

Highway Administration, the Federal Railroad Administration, the Research and Special Programs Administration, and the Saint Lawrence Seaway Development Corporation of the U.S. Department of Transportation who are assigned to perform or assist in performing investigative, inspection or law enforcement functions; and (5) U.S. Trustees and Assistant U.S. Trustees, and bankruptcy analysts and other officers and employees of the U.S. Trustee System who have contact with creditors and debtors, perform audit functions, or perform other investigative or enforcement functions in administering the bankruptcy laws. No public comments were received.

Administrative law judges (ALJs) perform law enforcement functions under various federal laws. In recent years ALJs have been recipients of an increasing number of threats, often by litigants in proceedings before ALJs who have considerable property interests at stake. Presently, there are over 1000 ALJs in nearly 30 federal agencies. Some of the ALJs in the Social Security Administration and the Securities and Exchange Commission are currently covered by § 64.2 (x) and (w), respectively. While these ALJs comprise nearly 70% of all federal ALJs, there is no valid reason for not covering the others who experience similar risks. Accordingly, all administrative law judges have been added by paragraph (aa) of § 64.2.

The Office of Workers' Compensation Programs (OWCP) of the Department of Labor administers three workers' compensation laws: the Federal Employees' Compensation Act (FECA); the Longshore and Harbor Workers' Compensation Act (LHWCA) and its extension; and the Black Lung Benefits Act (BLBA). OWCP employees adjudicate and administer claims which result in the payment (or denial) of benefits under these respective laws. As part of this process, the employees conduct informal conferences and (under FECA) face-to-face hearings. The individual claims examiner's identity is well known to claimants, as are the supervisors and managers involved at all levels of the program. These employees' jobs involve a substantial risk of physical danger from some claimants and other members of the public who seek to influence the outcome of the claim or who are dissatisfied with the decisions rendered. In recent years, an increased number of threats and acts of violence have been directed against OWCP employees. There have been instances in which individuals have appeared in OWCP offices with vicious dogs, with

purported explosives strapped to them, and with firearms and other dangerous weapons. Accordingly, these OWCP employees have been added by paragraph (bb) of § 64.2.

Because of new paragraph (aa), reference to "administrative judges" in paragraph (w) has been deleted. Also, because section 6 of Pub. L. 102-365, 106 Stat. 975, September 3, 1992, added to section 1114 of title 18, U.S.C., "any officer or employee of the Federal Railroad Administration assigned to perform investigative inspection or law enforcement functions," reference to the Federal Railroad Administration has been deleted from paragraph (z).

On May 18, 1994, an interim rule with request for comments was published in the **Federal Register** amending part 64 of title 28, Code of Federal Regulations. Attorney General Order No. 1874-94, 59 FR 25815. One favorable comment was received. The Department has determined to issue the rule in final form without revision to the interim rule.

The Department of Justice has determined that this is not a "significant regulatory action" within the meaning of Executive Order 12866 and, accordingly, this rule has not been reviewed by the Office of Management and Budget. This order will not have a substantial impact on a significant number of small entities, thus a regulatory flexibility analysis has not been prepared pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Finally, this order does not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

Accordingly, the interim rule amending 28 CFR part 64 which was published at 59 FR 25815 on May 18, 1994, is adopted as a final rule without change.

Dated: January 31, 1995.

Janet Reno,

Attorney General.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-048]

Logging Operations

AGENCY: Occupational Safety and Health Administration (OSHA).

ACTION: Final rule; partial stay of enforcement.

SUMMARY: On October 12, 1994, the Occupational Safety and Health Administration (OSHA) issued a new standard for logging operations (59 FR 51672). This notice stays enforcement of the following paragraphs of § 1910.266 until August 9, 1995: (d)(1)(v) insofar as it requires foot protection to be chain-saw resistant; (d)(1)(vii) insofar as it requires face protection; (d)(2)(iii) for first-aid kits that contain all the items listed in Appendix A; (f)(2)(iv); (f)(2)(xi); (f)(3)(ii); (f)(3)(vii); (f)(3)(viii); (f)(7)(ii) insofar as it requires that parking brakes be able to stop the machine; (g)(1) and (g)(2) insofar as they require inspection and maintenance of employee-owned vehicles; and (h)(2)(vii) insofar as it precludes backcuts at the level of the horizontal cut of the undercut when the Humboldt cutting method is used.

DATES: Effective on February 9, 1995. The partial stay will expire on August 9, 1995. The remaining requirements of § 1910.266 are unaffected by this document and will go into effect as scheduled on February 9, 1995, or as otherwise provided in the Final Rule.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, (202) 219-8148.

SUPPLEMENTARY INFORMATION: On October 12, 1994, OSHA issued a final rule governing worker safety in logging operations. Among other things, this rule included requirements for: personal protective equipment; first aid kits at logging work sites; machine stability and slope limitations; discharge of hydraulic and pneumatic storage devices on forestry machines; protective structures on machines; machine braking systems; vehicle inspection and maintenance; and tree harvesting. Several parties have raised questions about certain aspects of these requirements. After considering their questions, the Agency has determined that a six-month delay in the effective date of some of the provisions is appropriate in order to allow time for it to clarify language in the regulatory text so that it most adequately expresses its intent with respect to some of these provisions, and to provide additional information on other provisions.

Stay of Enforcement of Certain Provisions of § 1910.266

Paragraph (d)(1)(v)—Foot protection. The final logging standard requires