: This Final Rule reflects the extension of the H-1C visa program, which was extended by the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005 (NRDARA), Public Law 109-423, 120 Stat. 2900 (2006). In 2000, the Nursing Relief for Disadvantaged Areas Act of 1999 (NRDAA), Public Law 106-95, 113 Stat. 1312 (1999), amended the Immigration and Nationality Act to create a temporary visa program for nonimmigrant aliens to work as registered nurses for up to 3 years in facilities serving health professional shortage areas, subject to certain conditions. The NRDAA specified that the H-1C visas were available only during the 4-year period beginning on the date that interim or final regulations were promulgated. Under this Act, the Department published an interim rule, on August 22, 2000 (65 FR 51137), which was open for public comment through September 21, 2000. Before the NRDARA was enacted on

December 20, 2006, the Department determined on April 24, 2006, that continued rulemaking was neither necessary nor appropriate at that time, because health care facilities could not sponsor new H-1C visas and no new H-1C visa could be issued. Therefore, the Department discontinued this rulemaking (71 FR 22912). However, after the NRDARA was enacted, the Department decided to continue its rulemaking efforts. Although no more H-1C applications could be filed after December 20, 2009, the Department has determined that it is appropriate to finalize the rule, since the Department is still obligated to enforce the terms of H-1C attestations, and H-1C visa holders can remain in the U.S. for up to 3 years. Section 3 of Public Law 109-423 has exempted this rulemaking from the Administrative Procedure Act, so additional notice and comment are unnecessary.

Timetable:

Action	Date	FR Cite
Final Action	03/05/10	75 FR 10396
Final Action Effective	04/05/10	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: Federal,
State

Agency Contact: Dr. William L.
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RIN: 1205–AB52

498. TEMPORARY AGRICULTURAL EMPLOYMENT OF H–2A ALIENS IN THE UNITED STATES

Priority: Other Significant

Legal Authority: 8 USC
1101(a)(15)(H)(ii)(a); 8 USC 1188

CFR Citation: 20 CFR 655

Legal Deadline: None

Abstract: The Department of Labor (the Department of DOL) is amending its regulations governing the certification of temporary employment of nonimmigrant workers in temporary or seasonal agricultural employment and the enforcement of the contractual obligations applicable to employers of such nonimmigrant workers. This rulemaking reexamines the process by which employers obtain a temporary labor certification from the Department for use in petitioning the Department of Homeland Security (DHS) to employ a nonimmigrant worker in H-2A status.

Statement of Need: The Department has determined for a variety of reasons that a new rulemaking effort is necessary for the H-2A program. The

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Completed Actions

Department believes that the policy underpinnings of the 2008 Final Rule, e.g., streamlining the H-2A regulatory process to defer many determinations of program compliance until after an application has been fully adjudicated, do not provide an adequate level of protection for either U.S. or foreign workers.

The Department believes that there are insufficient worker protections in the attestation-based model in which employers merely confirm, and do not actually demonstrate that they have performed an adequate test of the U.S. labor market. Even in the first year of the attestation model, it has come to the Department's attention that employers, either from a lack of understanding or otherwise, are attesting to compliance with program obligations with which they have not complied. Such non-compliance appears to be sufficiently substantial and widespread for the Department to revisit the use of attestations, even with the use of back-end integrity measures for demonstrated non-compliance.

The Department has also determined that the area in which agricultural workers are most vulnerable—wages—has been adversely impacted to a far more significant extent than anticipated by the 2008 Final Rule. The shift from the AEWR as calculated under the 1987 Rule to the AEWR of the 2008 Final Rule resulted in a substantial reduction of farmworker wages in a number of labor categories, and the obvious effects of that reduction on the workers' and their families' ability to meet necessary costs is an important concern.

Summary of Legal Basis: These regulations are authorized under sections 101(a)(15)(H)(ii)(a), 214(c)(1), and 218 of the Immigration and Nationality Act, as amended. 8 U.S.C. 1101(a)(15)(H)(ii)(a); 8 U.S.C. 1184(c)(1) and 1188.

Alternatives: The Department took into account both the regulations promulgated in 1987, as well as the significant reworking of the regulations in the 2008 Final Rule, in order to arrive at a balance between the worker protections of the 1987 Rule and the

program integrity measures of the 2008 Final Rule.

Anticipated Cost and Benefits: The Department has concluded that after consideration of both the quantitative and qualitative impacts of this rulemaking, the societal benefits of the rule justify the societal cost.

Timetable:

Action	Date	FR Cite
NPRM	02/13/08	73 FR 8538
NPRM Comment Period End	03/31/08	
NPRM Comment Period Extended	04/14/08	73 FR 16243
Final Rule	12/18/08	73 FR 77110
Final Rule Effective	01/17/09	
Notice of Proposed Suspension	03/17/09	74 FR 11408
Comment Period End	03/27/09	
Notice of Final Suspension	05/29/09	74 FR 25972
NPRM	09/04/09	74 FR 45905
NPRM Comment Period End	10/05/09	
NPRM Comment Period Extended	10/20/09	74 FR 50929
Final Rule	02/12/10	75 FR 6884
Final Rule Effective	03/15/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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RIN: 1205-AB55

499. TRADE ADJUSTMENT ASSISTANCE PROGRAM; MERIT STAFFING OF STATE ADMINISTRATION AND ALLOCATION OF TRAINING FUNDS TO THE STATES

Priority: Other Significant

Legal Authority: 19 USC 2320; Secretary Order No 3-2007, 72 FR 15907

CFR Citation: 20 CFR 618

Legal Deadline: Final, Statutory, February 17, 2010.

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, reforms and reauthorizes the Trade Adjustment Assistance (TAA) for Workers program. The Act amended section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296) setting new guidelines and criteria for distributing funds to the States for the purpose of training TAA-certified workers, and added section 236(g) requiring that the Secretary issue regulations to implement the new funding procedures within 1 year of enactment. This rulemaking meets the statutory requirement and also requires that personnel engaged in TAA-funded functions be State employees covered by the merit system of personnel administration.

