

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 2008 and April 2009, 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 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)

Employee Benefits Security Administration

Plan Assets-Participant Contributions Regulations (RIN 1210-AB11)

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

NAME: Elaine L. Chao,
Secretary of Labor.

The 98 Regulatory Agendas

Employment and Training Administration - Proposed Rule

Title	Regulation Identifier Number
Senior Community Service Employment Program	1205-AB48
YouthBuild Program	1205-AB49
Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances	1205-AB53
Labor Certification for the Temporary Employment of H-2B Aliens in the United States	1205-AB54

Employment and Training Administration - Final Rule

Title	Regulation Identifier Number
Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations	1205-AB50
Federal-State Unemployment Compensation Program; Interstate Arrangement for Combining Employment and Wages	1205-AB51
Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses	1205-AB52
Modernizing the Labor Certification Process and Enforcement for Temporary Agricultural Employment of H-2A Aliens in the United States	1205-AB55

Employment and Training Administration - Long-term Action

Title	Regulation Identifier Number
Revision to the Department of Labor Benefit Regulations for Trade Adjustment Assistance for Workers Under the Trade Act of 1974, as Amended	1205-AB32
Alternative Trade Adjustment Assistance Benefits; Amendment of Regulations	1205-AB40
Revision of the Department of Labor Regulations for Petitions and Determinations of Eligibility To Apply for Trade Adjustment Assistance for Workers	1205-AB44
Workforce Investment Act Amendments	1205-AB46
Senior Community Service Employment Program; Performance Accountability	1205-AB47

Employment and Training Administration - Completed Action

Title	Regulation Identifier Number
Labor Conditions Applications for E-3 Visas in Specialty Occupations for Australian Non-Immigrants	1205-AB43

Employee Benefits Security Administration - PreRule

Title	Regulation Identifier Number
Plan Assets-Participant Contributions Regulation	1210-AB11

Employee Benefits Security Administration - Proposed Rule

Title	Regulation Identifier Number
Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans	1210-AB07
Prohibited Transaction Exemption for Provision of Investment Advice to Participants in Individual Account Plans	1210-AB13
Periodic Pension Benefit Statements	1210-AB20

Employee Benefits Security Administration - Final Rule

Title	Regulation Identifier Number
Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996	1210-AA54
Health Care Standards for Mothers and Newborns	1210-AA63
Amendment of Regulation Relating to Definition of Plan Assets--Participant Contributions	1210-AB02
Amendment of Standards Applicable to General Statutory Exemption for Services	1210-AB08
Time and Order of Issuance of Domestic Relations Orders	1210-AB15
Amendments to Safe Harbor for Distributions From Terminated Individual Account Plans and Termination of Abandoned Individual Account Plans To Require Inherited IRAs for Missing NonSpouse Beneficiaries	1210-AB16
Statutory Exemption for Cross-Trading of Securities	1210-AB17
Annual Funding Notice for Defined Benefit Plans	1210-AB18
Selection of Annuity Provider for Individual Account Plans	1210-AB19
Multiemployer Plan Information Made Available on Request	1210-AB21
Amendment to Interpretive Bulletin 95-1	1210-AB22
Civil Penalties Under ERISA Section 502(c)(4)	1210-AB24
Model Notice of Critical Status for Multiemployer Plans	1210-AB26

Employee Benefits Security Administration - Long-term Action

Title	Regulation Identifier Number
Adequate Consideration	1210-AA15

Employee Benefits Security Administration - Completed Action

Title	Regulation Identifier Number
Revision of the Form 5500 Series and Implementing Regulations	1210-AB06
Independence of Accountant	1210-AB09
Section 404 Regulation--Default Investment Alternatives Under Participant Directed Individual Account Plans	1210-AB10
Proposed Revision of Annual Information Return/Reports	1210-AB14

Employment Standards Administration - PreRule

Title	Regulation Identifier Number
Child Labor Regulations, Orders, and Statements of Interpretation	1215-AB44

Employment Standards Administration - Proposed Rule

Title	Regulation Identifier Number
Amendments to the Fair Labor Standards Act	1215-AB13
Service Contract Act Health and Welfare Benefits	1215-AB56
Government Contractors, Affirmative Action Requirements, Maintaining and Analyzing Race and Ethnicity Data of Applicants and Employees	1215-AB59
Labor Organization Annual Financial Reports	1215-AB62
Labor Organization Annual Trust Report, Form T-1	1215-AB64

Employment Standards Administration - Final Rule

Title	Regulation Identifier Number
Family and Medical Leave Act of 1993; Conform to the Supreme Court's Ragsdale Decision	1215-AB35
Child Labor Regulations, Orders, and Statements of Interpretation	1215-AB57
Amendment to the Interpretive Guidelines Governing the Employee Protective Provisions of the Federal Transit Act	1215-AB58

Employment Standards Administration - Completed Action

Title	Regulation Identifier Number
Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models	1215-AB09
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans	1215-AB65

Occupational Safety and Health Administration - PreRule

Title	Regulation Identifier Number
Occupational Exposure to Crystalline Silica	1218-AB70
Occupational Exposure to Beryllium	1218-AB76
Emergency Response and Preparedness	1218-AC17
Methylene Chloride	1218-AC23
Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl	1218-AC33
Tree Care Operations	1218-AC40

Occupational Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Confined Spaces in Construction (Part 1926): Preventing Suffocation/Explosions in Confined Spaces	1218-AB47
General Working Conditions for Shipyard Employment	1218-AB50
Electric Power Transmission and Distribution; Electrical Protective Equipment	1218-AB67
Walking Working Surfaces and Personal Fall Protection Systems (1910) (Slips, Trips, and Fall Prevention)	1218-AB80
Cranes and Derricks	1218-AC01
Explosives	1218-AC09
Standards Improvement	1218-AC19
Hazard Communication	1218-AC20
Revision and Update of Standards for Power Presses	1218-AC22
Nationally Recognized Testing Laboratories Fee Schedule--Revised Approach	1218-AC27
Cooperative Agreements	1218-AC32
Abbreviated Portacount Quantitative Fit-Testing Protocol	1218-AC39
Amendment of Standards To Clarify the Individualized Nature of Employer Duties To Provide PPE and Train Employees	1218-AC42

Occupational Safety and Health Administration - Final Rule

Title	Regulation Identifier Number
Longshoring and Marine Terminals (Parts 1917 and 1918)--Reopening of the Record (Vertical Tandem Lifts (VTLs))	1218-AA56
Updating OSHA Standards Based on National Consensus Standards	1218-AC08
Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes	1218-AC25
Abbreviated Bitrix Qualitative Fit-Testing Protocol	1218-AC29
Procedures for Handling Employee Discrimination Complaints Under the National Transit Systems Security Act of 2007; Surface Transportation Assistance Act of 1982, as Amended; and Federal Rail Safety A	1218-AC36

Occupational Safety and Health Administration - Long-term Action

Title	Regulation Identifier Number
Hearing Conservation Program for Construction Workers	1218-AB89

Occupational Safety and Health Administration - Completed Action

Title	Regulation Identifier Number
Employer Payment for Personal Protective Equipment	1218-AB77
Ionizing Radiation	1218-AC11
South Carolina State Plan--Revision of State Health Compliance Staffing Benchmarks	1218-AC30
Oregon State Plan--Resumption of Concurrent Federal Enforcement of Temporary Labor Camp Standard	1218-AC31

Mine Safety and Health Administration - PreRule

Title	Regulation Identifier Number
Continuous Personal Dust Monitors	1219-AB48
Smoke Density and Toxicity	1219-AB60

Mine Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Use of or Impairment From Alcohol and Other Drugs on Mine Property	1219-AB41
Refuge Alternatives for Underground Coal Mines	1219-AB58
Safety Standards Regarding the Recommendations of the Technical Study Panel on the Utilization of Belt Air and the Composition and Fire Retardant Properties of Belt Materials in Underground Coal Minin	1219-AB59

Mine Safety and Health Administration - Final Rule

Title	Regulation Identifier Number
Fire Extinguishers in Underground Coal Mines	1219-AB40
Mine Rescue Team Equipment	1219-AB56

Mine Safety and Health Administration - Long-term Action

Title	Regulation Identifier Number
Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust	1219-AB14
Determination of Concentration of Respirable Coal Mine Dust	1219-AB18
High-Voltage Continuous Mining Machine Standard for Underground Coal Mines	1219-AB34
Respirable Crystalline Silica Standard	1219-AB36
Revising Electrical Product Approval Regulations	1219-AB37
Field Modifications of Permissible Mobile Diesel-Powered Equipment	1219-AB39
Equivalency Evaluation of the U.S. Environmental Protection Agency's Non-Road Diesel Engine Standards	1219-AB43

Mine Safety and Health Administration - Completed Action

Title	Regulation Identifier Number
Asbestos Exposure Limit	1219-AB24
Sealing of Abandoned Areas	1219-AB52
Mine Rescue Teams	1219-AB53
Diesel Particulate Matter: Conversion Factor From Total Carbon to Elemental Carbon	1219-AB55
Criteria and Procedures for Proposed Assessment of Civil Penalties	1219-AB57

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

Title	Regulation Identifier Number
Veterans Priority of Service for Employment and Training Programs	1293-AA15

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

Title	Regulation Identifier Number
Jobs for Veterans Act of 2002: Contract Threshold and Eligibility Groups for Federal Contractor Program	1293-AA12
Annual Report From Federal Contractor (VETS-100)	1293-AA16

Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB48

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Title: Senior Community Service Employment Program

Abstract: The Older Americans Act Amendments of 2006, Pub. L. 109-365, enacted on October 17, 2006, contains provisions amending title V of that Act, which authorizes the Senior Community Service Employment program (SCSEP). The Amendments, effective July 1, 2007, make substantial changes to the current SCSEP provisions in the Older Americans Act, including new requirements relating to performance accountability, income eligibility for program participation, competition of national grants, and services to participants. This proposed NPRM consists of 8 subparts: subpart A--Definitions; Subpart B--Coordination with the Workforce Investment Act; subpart C--the State Plan; subpart D--Grant Application, Eligibility, and Award Requirements; 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) will be implemented through a separate Interim Final Rule (IFR).

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 42 USC 3056 et seq

Legal Deadline: None

Regulatory Plan:

Statement of Need: The 2006 Amendments to the Older Americans Act (OAA-2006) were enacted on October 17, 2006. The amendments instituted a number of significant changes to the Senior Community Service Employment Program (SCSEP), including time limits on the participation of eligible individuals, new enrollment priorities, streamlined and strengthened performance measures, more training options for participants, new limits on participant fringe benefits, and required open competition of national grants every 4 years. The Department was required to implement the new performance measures by July 1, 2007, and published an Interim Final Rule on these requirements in the Federal Register on June 29, 2007 (72 FR 35832). However, SCSEP grantees were advised that they were responsible for complying with all the OAA-2006 changes as of July 1, 2007 as communicated in administrative guidance issued on June 11, 2007. Since OAA-2006 instituted so many significant changes in addition to those relating to performance accountability, it is important that regulations implementing the full requirements of the amendments be issued consistent with the identified timetable.

Legal Basis: These regulations are authorized by 42 U.S.C. 3056 et seq to implement amendments to the Older Americans Act of 1965

Alternatives: The public will be afforded an opportunity to provide comments on the SCSEP program changes when the Department publishes the 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.

Costs 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	07/00/2008	

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** Federal; State; Tribal

Small Entities Affected: No **Federalism:** No

Energy Affected: No

Related RINs: Related to 1205-AB47

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Department of Labor (DOL)
Employment and Training Administration (ETA) **RIN:** 1205-AB49

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Title: YouthBuild Program

Abstract: The YouthBuild Transfer Act of 2006, Pub. L. 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 model targets are high school dropouts, adjudicated youth, youth aging out of foster care, and other at-risk youth population. The program model balances in-school learning, geared toward a high school diploma or GED, and construction skills training, geared toward a career placement for the youth. DOL intends to develop regulations in response to the legislation and to guide the program implementation and management.

Priority: Other Significant **Agenda Stage of Rulemaking:** Proposed Rule

Major: No **Unfunded Mandates:** No

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

Legal Authority: PL 109-281

Legal Deadline: None

Regulatory Plan:

Statement of Need: In 2003, the White House Task Force report on Disadvantaged Youth recommended the transfer of YouthBuild because the program is “at its core, an employment and training program for disadvantaged youth, and will benefit from administrative oversight in DOL within the Employment & Training Administration.” On September 22, 2006, President Bush signed into law the YouthBuild Transfer Act (Pub. L. 109-281), which transfers the YouthBuild program from the Department of Housing and Urban Development (HUD) to the Department of Labor (DOL). The Employment and Training Administration (ETA) began to administer the YouthBuild program beginning in Fiscal Year (FY) 2007. The YouthBuild program assists youth who are often significantly behind in basic skills in obtaining a high school diploma or GED credential, advance toward post-secondary education and career pathways in construction occupations. The primary target populations for YouthBuild are adjudicated youth, youth aging out of foster care, out-of-school youth, and other at-risk populations. Youth accomplish this through the building or rehabilitation of affordable homes in their communities. The proposed regulation will consist of general information on funding and the grant application process, the program structure including eligibility and participation, performance requirements, and Administration allowances. The regulation also references compliance with existing standards of housing, environmental protections, and safety.

Legal Basis: These regulations are authorized by the YouthBuild Transfer Act. 29 U.S.C. 2918a (2006).

Alternatives: The public will be afforded an opportunity to provide comments on the YouthBuild regulations when the Department publishes the proposed rule in the Federal Register.

Costs 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, if necessary.

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/2008	

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

Federalism: No

Energy Affected: No

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

RIN: 1205-AB53

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB54

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Title: Labor Certification for the Temporary Employment of H-2B Aliens in the United States

Abstract: This Notice of Proposed Rulemaking is designed to initiate a redesign of the process by which U.S. employers seek labor certification from the Department of Labor as an initial step to hire temporary non-agricultural labor under the H-2B visa program. The re-engineering of the program would include streamlining of the application process and strengthening of program integrity.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 22 CFR 655 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

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

RIN: 1205-AB50

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Title: Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations

Abstract: Regulations that implement the National Apprenticeship Act at title 29 Code of Federal Regulations (CFR) part 29 have not been updated since it was first promulgated in 1977. The Department of Labor (DOL) proposes to update 29 CFR part 29 to ensure that the National Registered Apprenticeship System has the necessary tools and flexibility to keep pace with changes in the economy, technological advances, and corresponding workforce challenges. The proposed rule addresses those changes by both making the procedures for apprenticeship program registration more flexible and strengthening oversight of program performance, including DOL's recognition of a State Apprenticeship Agency (SAA) as the appropriate agency for registering local apprenticeship programs for Federal purposes, and DOL's de-recognition of a SAA. The proposed rule also updates part 29 to incorporate gender-neutral terms and technological advances in the delivery of related technical instruction. Such revisions will enable DOL to promote apprenticeship opportunity in the 21st century while continuing to safeguard the welfare of apprentices.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 50 Stat 664, as amended (29 USC 50; 40 USC 3145; 5 USC 301)

Legal Deadline: None

Regulatory Plan:

Statement of Need: Regulations for the Registered Apprenticeship System at Title 29 of the Code of Federal Regulations (CFR) part 29 have not been updated since the Department of Labor promulgated them in 1977. The regulations must be updated to ensure that the regulatory framework for the Registered Apprenticeship System aligns with technological advancements, changes in the economy, and corresponding workforce challenges that have occurred in the past three decades. The proposed revisions will enable the Registered Apprenticeship System to continue its vital role in developing a skilled, competitive American workforce.

