

SUPPLEMENTARY INFORMATION: The Office of Thrift Supervision (OTS), as a component of the Department of the Treasury (Department), is subject to the Department's FOIA regulations at 31 CFR part 1, subpart A. The amendment adds the OTS to the list of components of the Department by inserting new language at 31 CFR 1.1(d)(13). This amendment also removes language identifying the office of the Assistant Secretary for Tax Policy as a distinct component because it is a part of the Departmental Offices and therefore, subject to appendix A of this subpart. The amendment adds language in appendix M to reflect the inclusion of OTS' FOIA appendix covering the OTS FOIA program as part of the Departmentwide regulations. The amended appendix covering the OTS FOIA program identifies the location of the public reading room. It also describes how to make a request under 31 CFR 1.5(g), administrative appeals under 31 CFR 1.5(h), and where each request or appeal should be addressed and where a request can be delivered.

The Department's Privacy Act regulations at 31 CFR part 1, Subpart C, refer to the Department's Privacy Act program as part of the Departmentwide disclosure program. The appendices to subpart C apply to all records which are contained in systems of records maintained by the Department of the Treasury, or any one of its components, and which are retrieved by an individual's name or personal identifier.

The amendment to Subpart C adds the OTS to the list of components of the Department by inserting new language at 31 CFR 1.20(m). Appendix M is being added to include the OTS' implementation of provisions of the Privacy Act of 1974 (5 U.S.C. 552a). Appendix M sets forth the procedures by which individuals may request notification of whether the OTS maintains or has disclosed a record pertaining to them, or seek access to such records maintained in any nonexempt system of records, request correction of such records, appeal any initial adverse determination of any request for amendment.

The rules being published amending 31 CFR 1.1(d)(2), 1.20 and the appendices are not substantial rules, nor do they have an adverse effect on an individual's rights or benefits. In addition, the appendices are not substantially different from the existing departmentwide regulations implementing the Freedom of Information Act and Privacy Act.

The appendices identify particular offices and addresses for the public to contact when making a request under

either act, or for service of process, and are applicable to OTS only. The immediate adoption of the appendices is warranted as they are the best means of informing the public of the procedures which should be used to gain access to the records of OTS pursuant to the FOIA and PA. Such rules and regulations are required by FOIA and PA to be published by an agency pursuant to 5 U.S.C. 552(3)(B) and 5 U.S.C. 552a(f).

Accordingly, pursuant to the administrative procedures provisions of 5 U.S.C. 553, the Department of the Treasury finds good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; and finds good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register**.

As required by Executive Order 12866, it has been determined that this rule does not constitute a "significant regulatory action."

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612, do not apply.

In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department of the Treasury has determined that this rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

List of Subjects in 31 CFR Part 1

Freedom of information, Privacy.

Part 1 of Title 31 of the Code of Federal Regulations is amended as follows:

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552, as amended. Subpart C also issued under 5 U.S.C. 552a.

PART 1—[AMENDED]

Subpart A—Freedom of Information Act

2. Section 1.1 is amended by adding paragraph (d)(13) to read as follows:

* * * * *

(d) * * *

(13) The Office of Thrift Supervision.

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3. Appendix M of Subpart A is revised to read as follows:

Appendix M—Office of Thrift Supervision

1. *In general.* This appendix applies to the Office of Thrift Supervision. It identifies the location of the public reading room at which the following documents are available for

public inspection and copying: Description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; final adjudications of cases; instructions to staff that affect a member of the public; filings under the Security Exchange Act of 1934; consent agreements in enforcement matters; pleadings, opinions and decisions in administrative adjudications; Regulatory and Thrift Bulletins; Chief Counsel Opinions, substantive rules and statements of general policy and interpretations adopted by the agency, and each amendment, revisions, or repeal of the foregoing, including those which have not been published in the **Federal Register**; draft rules and comment letters, and final Orders of the Director. Office of Thrift Supervision (OTS) regulatory handbooks and other publications are available for sale. Information may be obtained by calling the OTS Order Department at (301) 645-6264. OTS regulatory handbook and other publications may be purchased by forwarding a request, along with a check to: OTS Order Department, P.O. Box 753, Waldorf, MD 20604 or by calling (301) 645-6264, to pay the VISA or MASTERCARD. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process.

2. *Public reading room.* The public reading room for the Office of Thrift Supervision is maintained at the following location: Public Reading Room, 1700 G Street, NW., Washington, DC 20552.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Office of Thrift Supervision will be made by the Director, Information Services Division. Requests for records should be addressed to: Freedom of Information Request, Chief, Disclosure Branch, Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Requests may be delivered in person to: Office of Thrift Supervision, Information, Services Division, 1700 G Street, NW., Washington, DC.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Office of Thrift Supervision will be made by the Director, Public Affairs, Office of Thrift Supervision or the delegate of such officer. Appeals made by mail should be addressed to: Freedom of Information Appeal, Chief, Disclosure Branch, Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Appeals may be delivered in person to: Office of Thrift Supervision, Information Services Division, 1700 G Street, NW., Washington, DC.

5. *Delivery of process.* Service of process will be received by the Corporate Secretary