

Wheaton order.<sup>1</sup> Specifically, the final regulations continued to allow eligible organizations to notify an issuer or third party administrator using EBSA Form 700, as set forth in the July 2013 final regulations. In addition, the final regulations permitted an alternative process, consistent with the Wheaton order, under which an eligible organization could notify the Secretary of HHS that it will not act as the plan administrator or claims administrator with respect to, or contribute to the funding of, coverage of all or a subset of contraceptive services. The notification must include information sufficient to identify the plan, plan type (including whether it is a church plan within the meaning of ERISA section 3(33)), and the identity and mailing addresses of any third party administrators.

The 2017 interim final rules amend the Departments' July 2015 final regulations to expand the exemption to include additional entities (any kind of non-governmental employer) and persons that object based on religious beliefs or moral convictions objecting to contraceptive or sterilization coverage, and by making the accommodation compliance process optional for eligible organizations instead of mandatory. These rules leave in place HRSA's discretion to continue to require contraceptive and sterilization coverage where no objection exists, and to the extent that PHS Act section 2713 otherwise applies. With respect to employers, the expanded exemption in these rules covers employers that have religious beliefs or moral convictions objecting to coverage of all or a subset of contraceptives or sterilization and related patient education and counseling. While the rules cover any kind of non-governmental employer but, for the sake of clarity, these regulations also include an illustrative list of employers whose objection qualifies the plans they sponsor for an exemption.

Consistent with the current exemption, exempt entities will not be required to comply with a self-certification process. Although exempt entities do not need to file notices or certifications of their exemption, existing rules governing health plans require that a plan document specify what is and is not covered. Thus where an exemption applies and all or a subset of contraception is omitted from a plan's coverage, the plan document and otherwise applicable ERISA

disclosures<sup>2</sup> should reflect the omission of coverage. This is not an added obligation, but it will serve to help provide notice of what plans do and do not cover.

As in the previous rule, institutions of higher education that arrange student health insurance coverage will continue to be treated similar to the way employers are treated for the purposes of such plans being exempt. These interim final rules also exempt group health plans sponsored by an entity other than an employer, and health insurance issuers in the group and individual market, that object based on religious beliefs or moral convictions to coverage of contraceptives or sterilization. The rules also exempt health coverage offered or provided to certain individuals with their own religious or moral objections.

Employers that under the previous rules had used the accommodation process, but can now be exempt may now choose to revoke their use of the accommodation process, but in order to do so they must provide participants and beneficiaries written notice of such revocation as soon as possible.

The Office of Management and Budget (OMB) approved the amendments to EBSA Form 700 required as a revision to OMB Control Number 1210-0150 under the emergency procedures for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. OMB's approval of the revision currently are schedule to expire on September 30, 2018. In an effort to consolidate the number of information collection requests, the Department is combining the burden from 1210-0152 into 1210-0150. Once this ICR is approved the Department will discontinue. 1210-0152.

## II. Current Actions

This notice requests public comment pertaining to the Department's request for extension of OMB's approval of its revision to EBSA Form 700. After considering comments received in response to this notice, the Department intends to submit an ICR to OMB for continuing approval. Changes to the current ICR include an expansion to the number of firms that qualify for the exemption, making the accommodation process optional, and requiring firms that are revoking their current accommodation to send a notice to plan participants and beneficiaries. The Department notes that an agency may not conduct or sponsor, and a person is not required to respond to, an

information collection unless it displays a valid OMB control number. A summary of the ICR and the current burden estimates follows:

*Type of Review:* Revised Collection.

*Agency:* DOL-EBSA.

*Title:* Coverage of Certain Preventive Services under the Affordable Care Act—Private Sector.

*OMB Numbers:* 1210-0150.

*Affected Public:* Private Sector—Not for profit and religious organizations; businesses or other for profits.

*Total Respondents:* 114 (combined with HHS total is 227).

*Total Responses:* 274,628 (combined with HHS total is 549,255).

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden*

*Hours:* 181 (combined with HHS total is 362 hours).

*Estimated Total Annual Burden Cost:* \$68,662 (combined with HHS total is \$137,325).

## III. Desired Focus of Comments

The Department of Labor (Department) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Dated: October 5, 2017.

**Joseph S. Piacentini,**

*Director, Office of Policy and Research,  
Employee Benefits Security Administration.*

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## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

### Comment Request

**AGENCY:** Bureau of Labor Statistics,  
Department of Labor.

<sup>1</sup> The Supreme Court of the United States interim order in connection with an application for an injunction in the pending case of *Wheaton College v. Burwell* (the "Wheaton order").

<sup>2</sup> See, e.g., 29 CFR 2520.104b-3(d).