Legal Basis: The regulation is authorized by Sec. 1, 50 Stat., as amended 929 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301), and Reorganization Plan No. 14 of 1950, 64 Stat. 1267 (5 U.S.C. App. P. 534).

Alternatives: The public will be afforded an opportunity to provide comments on the proposed revisions of the Apprenticeship Programs, Labor Standards for Registration when the Department publishes the proposed rule in the Federal Register.

Costs and Benefits: Preliminary estimates of anticipated costs of this regulatory action have not been determined at this time and will be determined at a later date, if appropriate.

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

Timetable:

Action	Date	FR Cite
NPRM	12/13/2007	72 FR 71020
NPRM Comment Period End	02/11/2008	
NPRM Comment Period Extended	03/12/2008	73 FR 7693
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** State; Tribal

Federalism: No

Energy Affected: No

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

RIN: 1205-AB51

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Title: Federal-State Unemployment Compensation Program; Interstate Arrangement for Combining Employment and Wages

Abstract: Section 3304(a)(9)(B) of the Federal Unemployment Tax Act requires States to participate in any arrangement specified by the Secretary of Labor for payment of unemployment compensation on the basis of combining an individual's employment and wages in two or more states. Current regulations implementing this arrangement allow individuals who have worked in more than one State to establish a combined-wage claim (CWC) in the State in which they are physically located, regardless of whether or not they have covered wages in that State. The Employment and Training Administration proposes amending current regulations to provide that individuals can establish CWC claims only in a State in which they have worked.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 616 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 26 USC 3304(a)(9)(B); Secretary's Order No. 3-2007, 72 FR 15907, April 3, 2007

Legal Deadline: None

Regulatory Plan:

Statement of Need: The current regulation for determining the State in which a CWC is established (the paying State) was issued in 1974 to replace a complicated set of tests for determining the paying State. It was intended to speed payments to eligible claimants by streamlining a manual process which relied on mailing paper forms between States. Before 1974, it could take weeks or months to determine which State should be the paying State for a particular claim. In 1974, UC claims were filed in person. Therefore, a simple solution was to make the paying State the State in which the claimant was physically present, which is where he or she would file the claim. All of the claimant's wages would be transferred to this State, whose law would govern eligibility and the amount of benefits. An unintended consequence of this arrangement is that the paying State is not always a State in which the individual had insured wages. Since this definition was codified, a practice called "forum shopping" has developed. In forum shopping, a claimant who has worked in more than one State travels to a State with a higher weekly benefit amount to file a CWC claim, even though the claimant has never worked in that State. This practice occurs because weekly benefit amounts vary greatly among States. States with higher weekly amounts have reported a number of instances where individuals traveled to these States for the purpose of filing a CWC and then immediately returned home. That cross-country travel is faster and more affordable has facilitated this practice. The Department believes that forum shopping is undesirable for two reasons. First, it unfairly advantages claimants who work in multiple States over those who work in just one state. Second, it results in higher benefit charges to former employers than would otherwise occur. Now that the technology exists to overcome the administrative difficulties that resulted in the current definition of paying State, the Department believes it is appropriate to more tightly conform the regulations to UC's character as wage insurance by making the paying State any State where the individual earned insured wages. Most claims are now filed by telephone or via the Internet, and States can now instantly access each other's wage information and transfer wages electronically for CWCs. Information about the weekly benefit amounts and other eligibility requirements of various State laws is now easily accessible.

Legal Basis: This regulation is authorized under section 3304(a)(9)(B) of the Federal Unemployment Tax Act (FUTA) (26 U.S.C. 3304(a)(9)(b)).

Alternatives: The Interstate Benefits Committee of the National Association of State Workforce Agencies met to discuss options to address "forum shopping." No recommendations were made.

Costs and Benefits: Preliminary estimates of costs and benefits have not been determined at this time and will be determined at a later date, if necessary.

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

Timetable:

Action	Date	FR Cite
NPRM	11/02/2007	72 FR 62145
NPRM Comment Period End	01/02/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1205-AB52

 [View Related Documents](#)**Title:** Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses

Abstract: This Final Rule reflects the extension of the H-1C visa program, which was extended by Pub. L. 109-423--Reauthorization of H-1C Program Under the Nursing Relief for Disadvantaged Areas Act of 2005. In 2000, the Nursing Relief for Disadvantaged Areas Act of 1999 (Pub. L. 106-95; Nov. 12, 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 NRDA 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 20, 2004. On April 24, 2006, the Department determined 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 visas could be issued. Therefore, the Department discontinued this rulemaking (71 FR 22912). However, given the new statutory authorization for the program, the Department has determined it is appropriate to finalize the rule. Section 3 of Pub. L. 109-423 has exempted this rulemaking from the Administrative Procedure Act so additional notice and comment are unnecessary.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 22 CFR 655 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 109-423; 120 Stat 2900; 8 USC 1101 (a)(15)(H)(i)(c); 8 USC 1182 (m)(2)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	06/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; State**Small Entities Affected:** Business**Federalism:** Undetermined**Energy Affected:** No**Agency Contact:** Dr. William Carlson

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

RIN: 1205-AB55

 [View Related Documents](#)

Title: Modernizing the Labor Certification Process and Enforcement for Temporary Agricultural Employment of H-2A Aliens in the United States

Abstract: This Notice of Proposed Rulemaking is designed to initiate a redesign of the process by which U.S. employers seek labor certification from the Department of Labor as an initial step to hire temporary agricultural labor under the H-2A visa program. The re-engineering of the program would include streamlining of the application process and strengthening of program integrity.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/13/2008	73 FR 8538
NPRM Comment Period End	03/31/2008	
NPRM Comment Period End	04/14/2008	73 FR 16243
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB32

 [View Related Documents](#)

Title: Revision to the Department of Labor Benefit Regulations for Trade Adjustment Assistance for Workers Under the Trade Act of 1974, as Amended

Abstract: The Trade Adjustment Assistance Reform Act of 2002, enacted on August 6, 2002, contains provisions amending title 2, chapter 2, of the Trade Act of 1974, entitled Adjustment Assistance for Workers. The amendments, generally effective 90 days from enactment (November 4, 2002), make additions to where and by whom a petition may be filed, expand eligibility to workers whose production has been shifted to certain foreign countries and to worker groups secondarily affected, and make substantive changes regarding trade adjustment assistance (TAA) program benefits. It is the Agency's intention to create a new 20 CFR part 618 to incorporate the amendments and write it in plain English, while amending the WIA regulations at 20 CFR parts 665 and 671 regarding Rapid Response and National Emergency Grants as they relate to the TAA program. The proposed part 618 consists of 9 subparts: Subpart A--General; subpart B--Petitions and Determinations of Eligibility to Apply for Trade Adjustment Assistance (and Alternative TAA); subpart C--Delivery of Services throughout the One-Stop Delivery System; subpart D--Job Search Allowances; subpart E--Relocation Allowances; subpart F--Training Services; subpart G--Trade Readjustment Allowances (TRA); subpart H--Administration by Applicable State Agencies; and subpart I--Alternative Trade Adjustment Assistance for Older Workers. Because of the complexity of the subject matter and the States' needs for definitive instructions on providing TAA benefits, the rulemaking for part 618 is divided into three parts. This rulemaking covers the general provisions (most of subpart A) and TAA benefits portions (subpart C through subpart H) of the regulations. Separate rulemakings will cover the two remaining subparts and reserved definitions in subpart A. One rulemaking, subpart I, will cover benefits under the alternative Trade Adjustment Assistance program. The other rulemaking, subpart B, will cover the petitions and certification process.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 90; 20 CFR 617 to 618; 20 CFR 665; 20 CFR 671; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/25/2006	71 FR 50760
NPRM Comment Period End	10/24/2006	

Additional Information: Congress has included language in the Continuing Appropriation Resolution, 2007 (Pub. L. 110-5 and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), that prevents the Department from finalizing and implementing the proposed regulation.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1205-AB40; Related to 1205-AB44

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

RIN: 1205-AB40

 [View Related Documents](#)

Title: Alternative Trade Adjustment Assistance Benefits; Amendment of Regulations

Abstract: The Trade Adjustment Assistance Reform Act of 2002, enacted on August 6, 2002, contains provisions amending title 2, chapter 2 of the Trade Act of 1974, entitled Adjustment Assistance for Workers. The amendments, generally effective 90 days from enactment (Nov. 4, 2002), make additions to where and by whom a petition may be filed, expand eligibility to workers whose production has been shifted to certain foreign countries and to worker groups secondarily affected, and make substantive changes regarding Trade Adjustment Assistance (TAA) program benefits. They also create the Alternative Trade Adjustment Assistance (ATAA) program for older workers, which was effective no later than 1 year after the enactment of the amendments on August 6, 2002. It is the Agency's intention to create a new 20 CFR part 618 to incorporate the amendments and write it in plain English, while amending the WIA regulations at 20 CFR parts 655 and 671 regarding Rapid Response and National Emergency Grants as they relate to the TAA program. The proposed part 618 consists of 9 subparts: Subpart A--General; subpart B--Petitions and Determinations of Eligibility to Apply for Trade Adjustment Assistance (and alternative TAA); subpart C--Delivery of Services Throughout the One-Stop Delivery System; subpart D--Job Search Allowances; subpart E--Relocation Allowances; subpart F--Training Services; subpart G--Trade Readjustment Allowances (TRA); subpart H--Administration by Applicable State Agencies; and subpart I--Alternative Trade Adjustment Assistance (ATAA) for Older Workers. Because of the complexity of the subject matter and the States' needs for definitive instructions on providing TAA benefits, the rulemaking for part 618 was originally divided into two parts: The first covering TAA benefits (subpart A and subparts C through H); and the second covering petitions and certifications (subpart B and certain definitions in subpart A) and ATAA (subpart I). To expedite the publication of guidance on ATAA, this second NPRM was divided, and ATAA is proceeding under this original RIN 1205-AB40. This rulemaking covers the issuance of ATAA benefits for older workers (subpart I). Separate rulemakings cover benefits (subpart A and subparts C through H) and petitions and determinations (subpart B and certain definitions in subpart A).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 90; 20 CFR 618; 20 CFR 665; 20 CFR 671 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	10/18/2006	71 FR 61618
NPRM Comment Period End	12/18/2006	

Additional Information: Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5) and the consolidated Appropriations Act, 2008 (Pub. L. 110-161), which prevents the Department from finalizing and implementing this proposed regulation.

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** Federal; State

Federalism: No

Energy Affected: No

Related RINs: Related to 1205-AB32; Related to 1205-AB44

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

RIN: 1205-AB44

 [View Related Documents](#)

Title: Revision of the Department of Labor Regulations for Petitions and Determinations of Eligibility To Apply for Trade Adjustment Assistance for Workers

Abstract: The Trade Adjustment Assistance Reform Act of 2002, enacted on August 6, 2002, contains provisions amending title 2, chapter 2 of the Trade Act of 1974, entitled Adjustment Assistance for Workers. The amendments, generally effective 90 days from enactment (Nov. 4, 2002), make additions to where and by whom a petition may be filed, expand eligibility to workers whose production has been shifted to certain foreign countries and to worker groups secondarily affected, and make substantive changes regarding Trade Adjustment Assistance (TAA) program benefits. They also create the Alternative Trade Adjustment Assistance (ATAA) program for older workers, which was effective no later than 1 year after the enactment of the amendments on August 6, 2002. It is the Department's intention to create a new 20 CFR part 618 to incorporate the amendments and write it in plain English, while amending the WIA regulations at 20 CFR parts 655 and 671 regarding Rapid Response and National Emergency Grants as they relate to the TAA program. The proposed part 618 consists of 9 subparts: Subpart A--General; subpart B--Petitions and Determinations of Eligibility to Apply for Trade Adjustment Assistance (and Alternative TAA); subpart C--Delivery of Services throughout the One-Stop Delivery System; subpart D--Job Search Allowances; subpart E--Relocation Allowances; subpart F--Training Services; subpart G--Trade Readjustment Allowance (TRA); subpart H--Administration by Applicable State Agencies; and subpart I--Alternative Trade Adjustment Assistance (ATAA) for Older Workers. Because of the complexity of the subject matter and to expedite the rulemaking because of the States' needs for definitive instructions on providing TAA benefits, the rulemaking for part 618 was originally divided into two parts: The first covering TAA benefits (subpart A and subparts C through H); and the second covering petitions and certifications (subpart B and certain definitions in subpart A) and ATAA (subpart I). To expedite the publication of guidance on ATAA, this second NPRM was divided, and ATAA proceeded under its original RIN 1205-AB40. This proposed rulemaking covers petitions and determinations (subpart B and certain definitions in subpart A of the regulations). Separate notices of proposed rulemaking covered remaining (subpart A and subparts C through H) and the issuance of ATAA benefits for older workers (subpart I).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 90; 20 CFR 617; 20 CFR 618; 20 CFR 665; 20 CFR 671 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5) and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), that prevents the Department from developing this proposed regulation.

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

Federalism: Undetermined

Energy Affected: No

Related RINs: Related to 1205-AB32; Related to 1205-AB40

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

RIN: 1205-AB46

 [View Related Documents](#)

Title: Workforce Investment Act Amendments

Abstract: The Department of Labor is implementing several important policy changes to the Workforce Investment Act and Wagner-Peyser Act regulations. Changes in this rulemaking address long-standing issues such as the large size of State and Local Workforce Investment Boards; the sequence of core, intensive, and training services; the governor's authority over eligible training providers; and the availability of Individual Training Accounts to youth. In addition, the changes address the method of delivery of Wagner-Peyser Act-funded services. Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5) and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), that prevents the Department from finalizing and implementing this proposed regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 661; 20 CFR 662 to 664; 20 CFR 652; 20 CFR 667 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 49k; sec 189(a) of PL 105-220; 29 USC 2939(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	12/20/2006	71 FR76558
NPRM Comment Period End	02/20/2007	

Additional Information: Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5), and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161) that prevents the Department from finalizing and implementing this proposed regulation.