Timetable:

Action	Date	FR Cite
NPRM	08/05/09	74 FR 39198
NPRM Comment Period End	10/05/09	
Final Action	04/02/10	75 FR 16988
Final Action Effective	05/03/10	

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 C-5311, FP Building, Washington, DC 20210
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RIN: 1205-AB56

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

Prerule Stage

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

Priority: Other Significant

Legal Authority: 29 USC 1135; ERISA sec 505

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Statement of Need: With a continuing trend away from defined benefit plans to defined contribution plans, employees are not only increasingly responsible for the adequacy of their retirement savings, but also for ensuring that their savings last throughout their retirement. Employees

may benefit from access to and use of lifetime income or other arrangements that will reduce the risk of running out of funds during the retirement years. However, both access to and use of such arrangements in defined contribution plans is limited. The Department, taking into consideration recommendations of the ERISA Advisory Council and others, intends to explore what steps, if any, it could or should take, by regulation or otherwise, to enhance the retirement security of workers by increasing access to and use of such arrangements.

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

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

Anticipated Cost and Benefits:

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

Timetable:

Action	Date	FR Cite
RFI	02/02/10	75 FR 5253
RFI Comment Period	05/03/10	
End		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: 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-AB33

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

Proposed Rule Stage

501. ANNUAL FUNDING NOTICE

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

Unfunded Mandates: Undetermined

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	08/00/10	

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

502. 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	09/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

DOL—EBSA

Proposed Rule Stage

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RIN: 1210-AB20

503. DEFINITION OF “FIDUCIARY”

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 2510.3-21(c)

Legal Deadline: None

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

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

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

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

Anticipated Cost and Benefits: Preliminary estimates of the anticipated costs and benefits will be developed, as appropriate, following a

determination regarding the alternatives to be considered.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Jeffrey J. Turner, Chief, Division of Regulations, Office of Regulations and Interpretations, 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-AB32

504. DEFINITION OF “WELFARE PLAN”

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

Unfunded Mandates: Undetermined

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.

Statement of Need: Questions have been raised regarding the extent to which health care reform efforts on the part of State and local governments result in the creation of ERISA-covered employee welfare benefit plans or otherwise implicate ERISA. This regulation is needed to provide certainty to both governmental bodies and employers concerning the application of ERISA to such efforts.

Summary of Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act. Regulation 29 CFR 2510.3-1 clarifies definitions of the terms “employee welfare benefit plan” and “welfare plan” for purposes of title I of ERISA.

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Jeffrey J. Turner, Chief, Division of Regulations, Office of Regulations and Interpretations, 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

505. 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

DOL—EBSA

Proposed Rule Stage

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	12/00/10	

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**506. • 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: Pursuant to ERISA sections 702, 733(d), and 502 (c)(9), as amended by the Genetic Information Nondiscrimination Act 2008 (GINA) (Pub.L.110-233) enacted May 21, 2008, the Department is developing regulatory guidance on penalties for noncompliance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/11	

Regulatory Flexibility Analysis**Required:** Undetermined**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-AB36**507. • 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	03/00/11	

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**508. • QDIA TARGET DATE DISCLOSURE**

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

Unfunded Mandates: Undetermined**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 404c-5), which provides relief from certain fiduciary responsibilities for fiduciaries of participant-directed individual account plans who, in the absence of directions from a participant, invest the participant’s account in a qualified default investment alternative. This amendment will provide more specificity to fiduciaries as to the investment information that must be disclosed in the required notice to participants and beneficiaries. This amendment also will enhance the information that must be disclosed concerning target date, or similar age-based, qualified default investment alternatives.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	

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
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RIN: 1210-AB38

DOL—EBSA

Proposed Rule Stage

509. • 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	04/00/11	

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

510. • 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: Pursuant to ERISA section 701, as amended by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) (Pub. L. 111-3) enacted February 4, 2009, the Department is developing regulatory guidance regarding the notice requirements from employers to employees regarding the availability of Medicaid and CHIP premium assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/11	

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 Phone: 202 693-8335 Fax: 202 219-1942

RIN: 1210-AB40

Department of Labor (DOL)

Final Rule Stage

Employee Benefits Security Administration (EBSA)

511. 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: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) amended title I of ERISA, the Internal Revenue Code, and the Public Health Service Act with parallel provisions designed to improve health care access, portability, and renewability. The Departments of

Labor, the Treasury, and Health and Human Services are mutually dependent due to shared interpretive jurisdiction and are proceeding concurrently to provide additional regulatory guidance regarding these provisions, including certain amendments made to the special enrollment provisions by the Children's Health Insurance Program Reauthorization Act of 2009.

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	

Action	Date	FR Cite
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	
Final Action	09/00/10	

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

DOL—EBSA

Final Rule Stage

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Phone: 202 693-8335
Fax: 202 219-1942

RIN: 1210-AA54

512. IMPROVED FEE DISCLOSURE FOR PENSION PLAN PARTICIPANTS

Priority: Economically Significant. Major under 5 USC 801.

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	09/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Katherine D. Lewis, 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-AB07

513. 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
NPRM Comment Period End	02/11/08	
Interim Final Rule	05/00/10	

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

514. 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	04/00/10	

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
Phone: 202 693-8500
Fax: 202 219-1791

RIN: 1210-AB15

515. 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.

Statement of Need: In response to a Request for Information in April 2008, over 400 comment letters were received raising questions regarding compliance with the federal parity provisions. This regulation is needed to provide clarifications to participants, beneficiaries, health care providers, employment-based health plans, health insurance issuers, third-party administrators, brokers, underwriters, and other plan service providers regarding such provisions.

Summary of Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act. Section 734 of ERISA provides

DOL—EBSA

Final Rule Stage

that the Secretary may prescribe regulations necessary or appropriate to carry out the provisions of ERISA Part 7. MHPAEA created new federal parity provisions in ERISA section 712 and provides, in section 512(d), that the Secretary shall issue regulations to carry out the provisions of MHPAEA.

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

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

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	
Interim Final Rule Comment Period End	05/03/10	
NPRM	04/00/11	

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.

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Fax: 202 219-1942

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

RIN: 1210-AB30

Department of Labor (DOL)

Long-Term Actions

Employee Benefits Security Administration (EBSA)

516. • REGULATIONS IMPLEMENTING THE PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2010 (PPACA)

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. Initial regulatory action will likely address statutory provisions related to

the prohibition of lifetime or annual income limits; the prohibition of rescissions of health coverage after coverage begins; requirements for coverage without cost sharing for preventive health services; an extension of dependent coverage; the prohibition on preexisting condition exclusions and other discrimination based on health status; and the prohibition on discrimination in favor of highly compensated individuals.

