

**DEPARTMENT OF LABOR (DOL)**

**DEPARTMENT OF LABOR**

**Office of the Secretary**

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

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

**30 CFR Ch. I**

**41 CFR Ch. 60**

**48 CFR Ch. 29**

**Semiannual Agenda of Regulations**

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Semiannual regulatory agenda.

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

The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between October 2006 and October 2007, 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.

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**

- Excavations (RIN 1218-AC02)
- Lead in Construction (RIN 1218-AC18)
- 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.

**Dated:** August 16, 2006.

**Elaine L. Chao,**  
*Secretary of Labor.*

**Office of the Secretary—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
2058	Production or Disclosure of Information or Materials .....	1290-AA17

**Employment Standards Administration—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
2059	Family and Medical Leave Act of 1993; Conform to the Supreme Court's Ragsdale Decision ( <b>Reg Plan Seq No. 66</b> ) .....	1215-AB35
2060	Child Labor Regulations, Orders, and Statements of Interpretation .....	1215-AB44

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

## DOL

## Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2061	Amendments to the Fair Labor Standards Act .....	1215-AB13
2062	Service Contract Act Health and Welfare Benefits .....	1215-AB56
2063	Child Labor Regulations, Orders, and Statements of Interpretation .....	1215-AB57
2064	Amendment to the Interpretive Guidelines Governing the Employee Protective Provisions of the Federal Transit Act .....	1215-AB58
2065	Government Contractors, Affirmative Action Requirements, Revision of the Employer Information Report (EEO-1) .....	1215-AB59

## Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2066	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Disabled Veterans, Recently Separated Veterans, Other Protected Veterans, and Armed Forces Service Meda .....	1215-AB46
2067	Labor Organization Officer and Employee Reports .....	1215-AB49
2068	Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended .....	1215-AB51

## Employment Standards Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2069	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models .....	1215-AB09

## Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2070	Standards of Conduct for Federal Sector Labor Organizations .....	1215-AB48
2071	Union Organization and Voting Rights: Criteria for Characterizing a Labor Organization as a Local, Intermediate, or National or International Labor Organization .....	1215-AB50
2072	Union Officials: Guidelines for Fiduciary Responsibilities Under Section 501(a) of the Labor-Management Reporting and Disclosure Act .....	1215-AB52
2073	Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Equal Opportunity Survey .....	1215-AB53
2074	Labor Organization Annual Financial Trust Reports: Form T-1 .....	1215-AB54
2075	Airline Employee Protection Program .....	1215-AB55

## Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2076	Alternative Trade Adjustment Assistance Benefits; Amendment of Regulations ( <b>Reg Plan Seq No. 67</b> ) .....	1205-AB40
2077	Revision of the Department of Labor Regulations for Petitions and Determinations of Eligibility to Apply for Trade Adjustment Assistance for Workers ( <b>Reg Plan Seq No. 68</b> ) .....	1205-AB44
2078	Disclosure of State Unemployment Compensation Wage Record Information .....	1205-AB45

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

## DOL

## Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2079	Revision to the Department of Labor Benefit Regulations for Trade Adjustment Assistance for Workers Under the Trade Act of 1974, as Amended ( <b>Reg Plan Seq No. 69</b> ) .....	1205-AB32
2080	Federal-State Unemployment Compensation Program; Eligibility .....	1205-AB41
2081	Labor Certification for the Permanent Employment of Aliens in the United States; Reducing the Incentives and Opportunities for Fraud and Abuse and Enhancing Program Integrity ( <b>Reg Plan Seq No. 70</b> ) .....	1205-AB42
2082	Labor Conditions Applications for E-3 Visas in Specialty Occupations for Australian Non-immigrants .....	1205-AB43

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

## Employment and Training Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2083	Post-Adjudication Audits of H-2B Petitions Other Than Logging in the United States .....	1205-AB36

## Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2084	Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of Information in State UC Records .....	1205-AB18
2085	Labor Certification for the Permanent Employment of Aliens in the United States; Backlog Reduction .....	1205-AB37
2086	Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Attestations Re H-1B1 Visas for Chile and Singapore ( <b>Completion of a Section 610 Review</b> ) .....	1205-AB38

## Employee Benefits Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2087	Independence of Accountant .....	1210-AB09
2088	Plan Assets-Participant Contributions Regulation (610 Review) ( <b>Section 610 Review</b> ) .....	1210-AB11

## Employee Benefits Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2089	Amendment of Regulation Relating to Definition of Plan Assets—Participant Contributions ( <b>Reg Plan Seq No. 71</b> ) .....	1210-AB02
2090	Amendment of Section 404(c) Regulation—Disclosure .....	1210-AB07
2091	Amendment of Standards Applicable to General Statutory Exemption for Services .....	1210-AB08

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

## Employee Benefits Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2092	Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996 ( <b>Reg Plan Seq No. 72</b> ) .....	1210-AA54
2093	Health Care Standards for Mothers and Newborns .....	1210-AA63
2094	Prohibiting Discrimination Against Participants and Beneficiaries Based on Health Status ( <b>Reg Plan Seq No. 73</b> ) .....	1210-AA77

## DOL

## Employee Benefits Security Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2095	Revision of the Form 5500 Series and Implementing Regulations .....	1210-AB06
2096	Section 404 Regulation—Default Investment Alternatives Under Participant Directed Individual Account Plans <b>(Reg Plan Seq No. 74)</b> .....	1210-AB10

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

## Employee Benefits Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2097	Adequate Consideration .....	1210-AA15

## Employee Benefits Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2098	Rulemaking Relating to Termination of Abandoned Individual Account Plans .....	1210-AA97
2099	Voluntary Fiduciary Correction Program .....	1210-AB03
2100	Electronic Filing of Annual Reports .....	1210-AB04

## Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2101	Personal Continuous Dust Monitors <b>(Reg Plan Seq No. 75)</b> .....	1219-AB48

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

## Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2102	Field Modifications of Permissible Mobile Diesel-Powered Equipment .....	1219-AB39
2103	Fire Extinguishers in Underground Coal Mines .....	1219-AB40
2104	Use of or Impairment From Alcohol and Other Drugs on Mine Property .....	1219-AB41
2105	Sealing of Abandoned Areas <b>(Reg Plan Seq No. 76)</b> .....	1219-AB52
2106	Mine Rescue Teams <b>(Reg Plan Seq No. 77)</b> .....	1219-AB53
2107	Diesel Particulate Matter: Conversion Factor from Total Carbon to Elemental Carbon <b>(Reg Plan Seq No. 78)</b> .....	1219-AB55

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

## Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2108	Asbestos Exposure Limit <b>(Reg Plan Seq No. 79)</b> .....	1219-AB24
2109	High-Voltage Continuous Mining Machine Standard for Underground Coal Mines .....	1219-AB34
2110	Equivalency Evaluation of the U.S. Environmental Protection Agency's Nonroad Diesel Engine Standards .....	1219-AB43
2111	Emergency Mine Evacuation <b>(Reg Plan Seq No. 80)</b> .....	1219-AB46
2112	Criteria and Procedures for Proposed Assessment of Civil Penalties <b>(Reg Plan Seq No. 81)</b> .....	1219-AB51

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

## DOL

## Mine Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2113	Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust .....	1219-AB14
2114	Determination of Concentration of Respirable Coal Mine Dust .....	1219-AB18
2115	Respirable Crystalline Silica Standard .....	1219-AB36
2116	Revising Electrical Product Approval Regulations .....	1219-AB37

## Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2117	Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners .....	1219-AB29
2118	Evaluation of International Electrotechnical Commission's Standards for Explosion-Proof Enclosures .....	1219-AB42
2119	Underground Mine Rescue Equipment and Technology .....	1219-AB44
2120	Proximity Detection System for Continuous Mining Machines .....	1219-AB49

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

Sequence Number	Title	Regulation Identifier Number
2121	Implementation of the Nondiscrimination and Equal Opportunity Requirements of the Workforce Investment Act of 1998 .....	1291-AA29
2122	Grants and Agreements .....	1291-AA30

## Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2123	Occupational Exposure to Crystalline Silica ( <b>Reg Plan Seq No. 82</b> ) .....	1218-AB70
2124	Occupational Exposure to Beryllium .....	1218-AB76
2125	Excavations ( <b>Section 610 Review</b> ) .....	1218-AC02
2126	Ionizing Radiation .....	1218-AC11
2127	Emergency Response and Preparedness .....	1218-AC17
2128	Lead in Construction ( <b>Section 610 Review</b> ) .....	1218-AC18
2129	Standards Improvement .....	1218-AC19
2130	Hazard Communication ( <b>Reg Plan Seq No. 83</b> ) .....	1218-AC20
2131	Notice on Supplier's Declaration of Conformity (SDoC) .....	1218-AC21
2132	Revision and Update of Standards for Power Presses .....	1218-AC22
2133	Methylene Chloride ( <b>Section 610 Review</b> ) .....	1218-AC23

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

## Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2134	Confined Spaces in Construction (Part 1926): Preventing Suffocation/ Explosions in Confined Spaces .....	1218-AB47
2135	General Working Conditions for Shipyard Employment .....	1218-AB50
2136	Walking Working Surfaces and Personal Fall Protection Systems (1910) (Slips, Trips, and Fall Prevention) .....	1218-AB80
2137	Cranes and Derricks ( <b>Reg Plan Seq No. 84</b> ) .....	1218-AC01
2138	Updating OSHA Standards Based on National Consensus Standards .....	1218-AC08
2139	Explosives .....	1218-AC09
2140	NFPA Standards in Shipyard Fire Protection .....	1218-AC16

**DOL**

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

Sequence Number	Title	Regulation Identifier Number
2141	Nationally Recognized Testing Laboratories Fee Schedule - Revised Approach .....	1218-AC27

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

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2142	Longshoring and Marine Terminals (Parts 1917 and 1918)—Reopening of the Record (Vertical Tandem Lifts (VTLs)) .....	1218-AA56
2143	Electric Power Transmission and Distribution; Electrical Protective Equipment .....	1218-AB67
2144	Employer Payment for Personal Protective Equipment .....	1218-AB77
2145	Revision and Update of Subpart S—Electrical Standards .....	1218-AB95
2146	Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes .....	1218-AC25

Occupational Safety and Health Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2147	Hearing Conservation Program for Construction Workers .....	1218-AB89

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2148	Assigned Protection Factors: Amendments to the Final Rule on Respiratory Protection .....	1218-AA05
2149	New York State Plan—Certification .....	1218-AC24

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

Sequence Number	Title	Regulation Identifier Number
2150	Jobs for Veterans Act of 2002: Contract Threshold and Eligibility Groups for Federal Contractor Program .....	1293-AA12

**Department of Labor (DOL)**

**Completed Actions**

**Office of the Secretary (OS)**

**2058. PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 552 as amended; 5 USC Reorganization Plan No. 6 of 1950; EO 12600, 52 FR 23781 (June 25, 1987)

**CFR Citation:** 29 CFR 70

**Legal Deadline:** None

**Abstract:** The regulation will incorporate the provisions of the 1996 FOIA amendments. These include extending DOL processing time from 10 to 20 days for most FOIA requests and requiring that all reading room materials created since November 1, 1996, be made available by electronic means such as the Internet.

**Timetable:**

Action	Date	FR Cite
NPRM	03/30/04	69 FR 16740
NPRM Comment Period End	05/14/04	
Final Action	05/30/06	71 FR 30762
Final Action Effective	06/29/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None