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

Small Entities Affected: No

Federalism: No

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

RIN: 1205-AB47

 [View Related Documents](#)

Title: Senior Community Service Employment Program; Performance Accountability

Abstract: The Older Americans Act Amendments of 2006, Pub. L. 109-365, enacted on October 17, 2006, contains provisions amending title V of that Act, which authorizes the Senior Community Service Employment Program (SCSEP). The amendments, effective July 1, 2007, make substantial changes to the current SCSEP provisions in the Older Americans Act relating to performance accountability. Section 513 of title V requires that the Agency establish and implement new measures of performance by July 1, 2007. Section 513(b) requires that the Secretary issue definitions of indicators of performance through regulation after consultation with stakeholders. Therefore, this Interim Final Rule is intended to implement changes to the SCSEP program performance accountability regulations found at 20 CFR 641 in subpart G. Changes to other subparts of part 641 will be implemented through a separate Notice of Proposed Rulemaking.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 42 USC 3056 et seq

Legal Deadline:

Action	Source	Date
Other	Statutory	06/30/2007

Regulatory Plan:

Statement of Need: The 2006 Amendments to the Older Americans Act (OAA-2006) were enacted on October 17, 2006. The Amendments instituted a number of significant changes to the Senior Community Service Employment Program (SCSEP), including time limits on the participation of eligible individuals, new enrollment priorities, streamlined and strengthened performance measures, more training options for participants, new limits on participant fringe benefits, and required open competition of national grants every four years. The Department was required to implement the new performance measures by July 1, 2007, and published an Interim Final Rule on these requirements in the Federal Register on June 29, 2007 (72 FR 35832). However, SCSEP grantees were advised that they were responsible for complying with all the OAA-2006 changes as of July 1, 2007, as communicated in administrative guidance issued on June 11, 2007. Since OAA-2006 instituted so many significant changes in addition to those relating to performance accountability, it is important that regulations implementing the full requirements of the amendments be issued consistent with the identified timetable.

Legal Basis: These regulations are authorized by 42 U.S.C. 3056 et seq. to implement amendments to the Older Americans Act of 1965.

Alternatives: The public was afforded an opportunity to provide comments on the SCSEP program

changes when the Department published the Interim Final Rule (IFR) in the Federal Register. Comments on the IFR and a proposed rule for the Senior Community Service Employment Program (RIN 1205-AB48) will be incorporated into one final rule.

Costs 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
Final Action	00/00/0000	
Interim Final Rule	06/29/2007	72 FR 35832
Interim Final Rule Comment Period End	08/28/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1205-AB48

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

RIN: 1205-AB43

 [View Related Documents](#)

Title: Labor Conditions Applications for E-3 Visas in Specialty Occupations for Australian Non-Immigrants

Abstract: The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Pub. L. 109-13, 119 Stat. 231 was signed into law May 11, 2005. Section 501 of the Act adds a new treaty visa classification for Australian non-immigrants coming to the U.S. solely to perform services in a specialty occupation. The Department amends the current H-1B regulation to incorporate references and provisions for the new E-3 program.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101(a)(15)(E)(iii); 8 USC 1182(L)(I)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/12/2007	72 FR 1650
NPRM Comment Period End	02/12/2007	
Final Action Effective	04/11/2008	73 FR 19944
Final Action	04/11/2008	73 FR 19944

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

Federalism: No

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

RIN: 1210-AB11

 [View Related Documents](#)

Title: Plan Assets-Participant Contributions Regulation

Abstract: EBSA is conducting a review of the plan assets-participant contributions regulation in accordance with the requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rule; the nature of complaints or comments received from the public concerning the rule; the complexity of the rule; the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, to the extent feasible, with State and local rules; and the extent to which technology, economic conditions, or other factors have changed in industries affected by the rule.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2510.3-102 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	03/01/2006	
End Review	12/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: Undetermined

Energy Affected: No

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

RIN: 1210-AB07

 [View Related Documents](#)

Title: Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 1104; 29 USC 1135

Legal Deadline: None

Regulatory Plan:

Statement of Need: Given the potentially significant impact fees and expenses can have on retirement savings, understanding what and how fees and expenses are charged to 401(k) plans is essential to plan participants and beneficiaries in making informed investment decisions.

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 the Act, including section 404 of ERISA.

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

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

Risks:

Timetable:

Action	Date	FR Cite
Other	04/25/2007	72 FR 20457
Comment Period End	07/24/2007	
NPRM	05/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Federalism: No

Energy Affected: No

Government Levels Affected: No

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

RIN: 1210-AB13

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Title: Prohibited Transaction Exemption for Provision of Investment Advice to Participants in Individual Account Plans

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rulemaking is necessary to fully implement the new exemption under section 408(b)(14) of ERISA pursuant to section 601 of the PPA.

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. In addition, section 408(g)(3) of ERISA provides the Secretary with authority to establish rules governing the computer model certification process.

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

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

Risks:

Timetable:

Action	Date	FR Cite
Other	12/04/2006	71 FR 70429
Other	01/30/2007	
NPRM	07/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB20

 [View Related Documents](#)

Title: Periodic Pension Benefit Statements

Abstract: Section 508 of the Pension Protection Act of 2006 (PPA) amended section 105 of ERISA to require plans that are subject to ERISA to automatically provide participants and certain beneficiaries with individual pension benefit statements. Generally, defined benefit plans must provide the statement every 3 years, with an annual alternative. Individual account plans that permit participant direction must provide the statement quarterly and individual account plans that do not permit participant direction must provide the statement annually. The PPA directed the Department of Labor to provide a model statement within 1 year of enactment of the statute and the Department has been given interim final rulemaking authority.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: 29 USC 1025; ERISA sec 105; PL 109-280 sec 508, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline:

Action	Source	Date
Other	Statutory	08/18/2007

Regulatory Plan:

Statement of Need: This rulemaking is needed to implement the new pension benefit statement requirements in section 105 of ERISA, with respect to which Congress directed the Secretary of Labor to issue model benefit statements.

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. In addition, section 508(b) (2) of the PPA provides that the Secretary may promulgate any interim final rules as the Secretary determines appropriate to carry out the new pension benefit statement requirements.

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

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

Risks:

Timetable:

Action	Date	FR Cite
NPRM	10/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1210-AA54

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

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 the Health and Human Services are mutually dependent due to shared interpretive jurisdiction and are proceeding concurrently to provide additional regulatory guidance regarding these provisions.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2590 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: In general, the health care portability provisions in part 7 of ERISA provide for increased portability and availability of group health coverage through limitations on the imposition of any preexisting condition exclusion and special enrollment rights in group health plans after loss of other health coverage or a life event. Plan sponsors, administrators, and participants need guidance from the Department with regard to how they can fulfill their respective obligations under these statutory provisions.

Legal Basis: Part 7 of ERISA specifies the portability and other requirements for group health plans and health insurance issuers. 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, section 505 of ERISA authorizes the Secretary to issue regulations clarifying the provisions of title I of ERISA.

Alternatives:

Costs and Benefits: Costs and benefits of regulatory alternatives were estimated and taken into account in developing the proposed rule and published in the Federal Register.

Risks: Failure to provide guidance concerning part 7 of ERISA may impede compliance with the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/1997	62 FR 16894
Interim Final Rule Effective	06/07/1997	
Interim Final Rule Comment Period End	07/07/1997	
Other	10/25/1999	64 FR 57520
Comment Period End	01/25/2000	
Other	12/30/2004	69 FR 78825
NPRM	12/30/2004	69 FR 78800
Final Rule	12/30/2004	69 FR 78720
Final Action Effective	02/28/2005	
Comment Period End	03/30/2005	
NPRM Comment Period End	03/30/2005	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1210-AA63

 [View Related Documents](#)

Title: Health Care Standards for Mothers and Newborns

Abstract: The Newborns' and Mothers' Health Protection Act of 1996 (NMHPA) amended title I of ERISA and the Public Health Service Act with parallel provisions that protect mothers and their newborn children with regard to the length of hospital stays following the birth of a child. The Departments of Labor and Health and Human Services are mutually dependent due to shared interpretive jurisdiction and are proceeding concurrently to provide final regulatory guidance with regard to the provisions of the NMHPA.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2590.711 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 1027; 29 USC 1059; 29 USC 1135; 29 USC 1185; 29 USC 1191 to 1191c

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/27/1998	63 FR 57546
Final Action	08/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1210-AB02

 [View Related Documents](#)

Title: Amendment of Regulation Relating to Definition of Plan Assets--Participant Contributions

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."

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2510.3-102 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/29/2008	73 FR 11072
NPRM Comment Period End	04/29/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB08

 [View Related Documents](#)

Title: Amendment of Standards Applicable to General Statutory Exemption for Services

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

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

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

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: This regulation is needed to eliminate the current uncertainty as to what information relating to services and fees plan fiduciaries must obtain and service providers must furnish for purposes of determining whether a contract for services to be rendered to a plan is reasonable.

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 2550.408b-2 sets for the conditions necessary for relief, including the requirement that such contract or arrangement is reasonable.

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

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

Risks:

Timetable:

Action	Date	FR Cite
NPRM	12/13/2007	72 FR 70988
NPRM Comment Period End	02/11/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB15

 [View Related Documents](#)

Title: Time and Order of Issuance of Domestic Relations Orders

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

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline:

Action	Source	Date
Other	Statutory	08/18/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/2007	72 FR 10070
Interim Final Rule Effective	04/06/2007	
Interim Final Rule Comment Period End	05/07/2007	72 FR 10070
Final Action	11/00/2008	

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

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

RIN: 1210-AB16

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Title: Amendments to Safe Harbor for Distributions From Terminated Individual Account Plans and Termination of Abandoned Individual Account Plans To Require Inherited IRAs for Missing NonSpouse Beneficiaries

Abstract: The Department is amending 29 CFR 2578.1 and 29 CFR 2550.404a-3 to reflect changes enacted as part of the Pension Protection Act of 2006, Pub. L. 109-280, to the Internal Revenue Code of 1986 (the Code), under which a distribution of a deceased plan participant's benefit from an eligible retirement plan may be directly transferred to an individual retirement plan established on behalf of the designated non-spouse beneficiary of such participant.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 29 CFR 2550.404a-3; 29 CFR 2578.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 1135; ERISA sec 505**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/15/2007	72 FR 7516
Interim Final Rule Effective	03/19/2007	
Interim Final Rule Comment Period End	04/02/2007	
Final Action	11/00/2008	

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

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB17

 [View Related Documents](#)

Title: Statutory Exemption for Cross-Trading of Securities

Abstract: As directed by section 611(g)(3) of Pub. L. 109-280, this rule implements the content requirements for the written cross-trading policies and procedures required under section 408(b)(19)(H) of the Employee Retirement Income Security Act of 1974. This section exempts the purchase and sale of a security between an employee benefit plan and any other account managed by the same investment manager if certain conditions are satisfied. Among other requirements, section 408(b)(19)(H) stipulates that the investment manager must adopt, and effect cross trades in accordance with, written policies and procedures that are fair and equitable to all accounts participating in the cross-trading program.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2550.408b-19 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1108(b)(19)(H); ERISA sec 408(b)(19)(H); PL 109-280, sec 611(g)(3), Pension Protection Act of 2006

Legal Deadline:

Action	Source	Date
Other	Statutory	02/13/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/12/2007	72 FR 6473
Interim Final Rule Effective	04/13/2007	
Interim Final Rule Comment Period End	04/13/2007	
Final Action	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1210-AB18

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Title: Annual Funding Notice for Defined Benefit Plans

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

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

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

Legal Deadline:

Action	Source	Date
Other	Statutory	08/18/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1210-AB19

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Title: Selection of Annuity Provider for Individual Account Plans

Abstract: This rulemaking would establish a safe harbor under which a fiduciary of an individual account plan will be deemed to have satisfied his or her fiduciary responsibilities with respect to the selection of an annuity provider for the purpose of benefit distributions. The Department is proposing this safe harbor in light of revisions to Interpretive Bulletin 95-1 required by section 625 of the Pension Protection Act of 2006 clarifying that the fiduciary standards in Interpretive Bulletin 95-1 do not apply to the selection of an annuity provider for benefit distributions from an individual account plan.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 29 CFR 2550.404a-4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1104; ERISA sec 404; PL 109-280 sec 625, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
NPRM	09/12/2007	72 FR 52021
NPRM Comment Period End	11/13/2007	
Final Action	11/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1210-AB22**Agency Contact:** Janet Walters

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

RIN: 1210-AB21

 [View Related Documents](#)
Title: Multiemployer Plan Information Made Available on Request

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 multi-employer 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule

Major: No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 2520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**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**Legal Deadline:**

Action	Source	Date
Other	Statutory	08/18/2007

Timetable:

Action	Date	FR Cite
NPRM	09/14/2007	72 FR 52527
NPRM Comment Period End	10/15/2007	
Final Action	10/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**Agency Contact:** Stephanie Ward

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Department of Labor (DOL)**Employee Benefits Security Administration (EBSA)****RIN:** 1210-AB22 [View Related Documents](#)**Title:** Amendment to Interpretive Bulletin 95-1**Abstract:** This rulemaking implements the directive in section 625 of the Pension Protection Act of 2006, which requires the Secretary of Labor to issue, not later than 1 year after the date of enactment, final regulations clarifying that the selection of an annuity contract as an optional form of distribution from an individual account plan is not subject to the safest available annuity requirement under Interpretive Bulletin 95-1 and is subject to all otherwise applicable fiduciary standards.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 2509.95-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 109-280 sec 625, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505**Legal Deadline:**

Action	Source	Date
Other	Statutory	08/18/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/12/2007	72 FR 52004
Interim Final Rule Comment Period End	11/13/2007	
Final Action	11/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1210-AB19**Agency Contact:** Janet Walters

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Department of Labor (DOL)**Employee Benefits Security Administration (EBSA)****RIN:** 1210-AB24 [View Related Documents](#)**Title:** Civil Penalties Under ERISA Section 502(c)(4)**Abstract:** This proposed regulation, upon adoption, would implement the civil penalty provision under section 502(c)(4) of the Employee Retirement Income Security Act of 1974 (ERISA) to reflect recent amendments to section 502(c)(4) by the Pension Protection Act of 2006, under which the Secretary of Labor is granted authority to assess civil penalties not to exceed \$1000 per day for each violation of section 101(j), (k), or (l), or section 514(e)(3) of ERISA.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 2560.502c-4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1132; PL 109-280, sec 103(b), sec 502(a), sec 502(b), sec 902(f), Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/19/2007	72 FR 71842
NPRM Comment Period End	02/19/2008	
Final Action	09/00/2008	

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

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

RIN: 1210-AB26

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Title: Model Notice of Critical Status for Multiemployer Plans

Abstract: The Department is required by the PPA to prescribe a model notice that multiemployer plans in critical status may use to satisfy their obligation to notify effected parties. This NPRM proposes that model notice.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2540.305-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 1135; 29 USC 1085(b)(3)(D)(iii)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/25/2008	73 FR 15688
NPRM Comment Period End	04/24/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1210-AA15

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Title: Adequate Consideration

Abstract: The regulation would set forth standards for determining "adequate consideration" under section 3(18) of ERISA for assets other than securities for which there is a generally recognized market.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2510 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/17/1988	53 FR 17632
NPRM Comment Period End	07/17/1988	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB06

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Title: Revision of the Form 5500 Series and Implementing Regulations