The Departments of Labor, the Treasury, and the Health and Human Services are mutually dependent due to share interpretive jurisdiction and are proceeding concurrently to provide regulatory guidance regarding these provisions. Due to the breadth of issues

covered, this RIN may be split into one or more additional RINS in the future.

Timetable: Next Action Undetermined

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
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RIN: 1210-AB41

Department of Labor (DOL)

Completed Actions

Employee Benefits Security Administration (EBSA)

517. AMENDMENT OF REGULATION RELATING TO DEFINITION OF PLAN ASSETS—PARTICIPANT CONTRIBUTIONS

Priority: Other Significant

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510.3-102

Legal Deadline: None

Abstract: This rulemaking will amend the regulation that defines when

participant moneys paid to or withheld by an employer for contribution to an employee benefit plan constitute “plan assets” for purposes of title I of ERISA and the related prohibited transaction provisions of the Internal Revenue Code. The regulation contains an amendment to the current regulation that will establish a safe harbor period of a specified number of business days during which certain moneys that a

participant pays to, or has withheld by, an employer for contribution to a plan would not constitute “plan assets.”

Timetable:

Action	Date	FR Cite
NPRM	02/29/08	73 FR 11072
NPRM Comment Period End	04/29/08	
Final Action	01/14/10	75 FR 2068
Final Action Effective	01/14/10	

DOL—EBSA

Completed Actions

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

Agency Contact: Louis J. Campagna, Chief, Division of Fiduciary Interpretations, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N-5655, Washington, DC 20210
Phone: 202 693-8510
Fax: 202 219-7291

RIN: 1210-AB02
**518. PARTICIPANT CONTRIBUTIONS
610 REGULATION REVIEW
(COMPLETION OF A SECTION 610
REVIEW)**
Priority: Other Significant**Legal Authority:** 29 USC 1135**CFR Citation:** 29 CFR 2510.3-102**Legal Deadline:** None

Abstract: EBSA has determined that the plan assets-participant contribution regulation under 29 CFR 2510.3-102 does not have a significant economic impact on a substantial number of small entities within the meaning of section 610(a) of the Regulatory Flexibility Act (RFA). Accordingly, a substantive review thereof is not required by section 610(b) of the RFA.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/06	
End Review	02/26/10	

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

Agency Contact: Melissa R. Dennis, 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-AB11
**519. 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 sections 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. EBSA published a Request for Information that invited interested persons to submit written comments and suggestions concerning the expertise and procedures that may be needed to certify that a computer model meets the statutory criteria, and the content, types, and designs of fee disclosure materials currently used and their usefulness to plan participants.

Timetable:

Action	Date	FR Cite
Request for Information	12/04/06	71 FR 70429
Request for Information Comment Period End	01/30/07	
NPRM	08/22/08	73 FR 49896
NPRM Comment Period End	10/06/08	

Action	Date	FR Cite
Notice of Hearing To Be Held—October 21, 2008	10/14/08	73 FR 60657
Final Action	01/21/09	74 FR 3822
Final Action Effective	03/29/09	
Notice of Proposed Extension of Effective Date	02/04/09	74 FR 6007
Final Rule; Delay of Effective Date and Applicability Date	05/22/09	74 FR 23951
Final Rule; Delay of Effective Date and Applicability Date	11/17/09	74 FR 11847
Withdrawal of Final Rule	11/20/09	74 FR 60156

Regulatory Flexibility Analysis**Required:** No**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
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RIN: 1210-AB13
**520. MULTIEMPLOYER PLAN
INFORMATION MADE AVAILABLE ON
REQUEST**
Priority: Other Significant**Legal Authority:** 29 USC 1021(k); ERISA, sec 101(k); PL 109-280, sec 502, Pension Protection Act of 2006; 29 USC 1135; ERISA, sec 505**CFR Citation:** 29 CFR 2520**Legal Deadline:** Final, Statutory, August 18, 2007.

Abstract: This rulemaking implements the requirements of section 502(a)(1) of the Pension Protection Act of 2006 (PPA), which added a new subsection (k) to section 101 of ERISA, under which the plan administrator of a multiemployer plan shall, upon written request, furnish within 30 days to any plan participant or beneficiary, employee representative, or any employer that has an obligation to contribute to the plan a copy of certain actuarial, financial, and funding-related documents.

Timetable:

Action	Date	FR Cite
NPRM	09/14/07	72 FR 52527
NPRM Comment Period End	10/15/07	

DOL—EBSA

Completed Actions

Action	Date	FR Cite
Final Action	03/02/10	75 FR 9334
Final Action Effective	04/01/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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
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RIN: 1210-AB21

521. GENETIC INFORMATION NONDISCRIMINATION

Priority: Other Significant

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

CFR Citation: 29 CFR 2590.702-1

Legal Deadline: Final, Statutory, May 21, 2009, As per GINA section 101(f)(1).

Abstract: Pursuant to ERISA sections 702, 733(d), and 502, as amended by the Genetic Information Nondiscrimination Act of 2008 (GINA) (Pub. L. 110-233) enacted May 21, 2008, the Department is developing regulatory guidance. Regulatory guidance will provide clarification regarding GINA's prohibition against discrimination in group premiums based on genetic information, its limitations on genetic testing, its prohibition on collection of genetic information, and its new civil monetary penalties under ERISA.

Statement of Need: GINA section 101(f)(1) requires the Secretary to issue regulations to carry out its statutory provisions no later than May 21, 2009.

Summary of Legal Basis: Section 505 of ERISA provides that the Secretary

may prescribe such regulations as she considers necessary and appropriate to carry out the provisions of title I of ERISA. Section 734 of ERISA provides that the Secretary may promulgate such regulations as may be necessary or appropriate to carry out the provisions of part 7 of ERISA. In addition, GINA section 101(f) requires the Secretary to issue regulations to carry out GINA's amendments.

