

participants will receive substantial additional time to comply with Rule 610 and Rule 611 beyond the compliance dates originally set forth in the NMS Release, as modified by the Extension Release. In addition, the Commission recognizes that industry participants urgently need notice of the extended compliance dates so that they do not expend unnecessary time and resources in meeting the previous compliance dates. Providing immediate effectiveness upon publication of this release will allow industry participants to adjust their implementation plans accordingly.<sup>6</sup>

By the Commission.

Dated: January 24, 2007.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-1384 Filed 1-29-07; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment Standards Administration

#### 20 CFR Part 725

RIN 1215-AB60

#### Regulations Implementing the Black Lung Benefits Act of 1969, as Amended

**AGENCY:** Employment Standards Administration, Labor.

**ACTION:** Final rule.

**SUMMARY:** This final rule eliminates the procedural requirement that the Department's administrative law judges include the parties' names in decisions and orders issued in Black Lung Benefits Act claims. The Department is revising the rule to give the Office of Administrative Law Judges more flexibility in captioning these decisions. This will allow the Department the flexibility to limit the amount of personal information about black lung claimants that is included in published final decisions.

**DATES:** Effective January 30, 2007.

**FOR FURTHER INFORMATION CONTACT:** James L. DeMarce, Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, 202-693-0046.

and comment are "impractical, unnecessary, or contrary to the public interest").

<sup>6</sup>The compliance date extensions set forth in this release are effective upon publication in the **Federal Register**. Section 553(d)(1) of the APA allows effective dates that are less than 30 days after publication for a "substantive rule which grants or recognizes an exemption or relieves a restriction." 5 U.S.C. 553(d)(1).

**SUPPLEMENTARY INFORMATION:** The current version of § 725.477(b) has been in effect since 1978. The regulation requires the Department of Labor's Office of Administrative Law Judges to include, among other things, the "names of the parties" in decisions and orders issued under the Black Lung Benefits Act, as amended, 30 U.S.C. 901-944. Coal miners or their survivors who have filed claims for benefits are parties to the claim; thus, their names are included in the decision and order. Given the nature of black lung benefits claims, the decision and order frequently contains a variety of personal information about the miner and his or her survivors and dependents. In virtually every case, this information includes detailed medical assessments of the miner's physical condition, including the miner's medical history, physical examination and objective test findings, medical treatment records, and hospitalization records. In certain cases, a miner's or survivor's financial records and the names, birthdates, and medical histories of dependents may also be disclosed.

For many years, publication of these decisions was not widespread. Although available for public inspection through the Office of Administrative Law Judges, only a small percentage of decisions were published in commercial legal reporters, such as the Black Lung Reporter. But beginning in November 1996, Congress required agencies to publish final adjudicatory decisions on the Internet (or in other electronic form). See 5 U.S.C. 552(a)(2). Accordingly, the Office of Administrative Law Judges now posts all final decisions on the Department of Labor's Web site. As a result, these decisions are now readily accessible to the public. By removing from § 725.477(b) the requirement that parties' names be included in decisions, the revised rule affords the Office of Administrative Law Judges the flexibility to adopt procedures, as it deems necessary, that both ensure public access to its decisions and eliminate the link between individual claimants and their medical and financial information necessarily disclosed in those decisions.

Finally, the revision to § 725.477(b) conforms the Black Lung Benefits Act regulations to the rules governing decisions issued by the Office of Administrative Law Judges under the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 *et seq.*, as well as decisions issued by the Benefits Review Board and the Employees' Compensation Appeals Board, two other Department of Labor adjudicatory bodies. Neither the

Longshore Act regulations nor the regulations governing decisions issued by the two Boards require that the parties' names be included in the decisions rendered. See 20 CFR 501.6 (Employees' Compensation Appeals Board); 20 CFR 702.348 (Longshore Act); 20 CFR 802.404 (Benefits Review Board).

#### Rulemaking Analyses

##### *Administrative Procedure Act*

Section 553 of the Administrative Procedure Act exempts "rules of agency organization, procedure, or practice" from proposed rulemaking (*i.e.*, notice-and-comment rulemaking). 5 U.S.C. 553(b)(3)(A). The Department's revision to § 725.477(b) pertains solely to the Department's formatting of decisions and orders and makes no change to a substantive standard. Accordingly, the Department has determined that this revision need not be published as a proposed rule under 5 U.S.C. 553(b). For the same reason, the Department has determined that there is good cause, within the meaning of 5 U.S.C. 553(d)(3), to make the revision effective upon publication.

##### *Regulatory Flexibility Act*

Because the Department has concluded that this action is not subject to the Administrative Procedure Act's proposed rulemaking requirements, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

##### *Unfunded Mandates Reform Act*

This action is not subject to sections 202 or 205 of the Unfunded Mandates Reform Act (UMRA, Pub. L. 104-4) because the Department has determined that the revision is not subject to the Administrative Procedure Act's proposed rulemaking requirements. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate as described in sections 203 and 204 of UMRA.