Abstract: This rulemaking would amend and update the regulatory and related requirements for annual reporting by employee benefit plans in conjunction with EBSA's proposal to amend the regulations under section 104 to require that such reports be filed electronically.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

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

Legal Authority: 29 USC 1135; 29 USC 1021; 29 USC 1023 to 1024

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/21/2006	71 FR 41392
NPRM Comment Period End	09/19/2006	71 FR 41392
Final Action	11/16/2007	72 FR 64710
Final Action Effective	01/15/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1210-AB14

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

RIN: 1210-AB09

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Title: Independence of Accountant

Abstract: EBSA is conducting a review of the guidelines applicable to determining when a qualified public accountant is independent for purposes of auditing and rendering an opinion on the financial information required to be included in the annual report of an employee benefit plan for purposes of section 103(a)(3)(A) of ERISA. The current guidelines, set forth as an Interpretive Bulletin at 29 CFR 2509.75-9, were adopted in 1975. Given the changes that have taken place with respect to employee benefit plans and auditing practices and standards, as well as changes in the industry, since the issuance of those guidelines, EBSA published a Request for Information that invited interested persons to submit written comments and suggestions concerning whether and to what extent the current guidelines should be modified. While the Department is continuing to consider issues attendant to the Interpretive Bulletin, the Department nonetheless is temporarily withdrawing this initiative from the Semiannual Regulatory Agenda pending completion of its review of the public comments and work on Pension Protection Act implementing regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2509 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 1023(a)(3)(A); 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	09/11/2006	71 FR 53348
Comment Period End	12/11/2006	
Withdrawn	03/07/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: Undetermined

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

RIN: 1210-AB10

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Title: Section 404 Regulation--Default Investment Alternatives Under Participant Directed Individual Account Plans

Abstract: This rulemaking would establish a relief under which a fiduciary of a participant directed individual account pension plan will be deemed to have satisfied his or her fiduciary responsibilities with respect to investment and asset allocation decisions made on behalf of individual participants and beneficiaries who fail to give investment direction. This rulemaking will describe the types of investments that qualify as default investments in order to obtain fiduciary relief. As with other investment alternatives available under the plan, fiduciaries will continue to be responsible for the prudent selection and monitoring of qualifying default investment alternatives.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

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

Legal Authority: 29 USC 1104(c)(5); 29 USC 1135

Legal Deadline:

Action	Source	Date
Other	Statutory	02/19/2007

Regulatory Plan:

Statement of Need: Section 404(c)(1) of ERISA provides that, where a participant or beneficiary of an employee pension benefit plan exercises control over assets in an individual account maintained for him or her under the plan, the participant or beneficiary is not considered a fiduciary by reason of his or her exercise of control and other plan fiduciaries are relieved of liability under part 4 of title I of ERISA for the results of such exercise of control. As part of the Pension Protection Act of 2006, section 404(c) was amended to provide relief accorded by section 404(c)(1) to fiduciaries that invest participant assets in certain types of investment alternatives in the absence of participant investment direction. The Pension Protection Act directed the Department to issue final default investment regulations under section 404(c)(5)(A) of ERISA no later than 6 months after the date of enactment of the Pension Protection Act. This rulemaking responds to a need on the part of plan sponsors and fiduciaries for guidance on the selection of default investments for plan participants who fail to make an investment election. Such guidance would also improve retirement savings for millions of American workers.

Legal Basis: Promulgation of this regulation is authorized by sections 505 and 404(c) of ERISA.

Alternatives: Regulatory alternatives were considered in developing the proposed rule and published in the Federal Register.

Costs and Benefits: Costs and benefits of regulatory alternatives were estimated and taken into account in developing the proposed rule and published in the Federal Register.

Risks: Failure to provide guidance on default investment options for individual account plans may result in diminished retirement savings for the many participants who fail to make an investment election with regard to their accounts. In addition, failure to issue final default investment regulations under section 404(c)(5)(A) of ERISA no later than 6 months after the date of enactment of the Pension Protection Act would contravene section 624 of the Pension Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	09/27/2006	71 FR 56806
NPRM Comment Period End	11/13/2006	
Final Action	10/24/2007	72 FR 60452
Final Action Effective	12/24/2007	

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

Federalism: No

Energy Affected: No

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

RIN: 1210-AB14

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Title: Proposed Revision of Annual Information Return/Reports

Abstract: This proposal supplements previously published proposed revisions to the Form 5500 Annual Return/Report as required by the Pension Protection Act of 2006 (PPA). Specifically, this proposal includes separate Schedules B for single-employer plans and multiemployer plans reflecting PPA changes in funding and annual reporting requirements; new questions to the Schedule R and Schedule H designed to collect additional information regarding single and multiemployer pension defined benefit plans; and a proposal to have the Form 5500-SF Annual Return/Report be the simplified report required under the PPA for plans with fewer than 25 participants.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

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

Legal Authority: 29 USC 1135; 29 USC 1021; 29 USC 1023; 29 USC 1024; PL 109-208, sec 101 to 116, sec 201 to 221, sec 503, sec 1103 Pension Protection Act of 2006

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/11/2006	71 FR 71562
NPRM Comment Period End	01/10/2007	
Final Action	11/16/2007	72 FR 64710
Final Action Effective	01/15/2008	

Regulatory Flexibility Analysis
Required: Business; Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1210-AB06

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

RIN: 1215-AB44

 [View Related Documents](#)

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

Abstract: The Department of Labor is considering possible revisions to the hazardous occupations orders that may be undertaken to address recommendations of the National Institute for Occupational Safety and Health (NIOSH) in its May 2002 report to the Department on the Fair Labor Standards Act child labor regulations (available at <http://www.youthrules.dol.gov/resources.htm>). This Advance Notice of Proposed Rulemaking seeks additional data and public input to supplement the conclusions and recommendations on certain of the Hazardous Orders contained in the NIOSH report for consideration in subsequent rulemaking actions that may be undertaken. This Advance Notice of Proposed Rulemaking is related to a separate Notice of Proposed Rulemaking (see Related RIN: 1215-AB57). The Department is reviewing the submitted comments.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 203(1)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	04/17/2007	72 FR 19328
ANPRM Comment Period End	07/16/2007	
Other	08/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

Public Comment URL: www.regulations.gov

Related RINs: Related to 1215-AB57

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

RIN: 1215-AB13

 [View Related Documents](#)
Title: Amendments to the Fair Labor Standards Act

Abstract: Small Business Job Protection Act of 1996 (H.R. 3448) enacted on August 20, 1996 (Pub. L. 104-188, title II) amended the Portal-to-Portal Act (PA) and the Fair Labor Standards Act (FLSA). The U. S. Troop Readiness, Veteran's 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 (December 9, 1999), 113 stat. 1731, and Pub. L. 106-202 (May 18, 2000), 114 stat. 308.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 29 CFR 4; 29 CFR 531; 29 CFR 778; 29 CFR 785; 29 CFR 790; 29 CFR 870; 41 CFR 50-202 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 201 et seq; PL 104-188, sec 2101 to 2105**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; Local; State**Federalism:** No**Energy Affected:** No**Public Comment URL:** www.regulations.gov

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

RIN: 1215-AB56

 [View Related Documents](#)
Title: Service Contract Act Health and Welfare Benefits

Abstract: The Department of Labor will seek public input on methods for Federal service contractors to meet the health and welfare fringe benefit component required under prevailing wage determinations issued pursuant to the McNamara-O'Hara Service Contract Act.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined

CFR Citation: 29 CFR 4 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 41 USC 351; 41 USC 38; 41 USC 39; 5 USC 301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Business

Energy Affected: Undetermined

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Government Levels Affected: Federal

Federalism: No

Department of Labor (DOL)

Employment Standards Administration (ESA)

RIN: 1215-AB59

 [View Related Documents](#)

Title: Government Contractors, Affirmative Action Requirements, Maintaining and Analyzing Race and Ethnicity Data of Applicants and Employees

Abstract: This proposed rule would amend certain sections of the Office of Federal Contract Compliance Programs (OFCCP) regulations to correspond to the new Employer Information Report (EEO-1 Report), as published in the Federal Register on November 28, 2005 (70 FR 71294) (EEO-1 Notice). The new EEO-1 Report contains revised racial and ethnic categories and job categories.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-50 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: EO 11246, as amended

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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**Department of Labor (DOL)
Employment Standards Administration (ESA)****RIN:** 1215-AB62 [View Related Documents](#)**Title:** Labor Organization Annual Financial Reports**Abstract:** The Department of Labor's Employment Standards Administration proposes to establish standards and procedures by which the Office of Labor Management Standards, pursuant to section 208 of the Labor Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 438, may revoke the privilege of a labor organization to file a simplified annual financial disclosure report, Form LM-3, and instead require it to file the more detailed Form LM-2. The Department proposes to revise Form LM-2. The proposed revisions will improve financial disclosure and clarity within categories of receipts and disbursements.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 403; 29 CFR 408 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 431(b); 29 USC 438**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2008	

Regulatory Flexibility Analysis**Required:** Organizations**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kay H. Oshel

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

RIN: 1215-AB64

 [View Related Documents](#)
Title: Labor Organization Annual Trust Report, Form T-1

Abstract: The Department proposes to establish a Form T-1 to capture financial information pertinent to “trusts in which a labor organization is interested” (“section 3(l) trusts”), information that historically has largely gone unreported despite the trusts’ significant effect on labor organization financial operations and their members’ own interests. This proposal is part of the Department’s continuing effort to better effectuate the reporting requirements of the LMRDA. The LMRDA’s various reporting provisions are designed to empower labor organization members by providing them the means to maintain democratic control over their labor organizations and ensure a proper accounting of labor organization funds. The proposed rule helps bring the reporting requirements for labor organizations and section 3(l) trusts in line with contemporary expectations for the disclosure of financial information.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 29 CFR 403.2; 29 CFR 403.5; 29 CFR 403.8 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 438; 29 USC 431; 29 USC 437**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/04/2008	73 FR 11754
NPRM Comment Period End	04/18/2008	
NPRM Comment Period End	05/05/2008	73 FR 16611
Final Rule	09/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kay H. Oshel

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

RIN: 1215-AB35

 [View Related Documents](#)
Title: Family and Medical Leave Act of 1993; Conform to the Supreme Court's Ragsdale Decision

Abstract: The U.S. Supreme Court, in *Ragsdale v. Wolverine World Wide, Inc.*, 535 U.S. 81 (2002), invalidated regulatory provisions issued under the Family and Medical Leave Act (FMLA) pertaining to the effects of an employer's failure to timely designate leave that is taken by an employee as being covered by the FMLA. The Department will address this and decisions of other courts in proposed revisions to the FMLA regulations. In addition, effective January 28, 2008, section 585(a) of the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to permit an eligible employee who is the "spouse, son, daughter, parent, or next of kin of a covered servicemember" to take up to a total of 26 workweeks of leave during a 12-month period to care for the covered servicemember, defined as "a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." The NDAA amendment to FMLA also permits an eligible employee to take up to 12 workweeks of FMLA leave for "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation." Regulatory amendments will be developed to address these new statutory provisions.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 825 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 2654

Legal Deadline: None

Regulatory Plan:

Statement of Need: The FMLA requires covered employers to grant eligible employees up to 12 workweeks 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 FMLA regulations require employers to designate if an employee's use of leave is counting against the employee's FMLA leave entitlement, and to notify the employee of that designation (29 CFR 825.208). Section 825.700(a) of the regulations provides that if an employee takes paid or unpaid leave and the employer does not designate the leave as FMLA leave, the leave taken does not count against the employee's 12 weeks of FMLA leave entitlement. On March 19, 2002, the U.S. Supreme Court issued its decision in *Ragsdale v. Wolverine World Wide, Inc.*, 535 U.S. 81 (2002). In that decision, the Court invalidated regulatory provisions pertaining to the effects of an employer's failure to timely designate leave that is taken by an employee as being covered by the FMLA. The Court ruled that 29 CFR 825.700(a) was invalid absent evidence that the employer's failure to designate the leave as FMLA leave interfered with the employee's exercise of FMLA rights. The Department intends to propose revisions to address issues raised by this and other judicial decisions.

Legal Basis: This rule is issued pursuant to section 404 of the Family and Medical Leave Act, 29 U.S.C. 2654.

Alternatives: After completing a review and analysis of the Supreme Court's decision in *Ragsdale* and other judicial decisions, regulatory alternatives may be developed for notice-and-comment rulemaking.

Costs 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 time.

Risks:

Timetable:

Action	Date	FR Cite
Other	12/01/2006	71 FR 69504
Other	02/16/2007	72 FR 3775
Other	06/28/2007	72 FR 35550
NPRM	02/11/2008	73 FR 7876
NPRM Comment Period End	04/11/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations**Federalism:** No**Energy Affected:** No

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Department of Labor (DOL)**Employment Standards Administration (ESA)****RIN:** 1215-AB57
 [View Related Documents](#)
Title: Child Labor Regulations, Orders, and Statements of Interpretation

Abstract: The Department of Labor continues to review the Fair Labor Standards Act child labor provisions to ensure that the implementing regulations provide job opportunities for working youth that are healthy and safe and not detrimental to their education, as required by the statute (29 U.S.C. sections 203(l), 212(c), 213(c), and 216(e)). This proposed 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>). This Notice of Proposed Rulemaking is related to a separate Advance Notice of Proposed Rulemaking (see related RIN: 1215-AB44) that requests additional data and public input to supplement the conclusions and recommendations on certain of the HOs contained in the NIOSH report for consideration in additional possible revisions that may be undertaken in subsequent rulemaking actions.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 203(l); 29 USC 212; 29 USC 213(c)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	04/17/2007	72 FR 19337
NPRM Comment Period End	07/16/2007	
Final Action	08/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Local; State**Small Entities Affected:** Business; Governmental Jurisdictions**Federalism:** No**Energy Affected:** No

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Department of Labor (DOL)
Employment Standards Administration (ESA)
RIN: 1215-AB58
 [View Related Documents](#)

Title: Amendment to the Interpretive Guidelines Governing the Employee Protective Provisions of the Federal Transit Act

Abstract: Pursuant to Section 5333(b) of the Federal Transit law, the Department of Labor (Department) must certify, as a condition of certain grants of Federal financial assistance, fair and equitable labor protective provisions to protect the interests of employees affected by such Federal assistance. The Department administers this program through guidelines set forth at 29 CFR part 215. The Department's proposed changes conform the guidelines to recently enacted Federal legislation, in particular, sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (Pub. L. No. 109-59, 119 Stat. 1144 (2005)) (SAFETEA-LU). In addition to changes mandated by statute, the Department also proposes revisions to the guidelines that will enhance the speed and efficiency of the Department's processing of grant certifications. The proposed revisions to existing procedures for processing grant application under Federal transit law will ensure timely certification in a predictable manner, and will remain consistent with the transit law's statutory objectives.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 215 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 109-59; 119 Stat 1144; 49 USC 5333(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/14/2007	72 FR 52521
NPRM Comment Period End	10/15/2007	
Final Action	08/00/2008	