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

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

Timetable:

Action	Date	FR Cite
Request for Information	10/10/08	73 FR 60208
Request for Information Comment Period End	12/09/08	
Interim Final Rule	10/07/09	74 FR 51664
Interim Final Rule Effective	12/07/09	
Interim Final Rule Comment Period End	01/05/10	

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
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Fax: 202 219-1942

RIN: 1210-AB27

522. AMENDMENTS TO CIVIL PENALTIES UNDER ERISA SECTION 502(C)(8)

Priority: Other Significant

Legal Authority: 29 USC 1132; PL 109-280, sec 305, Pension Protection Act of 2006; 29 USC 2560; PL 110-458, sec 102, Worker, Retiree and Employer Act of 2008

CFR Citation: 29 CFR 2560.502c-8

Legal Deadline: None

Abstract: This proposed regulation, upon adoption, would implement the civil penalty provision under section 502(c)(8) of the Employee Retirement Income Security Act of 1974 (ERISA), under which the Secretary of Labor is granted authority to assess civil penalties not to exceed \$1,100 per day against any plan sponsor of a multiemployer plan for certain violations of section 305 of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	09/04/09	74 FR 45791
NPRM Comment Period End	11/03/09	
Final Action	02/26/10	75 FR 8796
Final Action Effective	03/29/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Michael Del Conte, Benefits 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-AB31

Department of Labor (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

523. PROXIMITY DETECTION SYSTEMS FOR UNDERGROUND MINES

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: MSHA published a request for information in the Federal Register seeking information relative to the use of a proximity detection system to address pinning, crushing, and striking hazards associated with the operation of machinery underground. MSHA is analyzing comments received in

response to the request for information to determine the next step.

Timetable:

Action	Date	FR Cite
Request for Information (RFI)	02/01/10	75 FR 5009

DOL—MSHA

Prerule Stage

Action	Date	FR Cite
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RFI Comment Period Ends	04/02/10	
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Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939
Phone: 202 693–9440
Fax: 202 693–9441
Email: silvey.patricia@dol.gov

RIN: 1219–AB65**524. METAL AND NONMETAL DAMS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**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 will issue 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.

Statement of Need: Mining operations regularly find it necessary to construct dams to dispose of large volumes of mine waste (tailings or slurry) from processing operations, or to provide water supply, sediment control, or water treatment. Impoundments are structures that are used to impound water, sediment, slurry, or any combination of materials. Dams that form impoundments must be designed to be stable under the various conditions they will be subjected to, including runoff from rainfall, internal seepage, and possibly earthquake

shaking. The failure of these structures can have a devastating effect on both the mine and nearby communities.

Every two years since 1980, a report has been prepared by the Federal Emergency Management Agency (FEMA) and sent to Congress on the status of dam safety in the United States. These reports are required by a 1979 Presidential Memorandum, which directed the Federal agencies responsible for dams to adopt and implement the Federal Guidelines for Dam Safety. MSHA's Metal and Nonmetal standards do not provide sufficient guidance to determine what is needed to effectively design and construct dams with high or significant hazard potential. The Metal and Nonmetal standards need to more effectively address requirements for dam design, construction, operation and maintenance.

Summary of Legal Basis: Promulgation of this regulation is authorized by the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, and supports the Secretary of Labor's vision of good jobs for everyone.

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

Anticipated Cost and Benefits: MSHA will develop a preliminary regulatory economic analysis to accompany any proposed rule that may be developed.

Risks: The failure of impoundments can have a devastating affect on both the mine and nearby communities by causing injury, loss of life, and property damage.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/10	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson

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RIN: 1219–AB70**525. • SAFETY AND HEALTH MANAGEMENT PROGRAMS FOR MINES****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 30 USC 811 and 812**CFR Citation:** 30 CFR 56 and 57; 30 CFR 75 and 77**Legal Deadline:** None

Abstract: MSHA will develop a request for information (RFI) to solicit information from the mining community on suggestions for addressing injury and illness prevention through implementation of comprehensive safety and health management programs. The RFI will solicit information in the areas of management commitment and employee involvement, worksite analysis, hazard prevention and controls, safety and health training, preshift examination for violations of any mandatory safety or health standards and corrections of those that are identified, and program evaluation.

Timetable:

Action	Date	FR Cite
Request for Information	10/00/11	

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

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939
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RIN: 1219–AB71

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

Proposed Rule Stage

526. 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

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 requires underground coal mine operators to submit an Emergency Response Plan (ERP) that sets forth a means of providing post-accident communication and electronic tracking by June 15, 2009.

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
NPRM—Phase 2 Intrinsic Safety Requirements	09/00/10	

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,

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RIN: 1219-AB37

527. LOWERING MINERS' EXPOSURE TO COAL MINE DUST INCLUDING CONTINUOUS PERSONAL DUST MONITORS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 30 USC 811; 30 USC 812

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90

Legal Deadline: None

Abstract: The Federal Coal Mine Health and Safety Act of 1969 established the first comprehensive respirable dust standards for coal mines. These standards were designed to reduce the incidence of coal workers' pneumoconiosis (black lung) and silicosis and eventually eliminate these diseases. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners continue to be at risk of developing occupational lung disease, according to the National Institute for Occupational Safety and Health (NIOSH). In September 1995, NIOSH issued a Criteria Document in which it recommended that the respirable coal mine dust permissible exposure limit (PEL) be cut in half. In February 1996, the Secretary of Labor convened a Federal Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners (Advisory Committee) to assess the adequacy of MSHA's current program and standards to control respirable dust in underground and surface coal mines, as well as other ways to eliminate black lung and silicosis among coal miners. The Committee represented the labor, industry and academic communities. The Committee submitted its report to the Secretary of Labor in November 1996, with the majority of the recommendations unanimously supported by the Committee members. The Committee recommended a number of actions to reduce miners' exposure to respirable coal mine dust.

This proposed rule is an important element in MSHA's Comprehensive Black Lung Reduction Strategy (Strategy) to "End Black Lung Now" and combines the following rulemaking actions: (1) "Occupational Exposure to Coal Mine Dust (Lowering Exposure)," RIN 1219-AB64; (2) "Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust," RIN 1219-AB14; (3) "Determination of Concentration of Respirable Coal Mine Dust," RIN 1219-AB18; and (4) "Respirable Coal Mine Dust: Continuous Personal Dust Monitor (CPDM)," RIN 1219-AB48.

