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Dated: June 15, 2000.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 00-16527 Filed 6-29-00; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF LABOR

Mine Safety and Health Administration (MSHA)

30 CFR Part 3

Office of Management and Budget Control Numbers Under the Paperwork Reduction Act

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: MSHA (we) are revising section 3.1 of part 3 of our regulations in order to update the display of Office of Management and Budget (OMB) control numbers approved under the Paperwork Reduction Act of 1995 (PRA 95). The display references regulations promulgated under the Federal Mine Safety and Health Act of 1977 containing recordkeeping and reporting requirements along with their associated OMB control numbers. This revision will assist the public search for current information on recordkeeping and reporting requirements approved by OMB.

EFFECTIVE DATE: June 30, 2000.

FOR FURTHER INFORMATION CONTACT:

Carol J. Jones, Director; Office of Standards, Regulations, and Variances, MSHA; 703-235-1910.

SUPPLEMENTARY INFORMATION: We

published a final rule presenting the OMB control numbers in a new table format which was codified in 30 CFR Part 3 on June 29, 1995 (60 FR 33719). This fulfilled the requirements of 44 U.S.C. 3507(f) of PRA 95 which prohibits an agency from engaging in a collection of information without displaying the control number obtained from OMB. Under PRA 95, no person is required to respond to a collection of information unless a valid OMB control number is displayed.

We are now publishing a revision to update our current display of control numbers issued by OMB for information collection. This includes the addition of control numbers approved by OMB in regulations completed through the rulemaking process since publication of part 3 on June 29, 1995 (60 FR 33719). There are no substantive changes or renewals made to information collection requirements by this technical amendment. Information collection requirements go through the public review process as part of the rule to which they apply. Likewise, the renewal of an OMB control number also requires public review. As a result, we find that there is "good cause" under 5 U.S.C., 553 (b)(3)(B) of the Administrative Procedure Act (APA) to issue this technical amendment to Table 1 in 30

Part 3 without prior public notice and comment.

We have also determined there is no need to delay the effective date because the technical amendment contains no new requirements for which the public would need time to plan compliance beyond that provided for in the regulation itself. We find, therefore, there is "good cause" to except this action from the 30-day delayed effective date requirement under 5 U.S.C. 553(b)(B) of the Administrative Procedure Act (APA).

List of Subjects in 30 CFR Part 3

Reporting and recordkeeping requirements.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

Accordingly, under the authority of 30 U.S.C. 957, chapter I of title 30, Code of Federal Regulations is amended as set forth below.

PART 3—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

1. The authority for part 3 continues to read as follows:

Authority: 30 U.S.C. 957; 44 U.S.C. 3501-3520.

2. Amend § 3.1 by revising Table 1 to read as follows:

§ 3.1 OMB control numbers.

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TABLE 1.—OMB CONTROL NUMBERS

Table with 2 columns: 30 CFR citation and OMB control no. Subchapter B—Testing, Evaluation, and Approval of Mining Products. Rows include citations like 7.3, 7.4, 7.6, 7.7, 7.23, 7.27, 7.28, 7.43, 7.46, 7.47, 7.48, 7.51, 7.63, 7.66, 7.67, 7.68, 7.69, 7.71, 7.83, 7.90, 7.97, 7.105, 7.303, 7.306 and corresponding OMB control numbers like 1219-0100, 1219-0119.

TABLE 1.—OMB CONTROL NUMBERS—Continued

30 CFR citation	OMB control no.
7.307	1219-0100
7.308	1219-0100
7.309	1219-0100
7.311	1219-0100
7.363	1219-0119
7.371(r), (kk), (ll), (mm), (nn), (oo), (pp)	1219-0119
7.403	1219-0100
7.407	1219-0100
7.408	1219-0100
15.4	1219-0066
15.8	1219-0066
15.10	1219-0066
18.6	1219-0066
18.15	1219-0066
18.81	1219-0066
18.82	1219-0066
18.93	1219-0066
18.94	1219-0066
19.3	1219-0066
19.13	1219-0066
20.3	1219-0066
20.14	1219-0066
21.4	1219-0066
21.10	1219-0066
22.4	1219-0066
22.11	1219-0066
23.3	1219-0066
23.14	1219-0066
24.2	1219-0066
24.9	1219-0066
26.8	1219-0066
26.19	1219-0066
27.4	1219-0066
27.6	1219-0066
27.11	1219-0066
28.10	1219-0066
28.25	1219-0066
28.30	1219-0066
28.31	1219-0066
29.10	1219-0066
29.11	1219-0066
29.12	1219-0066
29.33	1219-0066
29.35	1219-0066
29.40	1219-0066
29.41	1219-0066
29.43	1219-0066
29.54	1219-0066
29.56	1219-0066
33.6	1219-0066
33.12	1219-0066
35.6	1219-0066
35.12	1219-0066
36.6	1219-0066
36.12	1219-0066
<b>Subchapter G—Filing and Other Administrative Requirements</b>	
40.3	1219-0042
40.4	1219-0042
40.5(a)	1219-0042
41.10	1219-0008
41.11	1219-0008
41.12	1219-0008
41.20	1219-0008
43.2	1219-0014
43.4	1219-0014
43.7	1219-0014
43.8	1219-0014
44.9	1219-0065
44.10	1219-0065
44.11	1219-0065
45.3	1219-0043