**ACTION:** Notice of solicitation of comments.

**SUMMARY:** The Department of Labor through the Bureau of Labor Statistics (BLS) is currently soliciting comments for the second major revision of the Occupational Injury and Illness Classification System (OIICS), current version 2.01. The last major revision occurred in 2011. BLS is responsible for the development and publication of occupational injury, illness, and fatality data. These data are compiled by the Survey of Occupational Injuries and Illnesses (SOII) and the Census of Fatal Occupational Injuries (CFOI) programs. The OIICS is used to classify certain case characteristics associated with the nonfatal and fatal work injury cases received by the programs.

**DATES:** Written comments must be submitted to the office listed in the Addresses section of this notice on or before February 1, 2018.

**ADDRESSES:** Send comments to Christen Byler, Office of Safety, Health and Working Conditions, Bureau of Labor Statistics, Room 3180, 2 Massachusetts Avenue NE., Washington, DC 20212 or by email to: [OIICS-R@bls.gov](mailto:OIICS-R@bls.gov).

**FOR FURTHER INFORMATION CONTACT:** Christen Byler, Office of Safety, Health and Working Conditions, Bureau of Labor Statistics, telephone number: 202-691-6252, or by email at: [Byler.Christen@bls.gov](mailto:Byler.Christen@bls.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Background

The Occupational Injury and Illness Classification System is used to code case characteristics of nonfatal injuries and illnesses reported in the SOII and fatal injuries reported in CFOI. Cases are classified according to five code structures that describe the injury or illness and how it occurred:

- *Nature of Injury or Illness:* Describes the physical characteristics of the injury or illness.
- *Part of Body Affected:* Identifies the part of the body directly affected by the nature.
- *Source of Injury or Illness:* Identifies the object or substance that directly inflicted the injury or illness.
- *Event or Exposure:* Describes the manner in which the injury or illness was inflicted by the source.
- *Secondary Source:* Identifies other objects or substances, if any, that contributed to the event or exposure. The same code list is used for both source and secondary source.

The case characteristic classification structures are hierarchical with four levels of detail to facilitate the

aggregation of information and to accommodate both variations in detail available on reporting forms and the needs of data users. For example, one user may wish to look at data for injuries involving all trucks (Source code 825); whereas, another user may be interested only in cases involving tractor trailer trucks (Source code 8254). With the 2011 adoption of OIICS 2.0, the numeric hierarchy also became an order of precedence within each of the characteristics, designating which codes should be given priority when multiple codes could be appropriate within a given case.

Each case characteristic structure is comprised of the following:

- *Rules of precedence:* Designates which division within the coded case characteristic, Event or Exposure, is to take precedence when more than one code might be applicable within the case.
- *Rules of selection:* Defines which codes should be used and how different coded case characteristics interact with each other, specifically event/source/secondary source and nature/part.
- *Code descriptions:* Provides detailed definitions for individual code categories and often gives examples of types of cases that are included or excluded from the category.
- *Complete code list:* Includes the codes and associated titles by themselves without the descriptions.
- *Alphabetical indices.*

The original Occupational Injury and Illness Classification System (OIICS) was released in December 1992. It was developed by the Bureau of Labor Statistics with input from data users and states participating in the BLS Occupational Safety and Health (OSH) Federal/State cooperative programs. It was ultimately based on the American National Standards Institute (ANSI) Z16.2-1962, *Method of Recording Basic Facts Relating to the Nature and Occurrence of Work Injuries*, revised 1969. In addition, certain portions are based on the International Statistical Classification of Diseases and Related Health Problems, 9th Revision, Clinical Modification (ICD-9 CM), which is widely used in the medical community.

After its adoption in 1992, OIICS was approved for use as the American National Standard for Information Management for Occupational Safety and Health in 1995 (ANSI Z16.2-1995). In addition to the BLS occupational safety and health statistics program, the OIICS is used by several state workers' compensation agencies, the National Institute for Occupational Safety and Health, and other organizations.

In September 2007, the OIICS underwent a minor update to incorporate various interpretations and corrections. A major revision followed resulting in OIICS version 2.0 with an additional minor update culminating in version 2.01. Version 2.0 was adopted with reference year 2011 and was considered a major break in series. Included were major changes to rules of selection, new code births, as well as the introduction of rules of precedence designated by the numeric hierarchy of the structures. The current version of the OIICS (2.01) is available on the BLS Web site at <http://www.bls.gov/iif/osh/oiccs.htm>.

## II. Current Action

A second major revision of OIICS was initiated in spring 2017. This revision is intended to update the classification system to:

- Include new or emerging conditions or workplace hazards that could potentially result from an incident or exposure in the workplace.
- Provide for data aggregations not available with the current OIICS.
- Explore the need for new or expanded coding structures to capture other case characteristics, for example worker activity.
- Improve and clarify order of precedence and rules of selection.
- Improve the usability and layout of the OIICS manual.

In addition, BLS will review the International Statistical Classification of Diseases and Related Health Problems 10th Revision (ICD-10), new ANSI standards, international program comparisons, and other comparable coding structures to optimize the capture of actionable insights for safety intervention from BLS occupational safety and health data.