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

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

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	

DOL—MSHA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939

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Related RIN: Related to 1219-AB61**RIN:** 1219-AB64**528. 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:** Currently required information does 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 new 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	01/00/11	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939

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RIN: 1219-AB67**529. ● CRITERIA AND PROCEDURES FOR PROPOSED ASSESSMENT OF CIVIL PENALTIES****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 30 USC 811 and 812**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	01/00/11	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939

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RIN: 1219-AB72**530. ● PATTERN OF VIOLATIONS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 30 USC 814(e); 30 USC 957**CFR Citation:** 30 CFR 104**Legal Deadline:** None**Abstract:** Under 30 CFR 104(e) of the Federal Mine Safety and Health Act of 1977, a mine operator can receive a Pattern of Violations notice. The

pattern criteria and procedures are contained in the regulations in 30 CFR part 104. MSHA will review these regulations with the goal of simplifying them to improve the process and to improve consistency in the application of the pattern of violations notice.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939

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RIN: 1219-AB73**531. ● PRESHIFT EXAMINATION OF WORK AREAS IN UNDERGROUND COAL MINES FOR VIOLATIONS OF MANDATORY SAFETY OR HEALTH STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 811; 30 USC 961**CFR Citation:** 30 CFR 75**Legal Deadline:** None**Abstract:** MSHA will develop a proposed rule to reinstate the provision in section 303(d) of the Federal Mine Safety and Health Act that requires mine operators to conduct preshift examinations in areas where miners work or travel, for violations of mandatory safety or health standards. This proposed rule will complement the request for information concerning Safety and Health Management programs for Miners (1219-AB71).**Timetable:**

Action	Date	FR Cite
NPRM	03/00/11	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Patricia W. Silvey, Director, Office of Standards,

DOL—MSHA

Proposed Rule Stage

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Related RIN: Related to 1219-AB71

RIN: 1219-AB75

Department of Labor (DOL)

Long-Term Actions

Mine Safety and Health Administration (MSHA)

532. RESPIRABLE CRYSTALLINE SILICA STANDARD

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 813

CFR Citation: 30 CFR 56 to 57; 30 CFR 70 to 72; 30 CFR 90

Legal Deadline: None

Abstract: Current standards limit exposures to quartz (crystalline silica) in respirable dust. The coal mining industry standard is based on the formula 10 mg/m³ divided by the percentage of quartz where the quartz percent is greater than 5 percent calculated as an MRE equivalent concentration. The metal and nonmetal mining industry standard is based on the 1973 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values formula: 10 mg/m³ divided by the percentage of quartz plus 2. Overexposure to crystalline silica can result in some miners developing silicosis, an irreversible but preventable lung disease, which ultimately may be fatal. Both formulas are designed to limit exposures to 0.1 mg/m³ (100 ug) of silica. The Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers made several recommendations related to reducing exposure to silica. NIOSH recommends a 50 ug/m³ exposure limit for respirable crystalline silica. MSHA will

publish a proposed rule to address miners' exposure to respirable crystalline silica.

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

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

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

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

Risks: For over 70 years, toxicology information and epidemiological

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

URL For More Information:

www.msha.gov/regsinfo.htm

URL For Public Comments:

www.regulations.gov

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RIN: 1219-AB36

Department of Labor (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

533. HIGH-VOLTAGE CONTINUOUS MINING MACHINE STANDARD FOR UNDERGROUND COAL MINES

Priority: Other Significant

Legal Authority: 30 USC 811; 30 USC 957; 30 USC 961

CFR Citation: 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: MSHA's July 16, 2004, NPRM (69 FR 42812) proposed to establish design requirements for approval of high-voltage continuous mining machines operating where miners work in underground mines. The rule also proposed to establish new mandatory electrical safety standards for the installation, use, and maintenance of the high-voltage continuous mining

machines used in underground coal mines.

MSHA published a supplemental NPRM on March 28, 2006 (71 FR 15359). The supplemental NPRM proposed and requested comments on two issues arising from oral and written comments that MSHA received during the hearing and post-hearing comment

DOL—MSHA

Completed Actions

period on the NPRM. These issues involved: (1) The types of trailing cables that can be used with high-voltage continuous mining machines; and (2) a requirement to use high-voltage insulating gloves or other personal protective equipment when handling energized high-voltage trailing cables.

MSHA regularly receives petitions for modifications from coal mine operators seeking permission to use high-voltage continuous mining machines. MSHA believes that, with appropriate safeguards, such machines are safe for use and routinely grants these petitions.

Timetable:

Action	Date	FR Cite
NPRM	07/16/04	69 FR 42812
NPRM Comment Period End	09/14/04	
Second NPRM	03/28/06	71 FR 15359
Second NPRM Comment Period End	05/30/06	
Final Action	04/06/10	75 FR 17529
Final Action Effective	06/07/10	

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-AB34

534. COAL MINE RESPIRABLE DUST: CONTINUOUS PERSONAL DUST MONITOR (CPDM)

Priority: Other Significant

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 90

Legal Deadline: None

Abstract: On June 24, 2003, MSHA announced that all work on its Plan Verification and Single Sample Respirable Coal Mine Dust final rules

would cease and the rulemaking record would remain open in order to obtain information concerning Continuous Personal Dust Monitors (CPDMs) being tested by NIOSH. A Federal Register notice was published on July 3, 2003, extending the comment periods indefinitely. NIOSH issued a report on the CPDM in September 2006, and another report concerning test results published in January 2008. MSHA is combining this rulemaking with the rulemaking "Lowering Miners' Exposure to Coal Mine Dust Including Continuous Personal Dust Monitors."

Timetable:

Action	Date	FR Cite
Request for Information	10/14/09	74 FR 52708
Request for Information Comment Period End	12/14/09	
Merged With	02/18/10	1219-AB64

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

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-AB48

535. SMOKE DENSITY AND TOXICITY

Priority: Other Significant

Legal Authority: Section 101 of the Federal Mine Safety and Health Act (PL 95-164)

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: MSHA does not anticipate doing additional rulemaking at this time.

Timetable:

Action	Date	FR Cite
Request for Information	06/19/08	73 FR 35057
Comment Period End	08/18/08	
Comment Period Extended to	08/21/08	73 FR 49373
	9/8/2008	
Withdrawn	02/18/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939
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RIN: 1219-AB60

536. COAL MINE DUST SAMPLING DEVICES

Priority: Other Significant

Legal Authority: 30 USC 957; 30 USC 961

CFR Citation: 30 CFR 74

Legal Deadline: None

Abstract: Existing 30 CFR part 74 specifies requirements for approval of coal mine dust personal sampler units designed to determine the concentrations of respirable coal dust in coal mine atmospheres, procedures for applying for such approval, tests procedures, and labeling.

This rulemaking would establish new requirements that both the National Institute for Occupational Safety and Health (NIOSH) and Mine Safety and Health Administration (MSHA) would use to approve coal mine dust personal samplers. The requirements would permit the approval of a new type of device, the "continuous personal dust monitor." It would also update design specifications for the coal mine dust personal sampler units to include improvements made to this device in the past 15 years. This rulemaking does not address the requirements in 30 CFR parts 70, 71, and 90 on the use of dust samplers.

DOL—MSHA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2915
NPRM Comment Period End	03/17/09	
Notice of Hearing; Reopening of Comment Period	06/09/09	74 FR 27263
NPRM Comment Period Extended	08/14/09	
Final Action	04/06/10	75 FR 17512
Final Action Effective	06/07/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939
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RIN: 1219-AB61

537. CRITERIA AND PROCEDURES FOR PROPOSED ASSESSMENT OF CIVIL PENALTIES/RECORDKEEPING AND REPORTING: IMMEDIATE NOTIFICATION

Priority: Other Significant

Legal Authority: 30 USC 815; 30 USC 820; 30 USC 957

CFR Citation: 30 CFR 100; 30 CFR 50

Legal Deadline: None

Abstract: Consistent with the MINER Act, MSHA's civil penalty regulations require a specified penalty for failure to report certain types of accidents. Under the existing regulations, MSHA must review all violations of section 50.10 under section 100.5(f) for special assessment. The direct final rule makes nonsubstantive organizational and clarifying changes to improve the efficiency and effectiveness of the Agency's procedures for processing civil penalties. MSHA stated the Agency would withdraw the direct final rule if the Agency received significant adverse comments. Because the Agency did not receive any significant adverse comments, the direct final rule became effective. Comments on the direct final rule and the proposal indicate that some members of the mining industry

misunderstood the Agency's intent. For clarification, the Agency intends that the phrase, "any other accident," as used in section 50.10(d) refers to: (1) An entrapment of an individual for more than 30 minutes and (2) any other accident as defined in section 50.2(h)(4)-(12).

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/29/09	74 FR 68918
NPRM	12/29/09	74 FR 68920
NPRM Comment Period End	03/01/10	
Direct Final Rule Effective	03/29/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939
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RIN: 1219-AB63

Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

538. 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.

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	11/00/10	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

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

DOL—OSHA

Prerule Stage

Phone: 202 693-1950
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 RIN: 1218-AB76

539. METHYLENE CHLORIDE (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 will undertake 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 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	12/01/06	
Request for Comments	07/10/07	72 FR 37501
Comment Period End	10/09/07	
Reopen Comment Period	01/08/08	73 FR 1299
Comment Period End	03/10/08	
End Review	04/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Smith, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N-3641, Washington, DC 20210
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RIN: 1218-AC23

540. OCCUPATIONAL EXPOSURE TO DIACETYL AND FOOD FLAVORINGS CONTAINING DIACETYL

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 next step will be for OSHA to conduct a scientific peer review of its draft risk assessment.

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	10/00/10	

Regulatory Flexibility Analysis
Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1218-AC33

541. BLOODBORNE PATHOGENS (610 REVIEW) (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	04/00/10	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

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RIN: 1218-AC34

DOL—OSHA

Prerule Stage

542. INFECTIOUS DISEASES

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

Unfunded Mandates: Undetermined

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

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Employees in health care and other high-risk environments face long-standing infectious diseases hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations or who are exposed in other high-risk environments are at increased risk of contracting TB, SARS, MRSA, and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health.

OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI)	04/00/10	
RFI Comment Period Ends	07/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 1218-AC46

543. • INJURY AND ILLNESS PREVENTION PROGRAM

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 653; 29 USC 655(b); 29 USC 657

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: OSHA is developing a rule requiring employers to implement an Injury and Illness Prevention Program. It involves planning, implementing, evaluating, and improving processes and activities that protect employee safety and health. OSHA has substantial data on reductions in injuries and illnesses from employers who have implemented similar effective processes. The Agency currently has Voluntary Safety and Health Program Management Guidelines (54 FR 3904-3916), published in 1989. An injury and illness prevention rule would build on these guidelines as well as lessons learned from successful approaches and best practices under OSHA's Voluntary Protection Program Safety and Health Achievement Recognition Program and similar industry and international initiatives such as American National Standards Institute/American Industrial Hygiene Association Z10 and Occupation Health and Safety Association 18001. Twelve States have similar rules. As a first step, the Agency plans to hold stakeholder meetings to obtain input for an injury and illness prevention rulemaking.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings	06/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 1218-AC48

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

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

Unfunded Mandates: Undetermined

Legal Authority: 29 USC 657

CFR Citation: 29 CFR 1904

Legal Deadline: None

Abstract: OSHA is modernizing its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data and would improve the accuracy and availability of the relevant records and statistics. As a first step, the Agency plans to hold stakeholder meetings in July 2010.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings	07/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1218-AC49

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

Proposed Rule Stage

545. 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	
Analyze Comments	10/00/10	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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RIN: 1218-AB47

546. OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

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

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

Legal Deadline: None

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula recommended by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1971 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and maritime (derived from ACGIH's 1962 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable crystalline silica.

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

Statement of Need: Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities including

highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur; between 1990 and 1996, 200 to 300 deaths per year are known to have occurred where silicosis was identified on death certificates as an underlying or contributing cause of death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer has designated crystalline silica as a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune respiratory diseases. Exposure studies and OSHA enforcement data indicate that some workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits. Congress has included compensation of silicosis victims on Federal nuclear testing sites in the Energy Employees' Occupational Illness Compensation Program Act of 2000. There is a particular need for the Agency to modernize its exposure limits for construction and maritime workers, and to address some specific issues that will need to be resolved to propose a comprehensive standard.

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

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

Anticipated Cost and Benefits: The scope of the proposed rulemaking and

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estimates of the costs and benefits are still under development.

Risks: A detailed risk analysis is under way.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report	12/19/03	
Initiated Peer Review of Health Effects and Risk Assessment	05/22/09	
Completed Peer Review	01/24/10	
NPRM	02/00/11	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Federalism: This action may have federalism implications as defined in EO 13132.

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RIN: 1218-AB70

547. 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 is developing a new proposal, modified to reflect current information, as well as to re-assess the impact.

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	05/00/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1218-AB80

548. 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 is currently developing a NPRM.

Timetable:

Action	Date	FR Cite
ANPRM	12/21/06	71 FR 76623
ANPRM Comment Period End	02/20/07	
Analyze Record	04/30/07	
NPRM	07/00/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

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RIN: 1218-AC19

549. HAZARD COMMUNICATION

Priority: Economically Significant. Major under 5 USC 801.

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

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

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.1200; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: None

Abstract: OSHA's Hazard Communication Standard (HCS) requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and prepare labels and material safety data sheets to convey the hazards and associated protective measures to users of the chemicals. All employers with hazardous chemicals in their workplaces are required to have a hazard communication program, including labels on containers, material safety data sheets (MSDS), and training for employees. Within the United States (U.S.), there are other Federal agencies that also have requirements for classification and labeling of chemicals at different stages of the life cycle.

DOL—OSHA

Proposed Rule Stage

Internationally, there are a number of countries that have developed similar laws that require information about chemicals to be prepared and transmitted to affected parties. These laws vary with regard to the scope of substances covered, definitions of hazards, the specificity of requirements (e.g., specification of a format for MSDSs), and the use of symbols and pictograms. The inconsistencies between the various laws are substantial enough that different labels and safety data sheets must often be used for the same product when it is marketed in different nations.

The diverse and sometimes conflicting national and international requirements can create confusion among those who seek to use hazard information. Labels and safety data sheets may include symbols and hazard statements that are unfamiliar to readers or not well understood. Containers may be labeled with such a large volume of information that important statements are not easily recognized. Development of multiple sets of labels and safety data sheets is a major compliance burden for chemical manufacturers, distributors, and transporters involved in international trade. Small businesses may have particular difficulty in coping with the complexities and costs involved.

As a result of this situation, and in recognition of the extensive international trade in chemicals, there has been a long-standing effort to harmonize these requirements and develop a system that can be used around the world. In 2003, the United Nations adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Countries are now adopting the GHS into their national regulatory systems. In September 2009, OSHA published a NPRM to modify its HCS to make it consistent with the GHS. This would involve changing the criteria for classifying health and physical hazards, adopting standardized labeling requirements, and requiring a standardized order of information for safety data sheets.

Statement of Need: Multiple sets of requirements for labels and safety data sheets present a compliance burden for U.S. manufacturers, distributors, and transports involved in international trade. The comprehensibility of hazard information and worker safety will be

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

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

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

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

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/06	71 FR 53617
ANPRM Comment Period End	11/13/06	

Action	Date	FR Cite
Complete Peer Review of Economic Analysis	11/19/07	
NPRM	09/30/09	74 FR 50279
NPRM Comment Period End	12/29/09	
Hearing	03/02/10	
Hearing	03/31/10	
Post Hearing Comment Period End	06/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Federalism: This action may have federalism implications as defined in EO 13132.

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RIN: 1218-AC20

550. COOPERATIVE AGREEMENTS

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

Unfunded Mandates: Undetermined

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

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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	09/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 1218-AC32

551. • 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 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	11/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1218-AC50

Department of Labor (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

552. 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 is currently developing a final rule.

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
Public Hearings Held—October 21–22, 2008	09/19/08	73 FR 54340
Public Hearing Comment Period End	02/20/09	
Analyze Record Final Rule	07/31/09	11/00/10

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1218-AB50

553. 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 deaths per 100,000 employees. The

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Final Rule Stage

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 March 6 to 14, 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 is currently developing a final rule.

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 01/11/2006	10/12/05	70 FR 59290
Public Hearing To Be Held 03/06/2006	10/12/05	70 FR 59290
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
Comment Period End	10/15/09	

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

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

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RIN: 1218-AB67**554. 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 is scheduled to be published in July 2010.

Statement of Need: There have been considerable technological changes since the consensus standards upon which the 1971 OSHA standard is based were developed. In addition,

industry consensus standards for derricks and crawler, truck and locomotive cranes were updated as recently as 2004.

The industry indicated that over the past 30 years, considerable changes in both work processes and crane technology have occurred. There are estimated to be 64 to 89 fatalities associated with cranes each year in construction, and a more up-to-date standard would help prevent them.

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

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action and not update the standards in 29 CFR 1926.550 pertaining to cranes and derricks.

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

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
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	07/00/10	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Bill Parsons, 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-AC01

555. 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, 42 U.S.C. section 5851. The amendments add Department of Energy and Nuclear Regulatory Commission employees to the employees covered under the Act, as are contractors and subcontractors of the Commission. In addition, Congress added a "kick-out" provision allowing the complainant to remove the complaint to District Court if the Secretary of Labor has not issued a final decision within a year of the filing of the complaint. These are significant changes to the ERA, necessitating immediate revision of the regulations, 29 CFR part 24, Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes, which governs whistleblower investigations under the Energy Reorganization Act of 1978 as well as under six EPA statutes.

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	08/00/10	

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
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RIN: 1218-AC25

556. 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 developing a final rule.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1218-AC27

557. 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 RAIL SAFETY ACT

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; PL 110-53, sec 1536, The Implementing Recommendations of the 9/11 Commission Act of 2007; 49 USC 31105; ...

CFR Citation: 29 CFR 1978

Legal Deadline: None

Abstract: OSHA will implement 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

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amended the Federal Rail Safety Act (FRSA), to establish a new whistleblower protection provision to be administered by OSHA that 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	08/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 1218-AC36

558. 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 the recording of 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 definition from the regulation and remove a separate column for identifying WMSDs from 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 recordkeeping purposes. The Agency believes that additional 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.

Therefore, OSHA published a proposed rule to add a definition of WMSD to 29 CFR part 1904 and a separate column on the 300 Log to track this class of injury/illness. The Agency is developing a final rule.

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	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 1218-AC45

559. 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

Abstract: OSHA is proposing to promulgate 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

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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	08/00/10	

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
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RIN: 1218-AC47

Department of Labor (DOL)

Long-Term Actions

Occupational Safety and Health Administration (OSHA)

560. 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, and in Atlanta, GA on February 17, 2010. Additional meetings are scheduled for April 21, 2010, in Chicago, IL.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/09	74 FR 54333
ANPRM Comment Period End	01/19/10	

Action	Date	FR Cite
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

Department of Labor (DOL)

Completed Actions

Occupational Safety and Health Administration (OSHA)

561. HEARING CONSERVATION PROGRAM FOR CONSTRUCTION WORKERS

Priority: Economically Significant. Major under 5 USC 801.