TABLE 1.—OMB CONTROL NUMBERS—Continued

30 CFR citation	OMB control no.
45.4	1219-0040
46.3	1219-0131
46.5	1219-0131
46.6	1219-0131
46.7	1219-0131
46.8	1219-0131
46.9	1219-0131
46.11	1219-0131
48.3	1219-0009
48.23	1219-0009
48.9	1219-0070
48.29	1219-0070
49.2	1219-0078
49.3	1219-0078
49.4	1219-0078
49.6(b)	1219-0078
49.7	1219-0078, 0049
49.8	1219-0078
49.9	1219-0078
<b>Subchapter M—Accidents, Injuries, Illnesses, Employment, and Production in Mines</b>	
50.10	1219-0007
50.11	1219-0007
50.20	1219-0007
50.30	1219-0006
<b>Subchapter N—Metal and Nonmetal Mine Safety and Health</b>	
56.1000	1219-0092
56.3203(a)	1219-0121
56.5005	1219-0048
56.13015	1219-0089
56.13030	1219-0089
56.14100	1219-0089
56.18002	1219-0089
56.19022	1219-0034
56.19023(a), (c), (d), (e)	1219-0034
56.19057	1219-0049
56.19121	1219-0034
56.19129	1219-0034
56.19131	1219-0034
56.19132	1219-0034
56.19133	1219-0034
56.19134	1219-0034
57.1000	1219-0092
57.3203(a)	1219-0121
57.3461	1219-0097
57.5005	1219-0048
57.5037	1219-0003
57.5040	1219-0003
57.5047	1219-0039
57.8520	1219-0016
57.8525	1219-0012
57.11053	1219-0046
57.13015	1219-0089
57.13030	1219-0089
57.14100	1219-0089
57.18002	1219-0089
57.19022	1219-0034
57.19023(a), (c), (d), (e)	1219-0034
57.19057	1219-0049
57.19121	1219-0034
57.19129	1219-0034
57.19131	1219-0034
57.19132	1219-0034
57.19133	1219-0034
57.19134	1219-0034
57.22004(c)	1219-0103
57.22204	1219-0030
57.22229	1219-0103
57.22230	1219-0103
57.22231	1219-0103
57.22239	1219-0103

TABLE 1.—OMB CONTROL NUMBERS—Continued

30 CFR citation	OMB control no.
57.22401 .....	1219-0096
57.22606 .....	1219-0095
62.120(g) .....	1219-0122
<b>Subchapter O—Coal Mine Safety and Health</b>	
70.201(c) .....	1219-0011
70.202(b) .....	1219-0011
70.204 .....	1219-0128
70.209 .....	1219-0011
70.220(a) .....	1219-0011
70.500 .....	1219-0120
70.504-1 .....	1219-0001, 0120
70.504-2 .....	1219-0001, 0120
70.506 .....	1219-0037, 0120
70.507 .....	1219-0037, 0120
70.508 .....	1219-0037, 0120
70.509 .....	1219-0037, 0120
70.510 .....	1219-0017, 0120
70.511 .....	1219-0120
71.201(c) .....	1219-0011
71.202(b) .....	1219-0011
71.204 .....	1219-0128
71.209 .....	1219-0011
71.220(a) .....	1219-0011
71.300 .....	1219-0011
71.301(d) .....	1219-0011
171.403 .....	1219-0024
71.404 .....	1219-0024
71.500 .....	1219-0101
71.800 .....	1219-0120
71.801 .....	1219-0001, 0037
71.802 .....	1219-0037
71.803(a), (b) .....	1219-0037
71.804(a) .....	1219-0037
71.805 .....	1219-0120
72.510(a), (b) .....	1219-0124
75.100 .....	1219-0069
75.153(a)(2) .....	1219-0001
75.155 .....	1219-0069, 0127
75.159 .....	1219-0127
75.160 .....	1219-0127
75.161 .....	1219-0127
75.204(a) .....	1219-0121
75.215 .....	1219-0004
75.220 .....	1219-0004
75.221 .....	1219-0004
75.222 .....	1219-0004
75.223(c) .....	1219-0004
75.310 .....	1219-0088
75.312 .....	1219-0088
75.342(a)(4) .....	1219-0088, 0067
75.351(f),(h) .....	1219-0088, 0067
75.360 .....	1219-0088
75.360(a) (1), (f) .....	1219-0125
75.361 .....	1219-0088
75.362 .....	1219-0088
75.363 .....	1219-0088, 0119
75.364 .....	1219-0088
75.370(a), (f) .....	1219-0088, 0124
75.371(gg) .....	1219-0124
75.373 .....	1219-0073
75.382 .....	1219-0088
75.512 .....	1219-0067
75.703-3(d) (11) .....	1219-0067
75.800-4 .....	1219-0067
75.900-4 .....	1219-0067
75.1001-1(c) .....	1219-0067
75.1100-3 .....	1219-0054
75.1101-23(a) .....	1219-0054
75.1101-23(c) .....	1219-0054
75.1103-8 .....	1219-0054
75.1103-11 .....	1219-0054

TABLE 1.—OMB CONTROL NUMBERS—Continued

30 CFR citation	OMB control no.
75.1200	1219-0073
75.1200-1	1219-0073
75.1201	1219-0073
75.1202	1219-0073
75.1202-1	1219-0073
75.1203	1219-0073
75.1204	1219-0073
75.1204-1	1219-0073
75.1321	1219-0025
75.1327	1219-0025
75.1400-2	1219-0034
75.1400-4	1219-0034
75.1432	1219-0034
75.1433(d), (e)	1219-0034
75.1702	1219-0041
75.1712-4	1219-0024
75.1712-5	1219-0024
75.1712-6	1219-0101
75.1713-1(a), (b), (e)	1219-0078
75.1714-3(e)	1219-0044
75.1716	1219-0020
75.1716-1	1219-0020
75.1716-3	1219-0020
75.1721	1219-0073
75.1901-(a)	1219-0119
75.1904(b) (4) (i)	1219-0119
75.1911(i) (j)	1219-0119
75.1912(h) (i)	1219-0119
75.1914(f)(1), (2); (g)(5); (h)(1), (2)	1219-0119
75.1915(a), (c)	1219-0119, 0124
77.100	1219-0069
77.103(a) (2)	1219-0001
77.105	1219-0069, 0127
77.106	1219-0127
77.107	0127
77.107-1	0127
77.215	1219-0015
77.215-2	1219-0015
77.215-3	1219-0015
77.215-4	1219-0015
77.216-2	1219-0015
77.216-3	1219-0015
77.216-4	1219-0015
77.216-5	1219-0015
77.502	1219-0067
77.800-2	1219-0067
77.900-2	1219-0067
77.1000	1219-0026
77.1000-1	1219-0026
77.1101	1219-0051
77.1200	1219-0073
77.1201	1219-0073
77.1202	1219-0073
77.1404	1219-0034
77.1432	1219-0034
77.1433(d), (e)	1219-0034
77.1702(a), (b), (e)	1219-0078
77.1713	1219-0083
77.1900	1219-0019
77.1901	1219-0082
77.1906	1219-0034
77.1909-1	1219-0025
90.201(c)	1219-0011
90.202(b)	1219-0011
90.204	1219-0128
90.209	1219-0011
90.220(a)	1219-0011
90.300	1219-0011
90.301(d)	1219-0011

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BILLING CODE 4510-43-P

## DEPARTMENT OF THE TREASURY

### 31 CFR Part 1

[1505-AA76]

#### Departmental Offices; Disclosure of Records: Freedom of Information Act

**AGENCY:** Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of the Treasury's regulations on the disclosure of records under the Freedom of Information Act (FOIA). The amendment incorporates requirements of the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 104-231) with respect to records maintained in electronic formats, the timing of agency responses to FOIA requests, and other procedural matters.

**EFFECTIVE DATE:** June 30, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Alana Johnson, Departmental Disclosure Officer, Department of the Treasury (202) 622-0930.

**SUPPLEMENTARY INFORMATION:** On May 6, 1999, the Department published a proposed rule that revised and updated its regulations on disclosure of records under the Freedom of Information Act (FOIA). See 64 FR 24454, May 6, 1999. The public was afforded an opportunity to participate in the rulemaking through submission of written comments on the proposed rule.

#### Comments

Comments were received from a public interest organization. Two of its recommendations were adopted in part, and as a result, new or revised language has been incorporated in the final regulation. The Department's responses to the specific recommendations made by the public interest organization are given below:

1. *Time-of-Request Cut-off Policy.* The commenter objected to the use of the date of receipt of a request by the appropriate bureau official as a cut-off date for records considered to be responsive to the request. Commenter believes that a later cut-off date will in some circumstances result in a much fuller and complete disclosure. The Department's proposed use of the date of receipt is a wide-spread government practice. To do it otherwise would be administratively impractical. Therefore, Treasury has determined that use of the date of receipt as a cut-off date for responsive records is reasonable.

2. *Expedited Processing and Standard Regarding "Urgency to Inform."* The proposed regulation pertaining to requests for expedited processing at § 1.5(e)(2)(ii) includes language which defines "compelling need" with respect to a request made by a person primarily engaged in disseminating information. The regulation states that the standard of "urgency to inform" requires that the records requested "pertain to a matter of current exigency to the American public and that delaying a response to a request for records would compromise a significant recognized interest to and throughout the American general public." The commenter objects to this standard, asserting that it unduly restricts the types of requests that must be expedited under the statute. The Department believes that the terms "significant recognized interest" and "to and throughout the American public" do not narrow the application of the statutory language but rather clarify appropriately the basis for permitting expedited processing in specific circumstances. Therefore, no change will be made to this section.

3. *Categories for Expedited Processing.* The commenter recommended that an additional category for expedited processing be added: The loss of substantial due process rights. The Department has decided not to accept this recommendation. This does not eliminate the use of the FOIA process for this purpose, and other avenues are available to an individual to seek records to support a claim that due process rights are not being afforded.

4. The commenter expressed concern about Treasury's receipt of multiple FOIA requests for records about a particular current event, and the possible resultant delay in processing those requests because of an existing request backlog. The Department agrees with the addition of language in the regulation in order to address this concern, and has added the following as paragraph (4) in § 1.5(a):

When a bureau receives five or more requests for substantially the same records, it shall place those requests in front of an existing request backlog that the responsible official may have. Upon completion of processing, the released records shall be made available in the bureau's public reading room, and if created on or after November 1, 1996, shall be made available in the electronic reading room of the bureau's web site.

5. *Timing for Release of Information Made Available by Computer Telecommunications.* The commenter objected to the Department's language at § 1.4(b), which states that records

required to be made available pursuant to section (a)(2) of the FOIA shall be made available on the Internet "no later than one year after such records are created." The commenter believes that the "no later than one year" provision is not authorized by statute and imposes a needless delay that frustrates the purpose of the electronic reading room requirement. The Department disagrees. However, the final rule has been revised to include "as soon as practicable but" after "November 1, 1996" and before "no later than one year after such records are created \* \* \*." In addition, we believe that the inclusion of language at § 1.5(c) (addressing the commenter's concern about existing backlogs delaying multiple requests for same records) addresses this particular concern also. Should multiple requests for the same records be received, those records will be given first priority processing and placed on the Internet.

6. *Consultations and Referrals.* The commenter objects to the Department's practice of referring records which originated at another bureau or agency to that originating bureau or agency for direct response to the requester. The commenter recommends that requests be referred to the originating agency only if that agency "intended to retain the authority to decide if and when materials are released to the public" and if "an intention on the part of the originating agency that it retain control is made evident either by explicit indications to that effect on the face of each record or by the circumstances surrounding the creation and transfer of records." The proposed regulations are designed not to delay responses to requests but to facilitate them by providing a process, common throughout the Government, not only in the FOIA context, but in all manner of records handling (e.g., response to Congressional inquiries, declassification review, archival determinations, and discovery in civil litigation), for recognizing other agency equities in documents and providing the agencies opportunity to exercise their judgments about them. There is no suggestion in these regulations that the Department is not ultimately responsible for responding to FOIA requests for documents within its control.

7. *Standards for Multi-track Processing.* The commenter recommends that standards for multi-track processing should be articulated in the regulation. The separate bureaus of the Treasury Department are responsible for establishing FOIA processing operations for their bureau. It is our view that bureau FOIA managers are best able to determine appropriate and