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

Small Entities Affected: No**Federalism:** No**Energy Affected:** No**Agency Contact:** Ann Comer

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Department of Labor (DOL)**Employment Standards Administration (ESA)****RIN:** 1215-AB09 [View Related Documents](#)**Title:** Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models

Abstract: The H-1B visa program of the Immigration and Nationality Act allows employers to temporarily employ nonimmigrants admitted into the United States under the H-1B visa category in specialty occupations and as fashion models, under specified labor conditions. An employer must file a labor condition application with the Department of Labor before the U.S. Citizenship and Immigration Services may approve a petition to employ a foreign worker on an H-1B visa. The Department's Employment and Training Administration administers the labor condition application process; the Wage and Hour Division of the Department's Employment Standards Administration handles complaints and investigations regarding labor condition applications. The Department published a proposed rule on January 5, 1999, in response to statutory changes in the H-1B program made by the American Competitiveness and Workforce Improvement Act of 1998 (title IV, Pub. L. 105-277; Oct. 21, 1998). Those changes placed additional obligations on "H-1B-dependent" employers (generally, those with work forces comprised of more than 15 percent H-1B workers) and on willful violators. These employers must recruit for U.S. workers, hire U.S. workers who are at least as qualified as H-1B workers, and not displace U.S. workers by hiring H-1B workers or placing them at another employer's job site. The 1998 amendments also imposed additional obligations on all H-1B employers, such as offering benefits to H-1B workers on the same basis and according to the same criteria as offered to U.S. workers, and payment to H-1B workers during periods they are not working for an employment-related reason. The 1999 proposed rule also requested further public comment on earlier proposed provisions published in October 1995, and on particular interpretations of the statute and of the existing regulations which the Department proposed to incorporate into the regulations. Since publishing the proposed rule, Congress enacted further amendments to the H-1B provisions under the American Competitiveness in the Twenty-First Century Act of 2000 (Pub. L. 106-313; Oct. 17, 2000), the Immigration and Nationality Act--Amendments (Pub. L. 106-311; Oct. 17, 2000), and section 401 of the Visa Waiver Permanent Program Act (Pub. L. 106-396; Oct. 30, 2000). On December 20, 2000, the Department published an Interim Final Rule to implement the recent amendments and clarify the existing rules, and requested further public comment on those provisions. On December 8, 2004, Congress enacted the H-1B Visa Reform Act of 2004 as part of the Consolidated Appropriations Act of 2005 (Pub. L. 108-447, 188 stat. 2809, division J, title IV, subtitle B (Dec. 8, 2004)), which reinstated (effective Mar. 8, 2005) certain attestation requirements for H-1B dependent employers and employers found to have committed willful violations or misrepresentations of material facts during the 5-year period prior to filing the H-1B Labor Condition Application. The WHD supports removal of the H-1B Final Rule from the regulatory agenda, given the consistent approval given to the interim final rule by the courts over the last 8 years, and the potential for significant legislative changes to the underlying statute in the future.

Priority: Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No

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

Legal Authority: 29 USC 49 et seq; 8 USC 1101(a)(15)(H)(i)(b); 8 USC 1182(n); 8 USC 1184; PL 102-232; PL 105-277

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/31/1995	60 FR 55339
NPRM Comment Period End	11/30/1995	
Second NPRM	01/05/1999	64 FR 628
Second NPRM COmment Period End	02/04/1999	
Interim Final Rule	12/20/2000	65 FR 80110
Interim Final Rule Effective	01/19/2001	
Interim Final Rule Comment Period End	04/23/2001	66 FR 10865
Withdrawn	02/15/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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

RIN: 1215-AB65

 [View Related Documents](#)

Title: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans

Abstract: This final rule revises the regulations in 41 CFR part 60-250 implementing the nondiscrimination and affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (Section 4212 or VEVRAA). The regulations in part 60-250 implement the nondiscrimination and affirmative action provisions of VEVRAA prior to their amendment in 2002 by the Jobs for Veterans Act (JVA), and apply to contracts entered into before December 1, 2003. The final rule revises the mandatory job listing provision in the part 60-250 regulations to provide that listing employment openings with the state workforce agency job bank or with the local employment service delivery system where the opening occurs will satisfy the mandatory job listing requirements under the part 60-250 regulations. The effect of this final rule is to conform the mandatory job listing provision in the part 60-250 regulations to the parallel provision in the regulations of the Office of Federal Contract Compliance Programs (OFCCP) implementing the JVA amendments to VEVRAA in 41 CFR part 60-300. OFCCP has determined that this rulemaking need not be published as a proposed rule, as generally required by the Administrative Procedure Act, 5 U.S.C. 553. Notice-and-comment requirements do not apply to "interpretive rules." 5 U.S.C. 553(b)(A). This rulemaking is not being published as a proposed rule because it is an interpretive rule and therefore exempt from APA notice and comment procedures.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 41 CFR 60-250.5(a)2. (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 793; 38 USC 4211 (2001)(amended 2002); 38 USC 4212 (2001) (amended 2002); EO 11758 (3 CFR, 1971-1975 Comp, p. 841)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action Effective	04/07/2008	
Final Action	04/07/2008	73 FR 18712

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Lynn Clements

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Department of Labor (DOL)**Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AB70 [View Related Documents](#)**Title:** Occupational Exposure to Crystalline Silica

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula 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 a 50µg/m³ exposure limit 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 (ASTM) 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.

Priority: Economically Significant**Agenda Stage of Rulemaking:** PreRule**Major:** Yes**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Over 2 million 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 (IARC) 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.

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. The Agency is currently evaluating several options for the scope of the rulemaking.

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

Risks: A detailed risk analysis is under way.

Timetable:

Action	Date	FR Cite
Other	12/19/2003	
Other	08/00/2008	

Regulatory Flexibility Analysis

Required: Business

Federalism: No

Energy Affected: No

Government Levels Affected: Undetermined

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

RIN: 1218-AB76

 [View Related Documents](#)

Title: Occupational Exposure to Beryllium

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by 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 is planning to use this information to develop a proposed rule addressing occupational exposure to beryllium.

Priority: Economically Significant

Agenda Stage of Rulemaking: PreRule

Major: Yes

Unfunded Mandates: Undetermined

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	11/26/2002	67 FR 70707
Other	01/23/2008	
Other	11/00/2008	

Regulatory Flexibility Analysis

Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC17

 [View Related Documents](#)
Title: Emergency Response and Preparedness

Abstract: Emergency responder health and safety is currently regulated primarily under the following standards: The fire brigade standard (29 CFR 1910.156); hazardous waste operations and emergency response (29 CFR 1910.120); the respiratory protection standard (29 CFR 1910.134); the permit-required confined space standard (29 CFR 1910.146); and the bloodborne pathogens standard (29 CFR 1910.1030). Some of these standards were promulgated decades ago and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders. Many do not reflect major changes in performance specifications for protective clothing and equipment. Current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into National Fire Protection Association (NFPA) and American National Standards Institute consensus standards. OSHA will be collecting information to evaluate what action the agency should take. The Request for Information was published on September 11, 2007.

Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	09/11/2007	72 FR 51735
Comment Period End	12/10/2007	
Other	07/00/2008	

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

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

RIN: 1218-AC23

 [View Related Documents](#)
Title: Methylene Chloride

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.1052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	12/01/2006	
Other	07/10/2007	72 FR 37501
Comment Period End	10/09/2007	
Other	01/08/2008	73 FR 1299
Comment Period End	03/10/2008	
End Review	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC33

 [View Related Documents](#)

Title: Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl

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.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	10/17/2007	72 FR 54619
Other	05/00/2008	

Regulatory Flexibility Analysis

Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC40

 [View Related Documents](#)

Title: Tree Care Operations

Abstract: In the 11-year period from 1992 through 2002 for which ornamental shrub and tree services fatality data are available from BLS, there were 637 fatalities in the industry, an average of about 58 fatalities per year or a rate of about 93 fatalities per 100,000 employees. To prevent many of these fatalities, OSHA will develop a standard on tree-trimming work, including maintaining and removing trees and brush. OSHA has standards on logging and line-clearance tree trimming that have been applied to activities performed by tree-care workers. Although there is an existing national consensus standard on tree-trimming work, American National Standards Institute Standard ANSI Z133.1-2006, Safety Requirements for Arboricultural Operations, OSHA has no comprehensive standard to address this type of work. The ANPRM will request information on such hazards as electrocution, falls, and struck by falling objects, as well as hazards associated with equipment used in tree-trimming work, including chippers, chain saws, and stump cutters.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: Undetermined

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	08/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AB47

 [View Related Documents](#)

Title: Confined Spaces in Construction (Part 1926): Preventing Suffocation/Explosions in Confined Spaces

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	11/24/2003	
NPRM	11/28/2007	72 FR 67351
NPRM Comment Period End	01/28/2008	
NPRM Comment Period End	02/28/2008	73 FR 3893
Public Hearing	07/00/2008	

Regulatory Flexibility Analysis

Required: Business

Federalism: No

Energy Affected: No

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Government Levels Affected: Undetermined

Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AB50

 [View Related Documents](#)

Title: General Working Conditions for Shipyard Employment

Abstract: During the 1980s, OSHA initiated a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, ship repair, and shipbreaking industries. Publication of a proposal addressing general working conditions in shipyards is part of this project. The operations addressed in this rulemaking relate to general working conditions such as housekeeping, illumination, sanitation, first aid, and lockout/tagout. About 100,000 workers are potentially exposed to these hazards annually. The proposed rule was published December 20, 2007.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/20/2007	72 FR 72451
NPRM Comment Period End	03/19/2008	
Other	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AB67

 [View Related Documents](#)
Title: Electric Power Transmission and Distribution; Electrical Protective Equipment

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 30 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 power generation, transmission, and distribution work. OSHA published an NPRM on June 15, 2005. A public hearing was held March 6 to 14, 2006. OSHA is reopening the record to gather additional information on minimum approach distances.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** No

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

Legal Authority: 29 USC 655(b); 40 USC 333**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	06/30/2003	
NPRM	06/15/2005	70 FR 34821
NPRM Comment Period End	10/13/2005	70 FR 34821
Public Hearing	10/12/2005	70 FR 59290
Commend Period Extended	10/12/2005	70 FR 59290
Comment Period End	07/14/2006	
Other	06/00/2008	

Regulatory Flexibility Analysis**Required:** Business**Federalism:** No**Energy Affected:** No**Government Levels Affected:** Local

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

RIN: 1218-AB80

 [View Related Documents](#)

Title: Walking Working Surfaces and Personal Fall Protection Systems (1910) (Slips, Trips, and Fall Prevention)

Abstract: In 1990, OSHA proposed a rule (55 FR 13360) addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. 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 a number of issues raised in the record for the NPRM. 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 will develop a new proposal, modified to reflect current information, as well as re-assess the impact.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/10/1990	55 FR 13360
NPRM Comment Period End	08/22/1990	
Hearing	09/11/1990	55 FR 29224
Other	05/02/2003	68 FR 23527
Comment Period End	07/31/2003	
Second NPRM	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC01

 [View Related Documents](#)

Title: Cranes and Derricks

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Regulatory Plan:

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 82 fatalities associated with cranes each year in construction, and a more up-to-date standard would help prevent them.

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 USC 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.

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

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
Other	07/16/2002	67 FR 46612
Comment Period End	09/16/2002	
Other	02/27/2003	68 FR 9036
Other	03/31/2003	68 FR 9036
Notice	06/12/2003	68 FR 35172
Other	07/30/2004	
Other	10/17/2006	
NPRM	08/00/2008	

Regulatory Flexibility Analysis**Required:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Noah Connell

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Government Levels Affected: Undetermined**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC09 [View Related Documents](#)**Title:** Explosives

Abstract: OSHA is amending 29 CFR 1910.109 which addresses explosives and blasting agents. These OSHA regulations were published in 1974, and many of the provisions do not reflect technological and safety advances made by the industry since that time. Additionally, the standard contains outdated references and classifications. 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. Initially, OSHA planned to revise the pyrotechnics requirements in this NPRM. However, based on our work to date, it appears appropriate to reserve action on these requirements for a second phase of rulemaking. The agency therefore plans to propose revisions to 29 CFR 1910.109 without any changes to the existing pyrotechnics requirements, and at a future date will develop a proposed rule for pyrotechnics revision. OSHA published a proposed rule on April 13, 2007, and is planning to publish a revised proposed rule to further clarify certain aspects of the proposal.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910.109 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	04/13/2007	72 FR 18791
NPRM Comment Period End	07/09/2007	72 FR 37155
NPRM Comment Period End	07/17/2007	72 FR 39041
NPRM Comment Period End	07/12/2007	
Other	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC19

 [View Related Documents](#)

Title: Standards Improvement

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 (SIPs) 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 SIPS. The Agency plans to include both safety and health topics in Phase III.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/21/2006	71 FR 76623
Other	04/30/2007	
NPRM	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1218-AC20

 [View Related Documents](#)**Title:** Hazard Communication

Abstract: OSHA's Hazard Communication Standard (HCS) requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and prepare labels and material safety data sheets to convey the hazards and associated protective measures to users of the chemicals. All employers with hazardous chemicals in their workplaces are required to have a hazard communication program, including labels on containers, material safety data sheets (MSDS), and training for employees. Within the United States (U.S.), there are other Federal agencies that also have requirements for classification and labeling of chemicals at different stages of the life cycle. Internationally, there are a number of countries that have developed similar laws that require information about chemicals to be prepared and transmitted to affected parties. These laws vary with regard to the scope of substances covered, definitions of hazards, the specificity of requirements (e.g., specification of a format for MSDSs), and the use of symbols and pictograms. The inconsistencies between the various laws are substantial enough that different labels and safety data sheets must often be used for the same product when it is marketed in different nations. The diverse and sometimes conflicting national and international requirements can create confusion among those who seek to use hazard information. Labels and safety data sheets may include symbols and hazard statements that are unfamiliar to readers or not well understood. Containers may be labeled with such a large volume of information that important statements are not easily recognized. Development of multiple sets of labels and safety data sheets is a major compliance burden for chemical manufacturers, distributors, and transporters involved in international trade. Small businesses may have particular difficulty in coping with the complexities and costs involved. As a result of this situation, and in recognition of the extensive international trade in chemicals, there has been a longstanding 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 considering adoption of the GHS into their national regulatory systems. There is an international goal to have as many countries as possible implement the GHS by 2008. OSHA is considering modifying 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910.1200; 29 CFR 1915.1200; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: Multiple sets of requirements for labels and safety data sheets present a compliance burden for U.S. manufacturers, distributors, and transports involved in international trade. 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. Additionally, comprehensibility of hazard information 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. Several nations, as well as the European Union, are preparing proposals for adoption of the GHS. U.S. manufacturers, employers, and employees will be at a disadvantage in the event that our system of hazard communication is not compliant with the GHS.