##### *Paperwork Reduction Act*

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

##### *Executive Order 12866*

This action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735 (Oct. 4, 1993)).

*Executive Order 13132*

This action will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as described in Executive Order 13132 (64 FR 43255 (Aug. 10, 1999)).

**List of Subjects in 20 CFR Part 725**

Administrative practice and procedure, Black lung benefits, Claims, Health care, Lung diseases, Miners, Mines, Workers' compensation.

■ For the reasons set forth in the preamble, 20 CFR Part 725 is amended as set forth below:

**PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED**

■ 1. The authority citation for part 725 continues to read as follows:

**Authority:** 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 30 U.S.C. 901 *et seq.*, 921, 932, 936; 33 U.S.C. 901 *et seq.*, 42 U.S.C. 405, Secretary's Order 7-87, 52 FR 48466, Employment Standards Order No. 90-02.

■ 2. Amend § 725.477(b) by revising the first sentence to read as follows:

**§ 725.477 Form and contents of decision and order.**

\* \* \* \* \*

(b) A decision and order shall contain a statement of the basis of the order, findings of fact, conclusions of law, and an award, rejection or other appropriate paragraph containing the action of the administrative law judge, his or her signature and the date of issuance  
\* \* \*

Signed at Washington, DC, this 25th day of January, 2007.

**Victoria A. Lipnic,**

*Assistant Secretary for Employment Standards Administration.*

**Shelby Hallmark,**

*Director, Office of Workers' Compensation Programs.*

[FR Doc. E7-1432 Filed 1-29-07; 8:45 am]

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**PEACE CORPS**

**22 CFR Part 304**

**RIN 0420-AA20**

**Claims Against Government Under Federal Tort Claims Act**

**AGENCY:** Peace Corps.

**ACTION:** Final rule and comment request.

**SUMMARY:** The Peace Corps is revising its regulations concerning claims filed under the Federal Tort Claims Act. These changes update Peace Corps' address, as well as authority cited in the regulation. Revisions also identify a new policy under which the Chief Financial Officer, rather than the Director of the Peace Corps, will have authority to approve claims for amounts under \$5000.

**DATES:** This final rule is effective on March 16, 2007 without further action, unless adverse comment is received by Peace Corps by March 1, 2007. If adverse comment is received, Peace Corps will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** You may submit comments by e-mail to [sglasow@peacecorps.gov](mailto:sglasow@peacecorps.gov). Include Rin 0420-AA20 in the subject line of the message. You may also submit comments by mail to Suzanne Glasow, Office of the General Counsel, Peace Corps, Suite 8200, 1111 20th Street, NW., Washington, DC 20526. Contact Suzanne Glasow for copies of comments.

**FOR FURTHER INFORMATION CONTACT:** Suzanne Glasow, Associate General Counsel, 202-692-2150, [sglasow@peacecorps.gov](mailto:sglasow@peacecorps.gov).

**SUPPLEMENTARY INFORMATION:** The revisions to the rules include updates to cited authority and Peace Corps' address. In addition, claims for less than \$5000 will no longer require approval from the head of the agency. The Chief Financial Officer will be the designee of the head of the agency for such claims. The head of the agency will continue to have approval authority for all claims of \$5000 or more.

**Section-by-Section Analysis**

*Section 304.1 Scope; Definitions*

Subpart (c) is amended to reflect the fact that 31 FR 16616 is no longer a thorough representation of the contents of 28 CFR part 14. The language of this section will be revised by deleting 31 FR 16616, and referring only to 28 CFR part 14.

*Section 304.2 Administrative Claim; When Presented; Appropriate Peace Corps Office*

Subpart (a) is amended to include Peace Corps' current address, 1111 20th Street, NW., Washington, DC 20526.

*Section 304.7 Authority To Adjust, Determine, Comprise, and Settle Claims*

This section is revised to state that the Chief Financial Officer has the authority

to adjust, determine, compromise, and settle claims for less than \$5,000 under section 2672 of title 28, United States Code. The Director of the Peace Corps retains authority for all claims of \$5,000 or more.

*Section 304.9 Referral to the Department of Justice*

This section is revised to delete the reference to 28 CFR 14.7, which is an obsolete citation.

**Executive Order 12866**

This regulation has been determined to be nonsignificant within the meaning of Executive Order 12866.

**Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))**

This regulatory action will not have a significant adverse impact on a substantial number of small entities.

**Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104-4)**

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of \$100 million or more in any one year.

**Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)**

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

**Federalism (Executive Order 13132)**

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**List of Subjects in Part 304**

Claims.

■ Accordingly, under the authority of 22 U.S.C. 2503(b) and 28 U.S.C. 2672, Peace Corps amends the Code of Federal Regulations, Title 22, Chapter III, as follows:

**PART 304—CLAIMS AGAINST GOVERNMENT UNDER FEDERAL TORT CLAIMS ACT**

■ 1. The authority citation is revised to read as follows:

**Authority:** 28 U.S.C. 2672; 22 U.S.C. 2503(b); E.O. 12137, as amended.

■ 2. Section 304.1(c) is revised to read as follows: