

collected. This paragraph does not apply to a collection of information contained in a published current rule which has been approved by OMB and has a currently valid OMB control number because such a collection needs to be submitted for OMB clearance under proposed § 1320.12.

Proposed § 1320.10(f) is equivalent to the first five sentences in existing § 1320.11(f) (see proposed § 1320.12(i)).

Proposed § 1320.10(g) is equivalent to the sixth sentence in existing § 1320.11(f).

L. Proposed Section 1320.11— Clearance of Collections of Information in Proposed Rules

Proposed § 1320.11 is equivalent to existing § 1320.13, but is amended to reflect the legislative changes in 44 U.S.C. 3507(d).

Proposed § 1320.11(a): This paragraph is equivalent to existing § 1320.13(a). This paragraph provides that the agency notice in the **Federal Register**, required by proposed § 1320.5(a)(1)(iv), request that public comments be submitted to OMB within 30 days of the notice's publication. Under the 1995 Amendments, OMB is obligated to provide at least 30 days for public comment prior to making a decision, 44 U.S.C. 3507(b); however, OMB must make its decision within 60 days under 44 U.S.C. 3507(d)(1)(B). Therefore, while OMB will of course attempt to consider all comments that OMB receives before OMB makes its decision, a public comment is best assured of having maximum impact if it is received within 30 days of the notice's publication.

Proposed §§ 1320.11 (b), (c), and (d) are equivalent to existing §§ 1320.13 (b), (c), and (d).

Proposed § 1320.11(e) is new, reflecting the legislative change in 44 U.S.C. 3507(b) that OMB is obligated to provide at least 30 days for public comment prior to making a decision.

Proposed §§ 1320.11 (f), (g), (h), (i), and (j) are equivalent to existing §§ 1320.13 (e), (f), (g), (h), and (i).

Proposed § 1320.11(k) is equivalent to the first sentence in existing § 1320.13(j). Proposed § 1320.11(l) serves the same function as the second and third sentences in existing § 1320.13(j), but is amended to reflect the legislative change in 44 U.S.C. 3512(a)(2).

M. Proposed Section 1320.12— Clearance of Collections of Information in Current Rules

Proposed § 1320.12 is equivalent to existing § 1320.14, but is amended to

reflect the legislative changes in 44 U.S.C. 3507.

Proposed § 1320.12(a): This paragraph is equivalent to existing § 1320.14(a), but is amended to reflect the legislative change in 44 U.S.C. 3507(h)(1). This paragraph outlines the procedures an agency needs to follow before it seeks to extend an OMB approval for a collection of information published current rule which has been approved by OMB and has a currently valid OMB control number. The agency needs to conduct the review established in proposed § 1320.8, including the seeking of comment from the public under § 1320.8(d), and submit, no later than 60 days before the expiration date, the collection of information for review and approval under this Part, which shall include an explanation of how the agency has used the information it has collected.

Proposed § 1320.12(b) is new. It is equivalent to proposed § 1320.12(a), except that it applies a collection of information contained in a published current rule that was not required to be submitted for OMB review under the Paperwork Reduction Act at the time the collection of information was made part of the rule, but which collection of information is now subject to the Paperwork Reduction Act of 1995. Specifically, this paragraph may apply to published current rule that contains a "disclosure to third parties or the public" (see proposed § 1320.3(c)) or particular kinds of "recordkeeping requirement" (see proposed § 1320.3(m)(2)–(4)), that were exempt from OMB review under *Dole v. United Steelworkers of America*, 494 U.S. 26 (1990), or a certification or other affirmation that the agency uses as a substitute for a collection of information to collect evidence of, or to monitor, compliance with regulatory standards (see proposed § 1320.3(h)(1)). Added at the end of proposed § 1320.12(b) is an instruction equivalent to proposed § 1320.11(l).

Proposed § 1320.12(c): This paragraph is equivalent to existing § 1320.14(b). This paragraph provides that the agency notice in the **Federal Register** required by proposed § 1320.5(a)(1)(iv) request that public comments be submitted within at least 30-days of publication to OMB. OMB is obligated to provide at least 30 days for public comment prior to making a decision under this proposed section under 44 U.S.C. 3507(b), but would like to receive public comments at the end of that period in order to be prepared to make a decision if the need so dictates.

Proposed § 1320.12(d): This paragraph is equivalent to existing § 1320.14(c).

Reflecting 44 U.S.C. 3507(c)(2), this paragraph provides that OMB is obligated to make its decision within 60 days after receipt of the proposed collection of information or publication of the notice under paragraph (a) of this section, whichever is later. This paragraph also contains a new last sentence, reflecting the legislative change in 44 U.S.C. 3507(b) that OMB is obligated to provide at least 30 days for public comment prior to making a decision.

Proposed § 1320.12(e): This paragraph is equivalent to existing § 1320.14(e). The maximum time period for OMB review is 60, rather than 90, days, reflecting the legislative change in 44 U.S.C. 3507(c)(3).

Proposed § 1320.12(f): Paragraph (f)(1) (i) and (ii) is amended to reflect the legislative changes in 44 U.S.C. 3507(h)(2). Paragraph (f)(1)(iii) is equivalent to existing § 1320.14(f). Paragraph (f)(2) is equivalent to § 1320.14(g).

Proposed § 1320.12(g) is equivalent to existing § 1320.14(h).

Proposed § 1320.12(h): Paragraph (h)(1) is equivalent to existing § 1320.14(i). Paragraph (h)(2) is equivalent to the second sentence in existing § 1320.5(a)(2).

Proposed § 1320.12(i): This paragraph is equivalent to the first three sentences of existing § 1320.11(f) (see proposed § 1320.10(f)).

N. Proposed Section 1320.13— Emergency Processing

Proposed § 1320.13 is equivalent to existing § 1320.18, but is amended to reflect the legislative changes in 44 U.S.C. 3507(b), (c), and (j). OMB is proposing to delete existing § 1320.18(g) concerning "expedited" processing. Given the legislative changes in 44 U.S.C. 3507(b) and (c), OMB is obligated, unless OMB receives a request for emergency processing under this section, to provide at least 30 days for public comment prior to making a decision and make its decision within 60 days after receipt of the clearance request or publication of the notice in the **Federal Register** required by proposed § 1320.5(a)(1)(iv), whichever is later.

O. Proposed Section 1320.14—Public Access

Proposed § 1320.14(a) is equivalent to existing § 1320.19. Proposed § 1320.14(b) is equivalent to existing § 1320.11(b).

Proposed § 1320.14(c) is new, and reflects the legislative changes in 44 U.S.C. 3517(b). Any person may request OMB to review any collection of