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

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

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

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
ANPRM	09/12/2006	71 FR 53617
ANPRM Comment Period End	11/13/2006	
Other	11/19/2007	
NPRM	10/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC22

 [View Related Documents](#)

Title: Revision and Update of Standards for Power Presses

Abstract: The Occupational Safety and Health Administration's (OSHA) mechanical power press standard (29 CFR 1910.217) protects employees from injuries that result from working with or around mechanical power presses through the use of machine guards (prevents hands in danger zone) and through limitations on initiation of a press cycle (either two-hand or foot operated). A presence-sensing device (PSD), typically a light curtain, initiates a press cycle only when the system indicates that no objects, such as a hand, are within the hazard zone. OSHA adopted the use of presence-sensing device initiation (PSDI) on mechanical power presses believing that the provision would substantially protect workers and improve productivity. However, OSHA requires PSDI systems to be validated by an OSHA-certified third party, and no organization has agreed to validate PSDI installations. OSHA performed a lookback review of PSDI and determined that the current ANSI standard permits PSDI without independent validation but includes other provisions to maintain PSDI safety. Based on its completion of the look-back review of PSDI (69 FR 31927), OSHA is planning to revise and update the standard on power presses, which currently covers only mechanical power presses. OSHA will base the revision of the 2001 or later edition of the American National Standards Institute (ANSI) standard on Mechanical Power Presses, ANSI B11.1. Further, OSHA is considering expanding the standard to cover other presses such as hydraulic and pneumatic power presses and to include the latest guarding techniques. This revision will provide the first major update of the Mechanical Power Presses Standard since it was originally published in 1971.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR Part 1910.217 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	06/04/2007	72 FR 30729
ANPRM Comment Period End	08/03/2007	
Other	11/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

RIN: 1218-AC27

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

Abstract: The Occupational Safety and Health Administration is proposing to adjust 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.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC32

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Title: Cooperative Agreements

Abstract: OSHA proposes to revise its regulations for the federally funded On-site Consultation Program to: a) Provide a 1-year deletion from OSHA's programmed inspection schedule for those employers who request and receive a full service safety and health, consultation visit; agree to correct identified hazards within established time frames; post notice of identified hazard(s) and begin to implement procedures for regularly identifying and preventing hazards; b) provide a deferral from OSHA's programmed inspection schedule for up to 18 months for those employers working toward achieving recognition and exemption status; and c) extend the deletion period from OSHA's programmed inspection schedule for a period of up to 2 years for those employers participating in OSHA's recognition and exemption program.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/00/2008	
NPRM Comment Period End	09/00/2008	
Final Action	11/00/2008	
Final Action Effective	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Public Comment URL: ecomments.osha.gov

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AC39

 [View Related Documents](#)

Title: Abbreviated Portacount Quantitative Fit-Testing Protocol

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 is proposing 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.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1910.134 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: dougherty.dorothy@dol.gov**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC42 [View Related Documents](#)**Title:** Amendment of Standards To Clarify the Individualized Nature of Employer Duties To Provide PPE and Train Employees

Abstract: OSHA is considering amending its standards for general industry, maritime and construction to clarify that when a standard requires the employer to provide PPE to employees, or train employees, each employee not provided PPE or trained is a separate instance of a violation of the standard. The amendment will clarify the remedy available to OSHA for violations of the PPE and training standards; it will not change the standards' substantive requirements in any way and will add no new regulatory burden. A variety of OSHA standards require that employers provide and ensure the use of appropriate personal protective equipment (PPE), such as respirators or protective clothing, where necessary because of a workplace hazard. The specific language of the standards varies. For example, the respiratory protection provisions of most specific standards state that "[f]or employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this paragraph." See e.g., 29 CFR 1926.1101(h) (1), while the coke oven emissions standard, 29 CFR 1910.1029(h) requires employers "to provide and ensure the use of" flame resistant clothing and other protective gear. OSHA standards also require that employers train employees on hazards to which they may be exposed, including hazards requiring PPE. Some training provisions, such as the provision in the general industry PPE standard, 29 CFR 1910.132(f), specifically state that training must be provided to "each employee" required to use PPE. Other training provisions are more generally worded. For example, the training provision in the hazard communication standard, 29 CFR 1910.1200(h) states that "employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever [a new hazard is introduced]." Despite minor differences in wording between them, all standards requiring employers to provide PPE to employees because of a hazard require the employer to provide the PPE to each individual employee covered by the requirement. Similarly, standards requiring employers to

provide training to employees require the employer to train each individual employee. The agency has consistently maintained that each employee not provided PPE or trained is a separate instance of a violation that may, in appropriate circumstances, be separately cited. The Occupational Safety and Health Review Commission has suggested that variations in the wording of OSHA's PPE and training provisions may affect the agency's authority to assess per-employee violations. In *Secretary of Labor v. Eric K. Ho, Ho Ho Ho Express, Inc. and Houston Fruitland, Inc.*, 20 O.S.H. Cas. (BNA) 1361, 1371-72 (Review Comm'n 2003) the Commission majority ruled that the Secretary could not issue per-employee citations for failure to provide respirators under a prior provision of the construction asbestos standard. In a later decision, the Commission stated that the slightly different language of the general respirator provision requirement in the lead standard permitted per-employee citations. *Secretary of Labor v. Manganas Painting Co., Inc.*, 21 O.S.H. Cas. (BNA) 1964, 1998-99 (Review Comm'n 2007). The amendment would clarify the agency's ability to issue per-instance violations for each employee not trained or not provided PPE under general industry, construction and maritime standards requiring training and PPE.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration (OSHA)

RIN: 1218-AA56

 [View Related Documents](#)

Title: Longshoring and Marine Terminals (Parts 1917 and 1918)--Reopening of the Record (Vertical Tandem Lifts (VTLs))

Abstract: OSHA issued a final rule on Longshoring on July 25, 1997 (62 FR 40142). However, in that rule, the Agency reserved provisions related to vertical tandem lifts. Vertical tandem lifts (VTLs) involve the lifting of two or more empty intermodal containers, secured together with twist locks, at the same time. OSHA has continued to work with national and international organizations to gather additional information on the safety of VTLs. The Agency has published an NPRM to address safety issues related to VTLs. The extended comment period concluded February 13, 2004, and an informal public hearing was held on July 29 to 30, 2004. The rulemaking record was open through November 30, 2004. Subsequently, new information was submitted to the docket. The Administrative Law Judge gave hearing participants 45 days to review this information and comment on it. Comments were due June 27, 2005. The Agency is analyzing the information and comments received to prepare the final action.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 1918.11; 29 CFR 1918.85 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/06/1994	59 FR 28594
NPRM Comment Period End	09/23/1994	
Other	07/25/1997	62 FR 40142
Other	10/09/1997	62 FR 52671
Second NPRM	09/16/2003	68 FR 54298
Second NPRM COmment Period End	12/10/2003	68 FR 68804
Public Hearing	07/29/2004	69 FR 19361
Final Action	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC08

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Title: Updating OSHA Standards Based on National Consensus Standards

Abstract: Under section 6(a) of the OSH Act, during the first two years of the Act, the Agency was directed to adopt national consensus standards as OSHA standards. Some of these standards were adopted as regulatory text, while others were incorporated by reference. In the more than 30 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multi-year project to update these standards. A notice describing the project was published in the Federal Register on November 24, 2004 (69 FR 68283). The first final rule was published on September 13, 2005. Several additional sets of standards are in preparation. An NPRM on Personal Protective (PPE) consensus standards was published on August 31, 2007, with a hearing on December 4, 2007. A direct final rule (DFR) on Miscellaneous Changes and Welding Definitions was published on December 14, 2007. In the next phase of the project, OSHA intends to publish a DFR to update consensus standards referenced for acetylene, and issue a final rule on the PPE consensus standards.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/24/2004	69 FR 68706
Direct final Rule	11/24/2004	69 FR 68712
NPRM Comment Period End	12/27/2004	69 FR 68706
Other	02/18/2005	70 FR 8290
Other	02/22/2005	
Final Rule	09/13/2005	70 FR 53925
Final Rule Effective	11/14/2005	
NPRM	05/17/2007	72 FR 27771
NPRM Comment Period End	06/16/2007	
Notice	08/31/2007	72 FR 50302
Direct final Rule	07/00/2008	
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1218-AC25

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

Abstract: Section 629, the employee protection provision of the Energy Policy Act of 2005, amended the Energy Reorganization Act of 1978, 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 the six EPA statutes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/2007	72 FR 44956
Interim Final Rule Comment Period End	10/09/2007	72 FR 44956
Final Action	08/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC29

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Title: Abbreviated Bitrix Qualitative Fit-Testing Protocol

Abstract: The Occupational Safety and Health Administration (OSHA) published the revised standard for respiratory protection on January 8, 1998. Appendix A of this standard currently lists four challenge agents permitted for use in qualitative fit testing protocols; these include isoamyl acetate, saccharin aerosol solution, irritant smoke, and Bitrix (denatonium benzoate). The standard also includes procedures that allow parties to submit new fit testing protocols for notice-and-comment rulemaking under section 6(b)(7) of the Occupational Safety and Health Act. OSHA has been requested to consider adding a new fit testing protocol that modifies the existing Bitrix protocol, and is undergoing rulemaking to seek public comment and determine whether to amend the fit testing provisions of the standard to include the proposed protocol. The NPRM was published on December 26, 2007.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.134 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC655(b); 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/26/2007	72 FR 72971
NPRM Comment Period End	02/25/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

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

RIN: 1218-AC36

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

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 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. This Act established the National Transit Systems Safety Act (NTSSA), including 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 Section 405 of the Surface Transportation Assistance Act (STAA), 49 U.S.C. 31105, to implement statutory changes enacted by Congress under section 1536 of the Implementing Recommendations of the 9/11 Commission Act of 2007, and to provide other procedural updates as needed. The statute provides retaliation protection to employees working for commercial motor carriers who report potential violations or engage in certain activities related to safety and security. Pursuant to these statutes, the rules will set forth the procedures for handling and investigating retaliation complaints, including a statutory "kick-out" provision allowing the complainant to file the complaint in District Court if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint. Immediate implementation of these regulations is necessitated to govern whistleblower investigations conducted under the new and revised statutes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/2008	
Interim Final Rule Comment Period End	10/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AB89

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Title: Hearing Conservation Program for Construction Workers

Abstract: OSHA issued a section 6(b)(5) health standard mandating a comprehensive hearing conservation program for noise-exposed workers in general industry in 1983. However, no rule was promulgated to cover workers in the construction industry. A number of recent studies have shown that many construction workers experience work-related hearing loss. In addition, the use of engineering, administrative, and personal protective equipment to reduce exposures to noise is not extensive in this industry. OSHA published an advance notice of proposed rulemaking to gather information on the extent of noise-induced hearing loss among workers in different trades in this industry, current practices to reduce this loss, and additional approaches and protections that could be used to prevent such loss in the future. Work continues on collecting and analyzing information to determine technological and economic feasibility of possible approaches.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1926.52 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b); 40 USC 333**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	08/05/2002	67 FR 50610
ANPRM Comment Period End	11/04/2002	
Other	03/24/2004	
Other	07/21/2004	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: dougherty.dorothy@dol.gov**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AB77 [View Related Documents](#)**Title:** Employer Payment for Personal Protective Equipment

Abstract: Generally, OSHA standards require that protective equipment (including personal protective equipment (PPE)) be provided and used when necessary to protect employees from hazards that can cause them injury, illness, or physical harm. In this discussion, OSHA uses the abbreviation PPE to cover both personal protective equipment and other protective equipment. In 1999, OSHA proposed to require employers to pay for PPE, with a few exceptions. The Agency re-opened the record on July 8, 2004, to get input on issues related to PPE considered to be a "tool of the trade." The final rule was published on November 15, 2007.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910.132; 29 CFR 1915.152; 29 CFR 1917.96; 29 CFR 1918.106; 29 CFR 1926.95 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b); 29 USC 657; 33 USC 941; 40 USC 333**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/30/1999	64 FR 15401
NPRM Comment Period End	06/14/1999	64 FR 15401
Other	08/13/1999	
Other	07/08/2004	69 FR 41221
Comment Period End	08/23/2004	
Final Action	11/15/2007	72 FR 64342
Final Action Effective	02/13/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; Local; State**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: dougherty.dorothy@dol.gov**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC11 [View Related Documents](#)**Title:** Ionizing Radiation

Abstract: OSHA is considering amending 29 CFR 1910.1096, which addresses exposure to ionizing radiation. The OSHA regulations were published in 1974, with only minor revisions since that time. The Department of Energy and the Nuclear Regulatory Commission both have more extensive radiation standards that reflect new technological and safety advances. In addition, radiation is now used for a broader variety of purposes, including health care, food safety, mail processing, and baggage screening. OSHA is in the process of reviewing information about the issue, and will determine the appropriate course of action regarding this standard when the review is completed. A request for information was published on May 3, 2005. Subsequently, the National Academy of Science released the latest version of a significant report on the biological effects of ionizing radiation. OSHA extended the comment period on the request for information to ensure commenters had the opportunity to consider this new report. The next step for the ionizing radiation project is to hold discussions with key stakeholders. OSHA also held a series of meetings targeted to specific stakeholder groups including State organizations with responsibility for worker exposure to ionizing radiation, professional associations and specific industry groups such as dental, medical, and veterinary professionals. OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.