## III. Desired Focus of Comments

Comments and recommendations are requested from the public on the following aspects of the OIICS:

- The layout and organization of the manual.
- The order of precedence and rules of selection of the five case characteristics (Nature of Injury or Illness, Part of Body Affected, Source of Injury or Illness, Secondary Source, Event or Exposure).
- Potential new coded characteristics (worker activity, work environment exposures, location, etc.).
- The code categories, including recommendations for additional categories, and for merging or deleting existing categories. (Please provide justifications where possible.)

- The descriptions of the code categories, including the lists of inclusions and exclusions.
- Alphabetical indices and other desired tools for coding assistance.
- Any other thoughts on the coding system.

Signed at Washington, DC, this 5th day of October 2017.

**Kimberley Hill,**

*Chief, Division of Management Systems.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2017-0010]

#### Nevada State Plan; Change in Level of Federal Enforcement: Private-Sector Employment on Military Bases

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor.

**ACTION:** Notice.

**SUMMARY:** This document gives notice of OSHA's approval of a change to the state of Nevada's Occupational Safety and Health State Plan reinstating federal OSHA enforcement authority over private-sector employment on military facilities and bases in Nevada. The Nevada State Plan currently has coverage over some private-sector contractors on military bases. Therefore, OSHA amends the Nevada State Plan's coverage to reflect this change in the level of federal enforcement.

**DATES:** *Applicable Date:* October 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** *For press inquiries:* Francis Meilinger, Director, OSHA Office of Communications; Telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*For general and technical information:* Douglas J. Kalinowski, Director, OSHA Directorate of Cooperative and State Programs; Telephone: (202) 693-2200; email: [kalinowski.doug@dol.gov](mailto:kalinowski.doug@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667 (OSH Act), provides that states that assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting and obtaining federal approval of a State Plan. State Plan approval occurs in stages which include initial approval under section 18(c) of

the OSH Act and, ultimately, final approval under section 18(e).

The Nevada State Plan was initially approved under Section 18(c) of the OSH Act on January 4, 1974 (39 FR 1009). The Nevada State Plan is administered by the Department of Business and Industry, Division of Industrial Relations, Nevada Occupational Safety and Health Administration (Nevada OSHA). On April 18, 2000, OSHA announced the final approval of the Nevada State Plan pursuant to section 18(e) and amended 29 CFR part 1952 to reflect the Assistant Secretary's decision (65 FR 20742). As a result, federal OSHA relinquished its enforcement authority with regard to occupational safety and health issues covered by the Nevada State Plan.

Federal OSHA retained its authority over safety and health in the private sector over maritime employment; contract workers, and contractor-operated facilities engaged in U.S. Postal Service mail operations; contractors and subcontractors on land under exclusive federal jurisdiction; employment on Indian Land; and any hazard, industry, geographical area, operation, or facility over which the state is unable to effectively exercise jurisdiction for reasons not related to the required performance or structure of the plan.

To establish military facilities, the Federal Government may privately purchase or lease land, as any other entity would, and in those cases a State Plan can cover private-sector occupational safety and health on such land. In other cases, the Federal Government may ask a State to cede the land to the Federal Government, in which case the latter obtains jurisdiction over it; however, a State may retain some jurisdiction. Thus, the determination whether the State Plan or federal OSHA covers private-sector employers on military facilities can be complicated. For example, military facilities in Nevada sometimes encompass both land where jurisdiction has been ceded and land privately owned by the Federal Government (though federal OSHA covers all federal civilian employees on military facilities). This situation has created confusion as to whether federal OSHA or the Nevada State Plan covers private-sector employers on a military facility, and is a resource-intensive inquiry. Thus, the Nevada State Plan requested on December 14, 2016, that federal OSHA resume enforcement authority over all private-sector employment on military facilities and bases. After discussions between federal OSHA and Nevada OSHA, both agencies agreed

that federal coverage of all private-sector contractors on military bases was the best solution to ensure prompt and effective protection to workers on military bases in Nevada.

Accordingly, notice is hereby given of the change in federal enforcement authority over private-sector contractors on military bases in Nevada, and coverage is transferred from the Nevada State Plan to federal OSHA.

#### Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 1-2012 (77 FR 3912), and 29 CFR parts 1902, 1953 and 1955.

Signed in Washington, DC, on October 3, 2017.

**Loren Sweatt,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2017-22175 Filed 10-12-17; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Division of Coal Mine Workers' Compensation; Proposed Extension of Existing Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Representative Payee Report (CM-623), Representative Payee Report, Short Form (CM-623S) and Physician's/Medical Officer's Statement (CM-787). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Written comments must be submitted by December 12, 2017.

**ADDRESSES:** You may submit comments by mail, delivery service, or by hand to Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW.,