

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION STATUS REPORT ON DEFICIENCIES UNDER EXECUTIVE ORDER 13,392

This status report supplements information that was previously provided in the Freedom of Information Act (FOIA) Annual Report filed by the Federal Mine Safety and Health Review Commission (FMSHRC). Pursuant to the requirements of Executive Order No. 13,392, FMSHRC developed a FOIA Improvement Plan, which was submitted in June 2006. In the plan, FMSHRC identified two areas for improvement: (1) improved customer service and (2) website improvements. As noted in FMSHRC's FY06 FOIA Annual Report, the agency was unable to meet the milestones that had been set in its FOIA Improvement Plan for improving customer service by the target completion date, December 31, 2006.

1. With regard to improvements in customer service, FMSHRC stated in its Improvement Plan that it would provide training and orientation to Commission staff to ensure continued professional delivery of customer service.
2. FMSHRC's FY06 Annual Report noted that the agency had been unable to issue instructions to staff by the target date because a comprehensive review of the agency's FOIA regulations, guidelines, and procedures was necessary before workable and effective instructions to staff could be issued. FMSHRC identified the steps to implement the improvement in customer service as issuing written instructions to staff for control, information gathering, and response to FOIA requests. The Report established a target date of December 31, 2006 for completion of these steps.
3. FMSHRC is undertaking the review of its FOIA regulations, guidelines, and procedures that was referred to in the Annual Report. In addition, on June 28, 2007, the newly designated Chief FOIA Officer issued instructions to staff informing them of the interim procedures that are to be followed to ensure the timely and effective handling of FOIA requests, consistent with the goals established in the FOIA Improvement Plan. Revised draft FOIA guidelines have been prepared and are under review by agency officials. The agency committee responsible for drafting and revising agency regulations is presently reviewing the FOIA rules. Following review of the rules, changes to the rules will be drafted and published in the Federal Register with a request for comments. At the conclusion of the comment period, FMSHRC will publish the final revised rules.
4. FMSHRC anticipates that review of the FOIA guidelines and publication of the final revised guidelines on FMSHRC's website will be completed by August 31, 2007. Revising FMSHRC's FOIA rules will require Federal Register publication

of proposed rules changes, a comment period, consideration of the comments to proposed rules, and publication of the final rules. FMSHRC anticipates completing this procedure by December 15, 2007. FMSHRC will then issue, by no later than December 31, 2007, revised instructions to staff who are involved with handling FOIA matters, in light of changes to the agency rules.