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

CFR Citation: 29 CFR 1926.52

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
ANPRM	08/05/02	67 FR 50610
ANPRM Comment Period End	11/04/02	
Stakeholder Meetings	03/24/04	
Additional Stakeholder Meeting	07/21/04	
Withdrawn	04/26/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, 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-AB89

DOL—OSHA

Completed Actions

562. EXPLOSIVES**Priority:** Other Significant**Legal Authority:** 29 USC 655(b)**CFR Citation:** 29 CFR 1910.109**Legal Deadline:** None

Abstract: The OSHA regulations for explosives and blasting agents were published in 1974. Two trade associations representing many of the employers subject to this rule have petitioned the Agency to consider revising it, and have recommended changes they believe address the concerns they are raising. OSHA published a proposed rule on April 13, 2007, and ended the comment period on July 17, 2007. The Agency has since decided to withdraw the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	04/13/07	72 FR 18791
NPRM Comment Period End	07/12/07	
NPRM Comment Period Extended to September 10, 2007	07/09/07	72 FR 37155
NPRM Comment Period End	07/17/07	72 FR 39041
Withdrawn	02/03/10	75 FR 5545

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

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RIN: 1218-AC09**563. EMERGENCY RESPONSE AND PREPAREDNESS****Priority:** Other Significant**Legal Authority:** 29 USC 655(b); 29 USC 657**CFR Citation:** 29 CFR 1910**Legal Deadline:** None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
Request for Information	09/11/07	72 FR 51735
Comment Period End	12/10/07	
Withdrawn	04/26/10	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Local, State

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RIN: 1218-AC17**564. REVISION AND UPDATE OF STANDARDS FOR POWER PRESSES****Priority:** Other Significant**Legal Authority:** 29 USC 655(b); 29 USC 657**CFR Citation:** 29 CFR 1910.217**Legal Deadline:** None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/07	72 FR 30729
ANPRM Comment Period End	08/03/07	
Withdrawn	04/26/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 1218-AC22**565. ABBREVIATED PORTACOUNT® QUANTITATIVE FIT-TESTING PROTOCOL****Priority:** Substantive, Nonsignificant**Legal Authority:** 29 USC 655(b); 29 USC 657**CFR Citation:** 29 CFR 1910.134**Legal Deadline:** None

Abstract: Appendix A of OSHA's Respiratory Protection Standard (29 CFR 1910.134) specifies the procedure for adding new test protocols to this standard. OSHA proposes to include two additional protocols for the PortaCount® quantitative fit testing methodology in its Respiratory Protection Standard; the proposed protocols would apply to employers in general industry, shipyard employment, and the construction industry. The revised PortaCount® quantitative fit testing protocols are referred to as the Revised PortaCount® Quantitative Fit Test Protocol 1 and Protocol 2. The only difference between the proposed revised PortaCount® Protocol 1 and the approved PortaCount® protocol is that the revised Protocol 1 requires that the seven test exercises be performed for 30 seconds instead of the 60 seconds per test currently required. The revised Protocol 2 would reduce exercise time to 40 seconds instead of the currently required 60 seconds, eliminate two of the eight fit testing exercises, and would raise the pass/fail criterion from 100 to 200 for half-masks and 500 to 1,000 for full facepieces.

After thoroughly reviewing the comments and other information available in the record for the proposed rulemaking, OSHA concludes that the reused Portacount® Quantitative Fit-Testing Protocols are not sufficiently accurate or reliable to include among the quantitative fit-tests listed in Part II of the appendix A of its Respiratory Protection Standard. As a result, OSHA published a withdrawal notice on January 27, 2010.

Timetable:

Action	Date	FR Cite
NPRM	01/21/09	74 FR 3526
NPRM Comment Period End	03/23/09	
Analyze Record	06/30/09	
Withdrawn	01/27/10	75 FR 4323

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

Undetermined

DOL—OSHA

Completed Actions

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-AC40

567. OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM; FINAL RULE REMAND

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1026(d)(4); 29 CFR 1915.1026(d)(4); 29 CFR 1926.1126(d)(4)

Legal Deadline: None

Abstract: On February 28, 2006, OSHA published a final rule for Occupational Exposure to Hexavalent Chromium (Cr(VI)) (29 CFR 1910.1026, 29 CFR 1915.1026, 29 CFR 1926.1126). Public Citizen Health Research Group (Public Citizen) and other parties petitioned for review of the standard in the United States Court of Appeals for the Third Circuit. The court denied the petitions for review on all but one issue. The Third Circuit remanded the employee notification requirements in the standard's exposure determination provisions for further consideration. More specifically, the court directed the Agency to provide an explanation for its decision to limit employee notice requirements to circumstances in which Cr(VI) exposures exceed the permissible exposure limit (PEL) or to take other appropriate action with respect to that paragraph of the standard. After carefully reviewing the rulemaking record on this issue, OSHA has decided to revise the notification requirements, by means of a direct final rule (DFR), to require employers to notify employees of the results of all exposure

determinations, regardless of exposure level.

OSHA has published a companion NPRM, which will be used if OSHA receives any substantive adverse comments on the DFR.

Timetable:

Action	Date	FR Cite
Respond to Remand NPRM	09/30/09	
NPRM	03/16/10	75 FR 12485
NPRM Comment Period End	04/15/10	
Direct Final Rule	03/19/10	75 FR 12681
Direct Final Rule Comment Period End	04/16/10	
Direct Final Rule Effective	06/15/10	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Additional Information: This regulation was previously reported as 1218-AB45. A NPRM was published October 4, 2004 (69 FR 53905), and a final rule was published February 28, 2006 (71 FR 10100).

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Related RIN: Previously reported as 1218-AB45

RIN: 1218-AC43

566. TREE CARE OPERATIONS

Priority: Other Significant

Legal Authority: 23 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Timetable:

Action	Date	FR Cite
ANPRM	09/18/08	73 FR 54118
ANPRM Comment Period End	12/17/08	
Withdrawn	04/26/10	

Regulatory Flexibility Analysis

Required: No

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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Department of Labor (DOL)

Prerule Stage

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

568. 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	04/00/10	
ANPRM Comment Period End	06/00/10	

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)

569. ESTABLISHMENT OF A UNIFORM NATIONAL THRESHOLD ENTERED EMPLOYMENT RATE UNDER THE JOBS FOR VETERANS STATE GRANTS**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	05/00/10	
NPRM Comment Period End	07/00/10	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Gordon Burke,
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Constitution Avenue NW., FP Building,
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Phone: 202 693-4700**RIN:** 1293-AA18[FR Doc. 2010-8938 Filed 04-23-10; 8:45
am]**BILLING CODE** 4510-23-S