
29 C.F.R. § 1990.147

Final action.

- (a) Within one hundred twenty (120) days from the last day of any hearing or ninety (90) days from the close of any post hearing comment period, whichever occurs first, the Secretary shall publish in the Federal Register:
- (1) A final standard based upon the record in the proceeding; or
 - (2) A statement that no final standard will be issued, and the reasons therefor, or
 - (3) A statement that the Secretary intends to issue a final rule, but that he is unable to do so at the present time, including:
 - (i) The reasons therefor; and
 - (ii) The date by which the standard will be published, which may not exceed one hundred twenty (120) days thereafter.
 - (iii) The Secretary may issue no more than one such notice, unless the Secretary determines that (A) new evidence which was unavailable during the rulemaking proceeding has just become available; (B) the evidence is so important that a final rule could not reasonably be issued without this evidence, and; (C) the record is reopened for receipt of comments and/or a hearing on this evidence. This paragraph does not require the Secretary to consider any evidence which is submitted after the dates established for the submission of evidence.

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