Priority: Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910.109 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 29 USC 655(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	05/03/2005	70 FR 22828
Other	08/01/2005	70 FR 22828
Commend Period Extended	11/28/2005	70 FR 44074
Other	03/05/2007	72 FR 9716
Other	03/30/2007	72 FR 15091
Other	12/13/2007	
Withdrawn	03/06/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy DoughertyDirector, Directorate of Standards and Guidance
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E-Mail: dougherty.dorothy@dol.gov**Department of Labor (DOL)****Occupational Safety and Health Administration (OSHA)****RIN:** 1218-AC30 [View Related Documents](#)**Title:** South Carolina State Plan--Revision of State Health Compliance Staffing Benchmarks

Abstract: OSHA will issue a direct final rule revising South Carolina's State health compliance staffing benchmark under section 18 of the OSH Act. This action would revise the compliance staffing benchmarks applicable to the South Carolina State plan, which were originally established in 1980 in response to the U.S. Court of Appeals decision in AFL-CIO v. Marshall, 570 F. 2d 1030 (D.C. Cir., 1978) and subsequently revised in 1986. South Carolina's current staffing benchmarks are 17 safety inspectors and 12 health compliance personnel. South Carolina has proposed to reduce its health compliance staffing benchmarks from 12 to 10 health compliance personnel, utilizing a formula and providing documentation in accordance with established procedures. The State's safety compliance staffing benchmarks of 17 safety inspectors would remain the same. This direct final rule will become effective 60 days after publication unless significant adverse comment is received within 30 days. If OSHA receives significant adverse comment, it will publish a timely withdrawal of this rule and determine based on the comments submitted to the record, whether to issue a proposed rule in the future. The South Carolina State plan was initially approved on November 30, 1972, received final approval on December 15, 1987, and is administered by the Department of Labor, Licensing and Regulation (SCDLLR). In accordance with the Court order, States are required to maintain compliance staffing levels as established in their approved safety and health compliance staffing benchmarks as a condition of their final State plan approval status. OSHA has determined not to proceed with this action at this time, pending further review.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1952 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 667

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	03/06/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Federalism: No

RIN Information URL: osha.gov click on State Programs

Public Comment URL: dockets.osha.gov

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

RIN: 1218-AC31

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Title: Oregon State Plan--Resumption of Concurrent Federal Enforcement of Temporary Labor Camp Standard

Abstract: OSHA will propose to reassert concurrent federal enforcement authority in Oregon under section 18 of the OSH Act with regard to its temporary labor camp standard (29 CFR 1910.142). This action would be taken in response to deficiencies in the temporary labor camp standards adopted and enforced by Oregon under its OSHA-approved occupational safety and health state plan. This Federal authority would be exercised jointly by OSHA and by the Wage and Hour Division of the Employment Standards Administration, under a January 1997 delegation of authority by the Secretary of Labor. Following a public comment period, OSHA will make a final determination as to whether to reassert concurrent Federal enforcement authority in Oregon regarding temporary labor camps. The Oregon State plan is administered by the Division of Occupational Safety and Health (OR-OSHA) of the Oregon Department of Consumer and Business Services. Since Oregon adopted a revised temporary labor camp on March 24, 2008. OSHA has decided not to proceed with this proposed action pending review of the State's standard.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1952 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 29 USC 667

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	03/06/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Federalism: No

RIN Information URL: www.osha.gov click on State Programs

Public Comment URL: dockets.osha.gov

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

RIN: 1219-AB48

 [View Related Documents](#)

Title: Continuous Personal Dust Monitors

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) is 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 in June 2007. MSHA will solicit public input on potential applications of this new monitoring technology in coal mines.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

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

Legal Authority: 30 USC 811

Legal Deadline: None

Regulatory Plan:

Statement of Need: Respirable coal mine dust levels in this country are significantly lower than they were over two decades ago. Despite this progress, there continues to be concern about our current sampling program and MSHA's ability to accurately measure and maintain respirable coal mine dust at or below the applicable standard. The new CPDM, unlike the technology that has been employed since 1970 to measure concentrations of respirable coal mine dust, offers the capability to provide accurate and timely continuous readings of the dust level during a shift. Responses to this Request for Information (RFI) will assist the Agency in determining: (1) How to deploy the CPDM in coal mines and utilize its coal dust monitoring capability to further improve miner health protection from disabling occupational lung disease; and (2) the regulatory and non-regulatory actions that would promote its use for exposure monitoring and control.

Legal Basis: This RFI is authorized by sections 101 and 103 of the Federal Mine Safety and Health Act of 1977.

Alternatives: This RFI would explore options for amending and improving health protection from that afforded by the existing standards.

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

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 black lung, which is potentially disabling and can cause death. MSHA is pursuing both regulatory and nonregulatory actions to eliminate this disease through the control of coal mine respirable dust levels in mines and reduction of miners' exposure.

Timetable:

Action	Date	FR Cite
Other	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

Related RINs: Related to 1219-AB14; Related to 1219-AB18

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

RIN: 1219-AB60

 [View Related Documents](#)
Title: Smoke Density and Toxicity**Abstract:** MSHA will gather information on the criteria for testing density and toxicity of smoke from burning conveyor belts or similar materials.**Priority:** Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** Section 101 of the Federal Mine Safety and Health Act (Public Law 95-164)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	06/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Patricia W. Silvey

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

RIN: 1219-AB41

 [View Related Documents](#)
Title: Use of or Impairment From Alcohol and Other Drugs on Mine Property**Abstract:** MSHA is considering publishing a proposed rule to address the risks and hazards to miner safety from the use of or impairment from alcohol and drugs on mine property.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	10/04/2005	70 FR 57808
ANPRM Comment Period End	11/27/2005	
NPRM	06/00/2008	

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** Local
Small Entities Affected: Business; Governmental Jurisdictions **Federalism:** No
Energy Affected: No
RIN Information URL: www.msha.gov/reginfo.htm **Public Comment URL:** www.regulations.gov
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Department of Labor (DOL)
Mine Safety and Health Administration (MSHA)

RIN: 1219-AB58

 [View Related Documents](#)
Title: Refuge Alternatives for Underground Coal Mines

Abstract: MSHA is investigating refuge alternatives for use in underground coal mines. Refuge alternatives, such as rescue chambers, and other structures or systems, could be used to increase the survival of miners trapped underground. Section 13 of the Mine Improvement and New Emergency Response Act of 2006 requires the National Institute for Occupational Safety and Health (NIOSH) to study refuge alternatives. Section 112(b) of the Consolidated Appropriations Act of 2008 requires MSHA to propose regulations by June 15, 2008, consistent with the recommendations of NIOSH, requiring rescue chambers in underground coal mines, or facilities that provide at least the same measure of protection, and to finalize the regulations by December 31, 2008.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined

CFR Citation: 30 CFR 7; 30 CFR 50; 30 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 811**Legal Deadline:**

Action	Source	Date
NPRM	Statutory	06/15/2008
Other	Statutory	12/31/2008

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.msha.gov/reginfo.htm **Public Comment URL:** www.regulations.gov**Agency Contact:** Patricia W. Silvey

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Department of Labor (DOL)**Mine Safety and Health Administration (MSHA)****RIN:** 1219-AB59 [View Related Documents](#)**Title:** Safety Standards Regarding the Recommendations of the Technical Study Panel on the Utilization of Belt Air and the Composition and Fire Retardant Properties of Belt Materials in Underground Coal Minin**Abstract:** The proposal will implement the recommendations of the Technical Study Panel for the Utilization of Belt Air and the Composition and Fire Retardant Properties of Belt Material in underground coal mining. The Secretary established the Panel in accordance with section 11 of the Mine Improvement and New Emergency Response (MINER) Act of 2006. The Panel conducted an independent scientific engineering review and recommended the changes in this proposal in its December 20, 2007 report. The Secretary is required to propose regulations consistent with the recommendations of the Panel not later than June 20, 2008, and issue final rules not later than December 31, 2008 under the Consolidated Appropriations Act of 2008.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 30 CFR 6; 30 CFR 14; 30 CFR 48; 30 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Section101 of the Federal Mine Safety and Health Act (PL 95-164)**Legal Deadline:**

Action	Source	Date
NPRM	Statutory	06/20/2008
Other	Statutory	12/31/2008

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.msha.gov/reginfo.htm **Public Comment URL:** www.regulations.gov

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

RIN: 1219-AB40

 [View Related Documents](#)

Title: Fire Extinguishers in Underground Coal Mines

Abstract: The fire protection requirement in 30 CFR 75.1100-2(a)(2) requires rock dust and water at the underground workings at anthracite coal mines, and 30 CFR 75.1100-2(e)(2) requires a fire extinguisher and rock dust at temporary electrical installations. MSHA has granted 101(c) petitions for modification allowing operators to use only fire extinguishers in lieu of rock dust and other requirements at these two locations. This final rule eliminates the need to file petitions to use this alternative method of compliance without reducing protection for miners.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 75.1100-2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/20/2007	72 FR 72301
NPRM Comment Period End	02/04/2008	
Final Rule	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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

RIN: 1219-AB56

 [View Related Documents](#)
Title: Mine Rescue Team Equipment

Abstract: MSHA has update its mine rescue team equipment standard for underground coal and metal and nonmetal mine rescue teams. The final rule would update the requirement for self-contained breathing apparatus (SCBA) from 2-hour to 4-hour apparatus; increase the required oxygen and chemical reserves to maintain mine rescue teams from 6 hours to 8 hours; increase the required number of full charged oxygen bottles from one extra to two extra; and require mine rescue stations to be equipped with four approved, hand-held multi-gas detectors or four gas detectors for each gas which may be at the mine served. The final rule would increase safety and improve effectiveness of mine rescue teams.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 30 CFR 49 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 30 USC 811**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/06/2007	72 FR 51338
NPRM Comment Period End	11/09/2007	
Final Action	06/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1219-AB53

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

RIN: 1219-AB14

 [View Related Documents](#)

Title: Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust

Abstract: MSHA's current standards require that all underground coal mine operators develop and follow a mine ventilation plan for each mechanized mining unit that we approve. However, we do not have a requirement that provides for verification of each plan's effectiveness under typical mining conditions. Consequently, plans may be implemented by mine operators that could be inadequate to control respirable dust. In response to comments received on the July 2000 proposed rule for MSHA to withdraw the rule, MSHA published a new proposed rule on March 6, 2003. The proposed rule would have required mine operators to verify, through sampling, the effectiveness of the dust control parameters for each mechanized mining unit specified in the approved mine ventilation plan. The use of approved powered air-purifying respirators and/or verifiable administrative controls would have been allowed as a supplemental means of compliance when MSHA had determined that all feasible engineering or environmental controls were exhausted. Public hearings were held in May 2003, and the comment period, originally scheduled to close on June 4, 2003, was extended until July 3, 2003. On June 24, 2003, MSHA announced that all work on the final rule would cease and the rulemaking record would remain open in order to obtain information concerning Continuous Personal Dust Monitors being tested by NIOSH. A Federal Register notice was published on July 3, 2003, extending the comment period indefinitely. NIOSH issued a report on the continuous personal dust monitor in September 2006 and another report concerning test results in June of 2007. MSHA will determine the next course of action after a review of all data and test results.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 30 USC 811; 30 USC 813; 30 USC 961; 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
Other	07/07/2000	65 FR 42186
NPRM	07/07/2000	65 FR 42122
Other	08/11/2000	
Other	08/11/2000	65 FR 49215
NPRM	03/06/2003	68 FR 10784
Notice	03/17/2003	68 FR 12641
Other	05/29/2003	68 FR 32005
NPRM Comment Period End	06/04/2003	
Other	07/03/2003	68 FR 39881

Additional Information: This rulemaking is related to RIN 1219-AB18 (Determination of Concentration of Respirable Coal Mine Dust) and RIN 1219-AB48 (Continuous Personal Dust Monitors).

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: www.MSHA.gov/reginfo.htm www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1219-AB18; Related to 1219-AB48

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

RIN: 1219-AB18

 [View Related Documents](#)

Title: Determination of Concentration of Respirable Coal Mine Dust

Abstract: The National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA) jointly proposed that a single, full-shift measurement (single sample) would accurately represent the atmospheric condition to which a miner is exposed. The proposed rule addresses the U.S. Court of Appeals' concerns raised in *National Mining Association v. Secretary of Labor*, 153 F.3d 1264 (11th Cir. 1998). MSHA and NIOSH reopened the rulemaking record on March 6, 2003, to obtain comments on documents added to the rulemaking record since the proposed rule was published July 7, 2000. MSHA held hearings in May 2003 and the comment period, originally scheduled to close on June 4, 2003, was extended until July 3, 2003. However, on June 24, 2003, MSHA announced that all work on the final rule would cease. On August 12, 2003, the Agencies reopened the rulemaking record and extended the comment period indefinitely. MSHA collaborated with NIOSH, miners' representatives, industry, and the manufacturer to test the production prototype Continuous Personal Dust Monitor (CPDM) unit. NIOSH issued a report on the CPDM in September 2006 and another report concerning test results in June 8, 2007.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 30 USC 811

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
Other	07/07/2000	65 FR 42185
NPRM	07/07/2000	65 FR 42068
Other	08/11/2000	65 FR 49215
Other	03/06/2003	68 FR 10940
Other	03/17/2003	68 FR 12641
Notice	04/01/2003	68 FR 15691
Other	05/29/2003	68 FR 32005
Other	06/04/2003	
Other	08/12/2003	68 FR 47886

Additional Information: This rulemaking is related to RIN 1219-AB14 (Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust) and RIN 1219-AB48 (Continuous Personal Dust Monitor).

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.msha.gov/regsinfo.htm www.regulations.gov**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1219-AB14; Related to 1219-AB48

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Department of Labor (DOL)**Mine Safety and Health Administration (MSHA)****RIN:** 1219-AB34 [View Related Documents](#)**Title:** High-Voltage Continuous Mining Machine Standard for Underground Coal Mines

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 period on the NPRM. These issues involved: (1) 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 30 CFR 18; 30 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 30 USC 811; 30 USC 957; 30 USC 961**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	07/16/2004	69 FR 42812
NPRM Comment Period End	08/23/2004	69 FR 51784
NPRM	03/28/2006	71 FR 15359
Second NPRM COmment Period End	05/30/2006	71 FR 15359

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** No
Federalism: No
Energy Affected: No
RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov
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Department of Labor (DOL) **RIN:** 1219-AB36
Mine Safety and Health Administration (MSHA)

 [View Related Documents](#)

Title: Respirable Crystalline Silica Standard
Abstract: Current standards limit exposures to quartz (crystalline silica) in respirable dust. The coal mining industry standard is based on the formula 10mg/m3 divided by the percentage of quartz where the quartz percent is greater than 5.0 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 (100mg) 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 and ACGIH recommend a 50 mg/m3 exposure limit for respirable crystalline silica. MSHA is considering several options to reduce miners' exposure to crystalline silica.
Priority: Other Significant **Agenda Stage of Rulemaking:** Long-term Action
Major: No **Unfunded Mandates:** No
CFR Citation: 30 CFR 56 to 57; 30 CFR 70 to 72; 30 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 811; 30 USC 813

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	00/00/0000	

Regulatory Flexibility Analysis **Government Levels Affected:** No
Required: Undetermined
Federalism: No
Energy Affected: Undetermined
RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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

RIN: 1219-AB37

 [View Related Documents](#)

Title: Revising Electrical Product Approval Regulations

Abstract: 30 CFR part 18 (Electric Motor-Driven Mine Equipment and Accessories), describes the approval requirements for electrically operated machines and accessories intended for use in underground gassy mines, and for related matters, such as approval procedures, certification of components, and acceptance of flame-resistant hoses and conveyor belts. Aside from minor modifications, part 18 has been largely unchanged since it was promulgated in 1968. MSHA is proposing revisions to improve the efficiency of the approval process, recognize new technology, add quality assurance provisions, address existing policies through the rulemaking process, and reorganize portions of the approval regulations. MSHA will be addressing the requirements in this NPRM in phases. The first phase will be Flame-Resistance Testing of Mining Materials. This action will be published first because the MINER Act requires all life lines to be flame-resistant by June 14, 2009. The flame-resistance requirements are contained in 30 CFR part 18.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: Undetermined

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB39

 [View Related Documents](#)

Title: Field Modifications of Permissible Mobile Diesel-Powered Equipment

Abstract: The implementation of diesel regulations in 30 CFR parts 7, 36, 57, 72, and 75 has resulted in an increase in requests from owners of approved equipment, typically underground mine operators, to field modify permissible diesel-powered equipment. Field modifications allow permissible equipment to be modified for mine-specific use or to comply with new diesel standards. Therefore, the Mine Safety and Health Administration is proposing to add field modification provisions to 30 CFR part 36 (Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment). This proposed rule would codify the field modification process for part 36 field modification acceptances, expand the field modification process to allow mine operators to apply for field modifications, and continue to ensure that field-modified equipment operates safely in gassy underground mines. The proposed rule would also implement existing policy which dates from 1985, to reflect current procedures for processing field modifications related to mobile diesel-powered transportation equipment. Further, the proposed rule would require labeling provisions for all new field modifications accepted under part 36. These new provisions would enhance miner safety.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 36 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB43

 [View Related Documents](#)

Title: Equivalency Evaluation of the U.S. Environmental Protection Agency's Non-Road Diesel Engine Standards

Abstract: MSHA is reviewing the U.S. Environmental Protection Agency's (EPA) standards for non-road diesel engines. The review will determine if certain EPA requirements in 40 CFR part 89 (Control of Emissions From New and In-Use Non-Road Compression-Ignition Engines), provide or can be modified to provide at least the same degree of protection as existing requirements in 30 CFR part 7, subpart E (Diesel Engines Intended for Use in Underground Coal Mines). This review is limited to the testing of Category B diesel engines as defined in 30 CFR 7.82 (Definitions).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 7 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Notice	03/28/2006	71 FR 15358
Other	05/30/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB24

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Title: Asbestos Exposure Limit

Abstract: MSHA's permissible exposure limit (PEL) for asbestos applies to surface (30 CFR part 56) and underground (30 CFR part 57) metal and nonmetal mines and to surface coal mines and surface areas of underground coal mines (30 CFR part 71). MSHA proposed a rule to lower the asbestos PELs to an 8-hour time-weighted average of 0.1 fiber per cubic centimeter (f/cc) of air and the excursion limit to 1.0 f/cc of air as averaged over a 30-minute sampling period, which would reduce asbestos-induced occupational disease among miners. The proposed PELs are the same as the Occupational Safety and Health Administration (OSHA's) PELs.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 71 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 811; 30 USC 813

Legal Deadline: None

Regulatory Plan:

Statement of Need: MSHA's asbestos regulations date to 1967. Current scientific data indicate that MSHA's existing asbestos PEL is not sufficiently protective of miners' health. Other Federal agencies have addressed this issue by lowering their asbestos PELs. These lower limits reflect new information and studies.

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

Alternatives: The Agency increased sampling to determine miners' exposure levels to asbestos. In early 2000, MSHA began an extensive sampling effort at operations with potential asbestos exposure including taking samples at existing vermiculite, taconite, talc, and other mines to determine the level of asbestos present. While sampling, MSHA staff also discussed various potential hazards of asbestos with miners and mine operators and the types of preventive measures that could be implemented to reduce exposures. The final rule is based on comments and testimony to the proposed rule as well as MSHA sampling and inspection experience.

Costs and Benefits: The anticipated costs of the rule to the mining industry are approximately \$201,000 annually. Of this total amount, the cost to the metal and nonmetal mining sector would be \$156,000, and the cost to the coal mining sector would be \$45,000. MSHA estimates that under the lower exposure limit, approximately 1 out of every 1,000 exposed miners will avoid the risk of death from asbestosis, lung cancer, mesothelioma, or other diseases attributed to asbestos exposure.

Risks: Miners could be exposed to the hazards of asbestos at mine operations where the ore body contains asbestos. In addition, miners could be exposed to asbestos at facilities that install, remove or work with material containing asbestos. Overexposure to asbestos causes asbestosis, lung cancer, mesothelioma, and malignant and nonmalignant diseases.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/2002	67 FR 15134
Other	04/18/2002	67 FR 19140
ANPRM Comment Period End	06/27/2002	67 FR 15134
NPRM	07/29/2005	70 FR 42950
Public Hearing	10/18/2005	70 FR 43950
NPRM Comment Period End	11/21/2005	70 FR 43950
Final Action	02/29/2008	73 FR 11284
Final Action Effective	04/29/2008	

Additional Information: The Office of the Inspector General issued a report entitled, "Evaluation of MSHA's Handling of Inspections at the W.R. Grace & Company Mine in Libby, Montana," in March 2001.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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

RIN: 1219-AB52

 [View Related Documents](#)

Title: Sealing of Abandoned Areas

Abstract: The Mine Safety and Health Administration (MSHA) published an emergency temporary standard (ETS) on May 22, 2007. Under section 101(b) of the Federal Mine Safety and Health Act of 1977 (Mine Act), the ETS became effective immediately. This final rule will include comprehensive standards for underground coal mines regarding seal design approval, strength and installation approval, construction, maintenance and repair, sampling and monitoring, training, and recordkeeping, all of which are necessary to protect miners from hazards of sealed areas. It also implements the requirements of section 10 of the MINER Act by increasing the level of overpressure for new seals.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 75.335 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 811

Legal Deadline:

Action	Source	Date
Other	Statutory	12/15/2007

Regulatory Plan:

Statement of Need: MSHA issued the ETS in response to the grave danger that miners face when underground seals separating abandoned areas from active workings fail. The ETS is effective until superseded by a mandatory standard.

Legal Basis: Promulgation of this regulation is authorized by section 101 of the Mine Act and by section 10 of the MINER Act.

Alternatives: This final rule would provide: (1) The safety protections afforded to miners by the existing ETS; and (2) additional protections through experience gained through the rule and comments received during rulemaking. MSHA has analyzed regulatory alternatives in its regulatory economic analysis (REA) in support of the ETS. MSHA prepared an analysis of the cost of two alternatives regarding seal application approval: (1) Certification of a professional engineer along with supporting documentation; and (2) design based on actual explosion testing. MSHA also considered and included a discussion of alternatives in the preamble to the ETS without a cost analysis. MSHA requested comments on alternatives including seal design, sampling, construction, and seal strength.

Costs and Benefits: The anticipated costs and benefits of the final rule focus on seals that would be actively monitored to maintain an inert atmosphere and seals that would be strengthened to better withstand explosions, both of which would reduce injuries and fatalities. MSHA will prepare a regulatory economic analysis for the final rules.

Risks: Underground coal mines are dynamic work environments in which the working conditions can change rapidly. Caved, mined-out areas may contain coal dust and accumulated gas. This gas can be ignited by rock falls, lightning and, in some instances, fires started by spontaneous combustion. Seals are intended to isolate the environment within the sealed area from the active workings of the mine, and to prevent an explosion that may occur on the inby side of the seal from propagating to the outby side of the seal where miners work or travel. Seals must therefore be designed to withstand elevated pressures and also to prevent the sealed atmosphere from reaching the explosive range. Adequate seals are crucial to contain explosions and prevent potentially explosive or toxic gases from migrating into the active working areas of underground coal mines. Miners rely on seals to protect them from the

potentially hazardous environments within the sealed area. Recent mine explosions have demonstrated that improvements in seals are needed.

Timetable:

Action	Date	FR Cite
Other	05/22/2007	72 FR 28796
Other	06/25/2007	72 FR 34609
Other	07/19/2007	72 FR 28796
Other	07/17/2007	72 FR 28796
Other	07/12/2007	72 FR 28796
Other	07/10/2007	72 FR 28796
Commend Period Extended	08/14/2007	72 FR 45358
Other	08/17/2007	72 FR 34609
Commend Period Extended	09/17/2007	72 FR 45358
Final Action Effective	04/18/2008	
Final Action	04/18/2008	73 FR 21182

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB53

 [View Related Documents](#)

Title: Mine Rescue Teams

Abstract: On June 15, 2006, Pub. L. 109-236 or the Mine Improvement and New Emergency Response Act (MINER Act) of 2006 became effective. This rulemaking implements section 4 of the MINER Act by amending existing standards and developing new standards to provide for certification, composition, and training requirements for mine rescue teams in underground coal mines. Mine rescue team members also must be at the mine within an hour from the mine rescue station; requirements for mine rescue teams are set forth in 30 CFR part 49.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 49 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 957; 30 USC 811; 30 USC 825

Legal Deadline:

Action	Source	Date
Other	Statutory	12/15/2007

Regulatory Plan:

Statement of Need: Section 4 of the MINER Act requires the Secretary of Labor to finalize mandatory health and safety standards relating to mine rescue teams in underground coal mines no later than December 15, 2007. Existing standards require properly trained mine rescue teams to be available within 2 hours to the mine rescue station during mine emergencies. The MINER Act requires team members to have underground coal mining experience and requires teams to participate in mine rescue contests. The MINER Act also provides for multi-employer teams, State-sponsored teams, and contract teams to ensure the availability of qualified mine rescue teams.

Legal Basis: Promulgation of this regulation is authorized by the Federal Mine Safety and Health Act of 1977 and the MINER Act of 2006.

Alternatives: As required by the MINER Act, MSHA must publish a regulation on mine rescue teams.

Costs and Benefits: The proposed rule would increase safety and improve effectiveness of mine rescue teams. MSHA estimates that the yearly cost of the final rule will be \$4.8 million for the underground coal mine industry and \$0.1 million for State-sponsored mine rescue teams.

Risks: Mine explosions at the Sago Mine and Darby No. 1 Mine and a mine fire at the Alma Mine in 2006 resulted in the deaths of 19 underground coal miners. Explosions, fires, and the migration of potentially explosive methane-air mixtures from worked-out areas to the working areas of an underground coal mine endanger all miners who work in the mine, including potential rescuers.

Timetable:

Action	Date	FR Cite
NPRM	09/06/2007	72 FR 51320
NPRM Comment Period End	11/09/2007	
NPRM Comment Period Extended	11/16/2007	72 FR 63530
Final Action Effective	02/08/2008	
Final Action	02/08/2008	73 FR 7636

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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

RIN: 1219-AB55

 [View Related Documents](#)

Title: Diesel Particulate Matter: Conversion Factor From Total Carbon to Elemental Carbon

Abstract: MSHA is publishing a notice of enforcement of diesel particulate matter (DPM) final limit and withdrawal of intent to issue a proposed rule. On May, 18, 2006, MSHA published a final rule on Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners. The final rule stated that MSHA intended to issue a proposed rule to convert the final DPM permissible exposure limit (PEL) from 160 total carbon (TC) to a comparable elemental carbon (EC) PEL prior to May 20, 2008, provided sufficient scientific data were available to support a proposed rule. MSHA has insufficient evidence suggesting an appropriate conversion factor, and the National Institute for Occupational Safety and Health (NIOSH) has determined that further study would be needed to convert the final 160 TC PEL to a comparable EC PEL. However, the court decision in Kennecott Greene Creek Mining Co. v. MSHA allows MSHA to enforce either the 160 TC PEL or a converted EC PEL. MSHA is therefore issuing this notice that it will enforce the final 160 TC limit using an enforcement strategy referenced in the notice.

Priority: Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 30 CFR 57 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 30 USC 811; 30 USC 813**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: The May 18, 2006, final rule at 30 CFR 57.5060(b)(3) requires mine operators to ensure that the miners' personal exposures to DPM in an underground mine do not exceed an airborne concentration of 160 micrograms of total carbon per cubic meter of air during an average 8-hour equivalent full shift, effective May 20, 2008.

Legal Basis:**Alternatives:****Costs and Benefits:****Risks:****Timetable:**

Action	Date	FR Cite
Withdrawn	05/20/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov**Agency Contact:** Patricia W. Silvey

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Title: Criteria and Procedures for Proposed Assessment of Civil Penalties

Abstract: This final rule revises MSHA's proposed civil penalty amounts to adjust for inflation in accordance with the requirements of the Debt Collection Improvement Act of 1996, using the formula specified in the Federal Civil Penalties Inflation Adjustment Act of 1990. MSHA is adjusting the following three civil penalties in 30 CFR 100: The maximum civil penalty, the maximum daily penalty, and the maximum miner smoking penalty.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 30 USC 957: PL 104-134 Debt Collection Improvement Act of 1996

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	02/07/2008	73 FR 7206
Final Action Effective	03/10/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.msha.gov/regsinfo.htm **Public Comment URL:** www.regulations.gov

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Department of Labor (DOL)

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

RIN: 1293-AA15

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Title: Veterans Priority of Service for Employment and Training Programs

Abstract: The Department will promulgate the Veterans Priority of Service for Employment and Training Programs regulations in response to the Veterans Benefits, Health Care, and Information Technology Act of 2006. Section 605 of this Act requires the Secretary of Labor to prescribe regulations to implement 38 U.S.C. 4215, which describes priority of services for Veterans for certain employment and training programs.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: PL 109-461, sec 605

Legal Deadline:

Action	Source	Date
Other	Statutory	12/22/2008

Timetable:

Action	Date	FR Cite
NPRM	07/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; Local; State; Tribal**Federalism:** Undetermined**Energy Affected:** No**Agency Contact:** George M. Parker

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Department of Labor (DOL)**Office of the Assistant Secretary for Veterans' Employment and Training
(ASVET)****RIN:** 1293-AA12 [View Related Documents](#)**Title:** Jobs for Veterans Act of 2002: Contract Threshold and Eligibility Groups for Federal Contractor Program**Abstract:** The Veterans' Employment and Training Service (VETS) is proposing to issue a final regulation (FR) to implement changes required by the Jobs for Veterans Act (JVA) of 2002. This Act amended the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), by revising the reporting threshold from \$25,000 to \$100,000. JVA also eliminated the collection categories of special disabled veterans and veterans of the Vietnam era and added the new collection categories of disabled veterans and armed forces expeditionary medal veterans. JVA continues the collection for the recently separated veterans category, but changed the definition for that category to include any veteran within 3 years of the date of such veteran's discharge or release from active duty. Additionally, Federal contractors and subcontractors will be required to report the total number of all current employees in 10 job categories for each hiring location. This proposal will assist VETS in meeting the statutory requirement of annually collecting the VETS-100A Report.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 41 CFR 61-300 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 38 USC 4212(d) as amended by PL 107-288**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/08/2006	71 FR 44945
NPRM Comment Period End	10/10/2006	
Final Action	05/00/2008	

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** No
Small Entities Affected: Business; Organizations **Federalism:** No
Energy Affected: No

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Department of Labor (DOL)

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

RIN: 1293-AA16

 [View Related Documents](#)

Title: Annual Report From Federal Contractor (VETS-100)

Abstract: The report requirements at 41 CFR part 61-250 applies to contracts entered before December 1, 2003. The Veterans' Employment and Training Service (VETS) proposes to issue a Final Rule to implement changes required by Veterans Benefits and Health Care improvement Act of 2000 PL 106-419 and the Jobs for Veterans Act (JVA) of 2002 PL 107-288. These two Acts amended the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), by adding the collections for the "recently" separated veterans' data. Additionally, Federal contractors and subcontractors will be required to report the total number of all current employees in 10 job categories for each hiring location. This rule is not intended to create substantive differences from the 41 CFR part 61-300 rule, but provide Federal contractors with a better understanding of the report requirements under each rule. The reporting requirements that apply to contracts entered on or after December 1, 2003, will be located in the new 41 CFR part 61-300.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR part 61-250 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 38 USC 4212 (d) as amended by PL 107-288

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	08/00/2008	

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

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