

OFFICE OF MANAGEMENT AND BUDGET

AGENCY: Office of Management and Budget, Executive Office of the President.

5 CFR Part 1320

Controlling Paperwork Burdens on the Public; Regulatory Changes Reflecting  
Amendments to the Paperwork Reduction Act

52 FR 27768

July 23, 1987

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The recently enacted Paperwork Reduction Reauthorization Act of 1986 amended the Paperwork Reduction Act of 1980. In an amendment to *44 U.S.C. 3502(11)*, Congress clarified the applicability of the Paperwork Reduction Act to collections of information contained in proposed and current regulations. In amendments to *44 U.S.C. 3507*, Congress sought to enable the public to participate more fully and meaningfully in the Federal paperwork review process. The Office of Management and Budget (OMB) is proposing to amend its existing paperwork clearance rules to reflect these legislative changes. In addition, consistent with the purpose of these legislative amendments, OMB is proposing (1) to have agencies include, in the Federal Register notice indicating submission of an agency's paperwork clearance package to OMB, an estimate of the average burden hours per response; (2) to have agencies publish, as part of the Federal Register notice, a copy of the collection of information, when agencies are seeking expedited OMB review; and (3) to have agencies indicate on each collection of information (or on any related instructions) the estimated average burden hours per response, together with a request that respondents direct any comments on the accuracy of the estimate to the agency and OMB.

**DATE:** Comments must be received on or before September 21, 1987.

**ADDRESS:** Please address all written comment to Jefferson B. Hill, Office of Information and Regulatory Affairs, OMB, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jefferson B. Hill, Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (202/395-7340).

**TEXT: SUPPLEMENTARY INFORMATION:**

A. Background

The Office of Management and Budget (OMB) issued 5 CFR 1320 -- Controlling Paperwork Burden on the Public, on March 31, 1983 [*48 FR 13666*]. This rule implements provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 U.S.C. Chapter 35) concerning agency responsibilities for obtaining OMB approval of their collection of information, and other paperwork control functions.

The Paperwork Reduction Reauthorization Act of 1986 (Pub. L. 99-500 (October 18, 1986) and 99-591 (October 30, 1986), section 101(m)) amended the Paperwork Reduction Act of 1980, effective October 30, 1986. OMB is proposing to amend 5 CFR Part 1320 in order to reflect the legislative amendments to *44 U.S.C. 3502(11)* and *44 U.S.C. 3507*. In addition, consistent with the purpose of these legislative amendments, OMB is proposing (1) to have agencies include, in the Federal Register notice indicating submission of an agency's paperwork clearance package to OMB, an estimate of the average burden hours per response; (2) to have agencies publish, as part of the Federal Register notice, a copy of the collection of information, when agencies are seeking expedited OMB review; and (3) to have agencies indi-

cate on each collection of information (or on any related instructions) the estimated average burden hours per response, together with a request that respondents direct any comments on the accuracy of the estimate to the agency and OMB.

#### B. *44 U.S.C. 3502(11)* -- OMB Clearance Procedures

Procedures by which OMB approves a collection of information -- whether called for by a printed form, oral question, or a proposed or current rule -- are set forth in the Paperwork Reduction Act, mostly in *44 U.S.C. 3507 and 3508*. Collections of information contained in proposed rules published for comment in the Federal Register are also subject, in part, to clearance procedures set forth in *44 U.S.C. 3504(h)*.

The 1986 amendment to *44 U.S.C. 3502(11)* states more explicitly the original intent of the Paperwork Reduction Act. This 1986 amendment clarifies that a "collection of information requirement" is a type of "information collection request." This clarification is intended to ensure that both an "information collection request" and a "collection of information requirement" are treated in the same manner under the Paperwork Reduction Act, except as, and only to the extent that, the generally applicable clearance procedures of the Paperwork Reduction Act are circumscribed by the clearance procedures in *44 U.S.C. 3504(h)*.

In other words, *44 U.S.C. 3504(h)* sets forth specific clearance procedures for OMB paperwork clearance applicable to a collection of information contained in a proposed rule published for public comment in the Federal Register, otherwise, and unless circumscribed by the clearance procedures in *44 U.S.C. 3504(h)*, all the remaining provisions of the Paperwork Reduction Act apply to any collection of information, whether called for by a printed form, oral question, or a proposed or current rule. These provisions include: the basic legal authority in OMB to approve or disapprove the collection of information in *44 U.S.C. 3507(a)* and *3508*; the public protection provisions in *44 U.S.C. 3512*; the minimum information that an agency must provide the public in its Federal Register notice in *44 U.S.C. 3507(a)(2)(B)*; the three-year limit on approval of a collection of information in *44 U.S.C. 3507(d)*; the legal responsibility of agencies to display the OMB control number in *44 U.S.C. 3507(g)*; the fast-track, emergency clearance authority in *44 U.S.C. 3507(g)*; and the public disclosure provision in *44 U.S.C. 3507(h)*.

These various provisions of the Paperwork Reduction Act, working together, help the public participate more fully and meaningfully in the Federal paperwork review process. For example, the three-year limit to paperwork approval, combined with the notice provisions in the Act, gives the public the opportunity to comment on any collection of information (including any recordkeeping requirement) contained in a current rule every three years, not just when the rule was first issued. After a respondent has complied with a collection of information (including a recordkeeping requirement) contained in a current rule for several years, the respondent should have clearer knowledge of the burdens involved, and the agency more concrete experience with the practical utility of the information obtained. Through this iterative review process, the agency is able on a continuing basis to improve and reduce the burden of its collection of information.

In this notice, OMB has numbered its proposed amendments. Proposed amendments 4 and 5 would implement the 1986 amendments to *44 U.S.C. 3502(11)* as it clarifies the applicability of the public protection provisions of *35 U.S.C. 3512*. Proposed amendments 1, 3, 6, 8, 10, 11, 13, 14, 16, 17, 19, 21, and 23 would implement this legislative amendment for the remainder of 5 CFR Part 1320. Reference in existing 5 CFR Part 1320 to an "information collection request" or a "collection of information requirement" would be replaced with a reference to a "collection of information". Proposed amendment 8 would also clarify the definition of "collection of information" in § 1320.7(c).

#### C. *44 U.S.C. 3507* -- Public Notice

1. The Paperwork Reduction Act of 1980 requires each agency to give public notice in the Federal Register that it has submitted a paperwork clearance package to OMB. *44 U.S.C. 3507(a)(2)(B)*, as amended by the Paperwork Reduction Reauthorization Act of 1986, specifies what minimum information each agency should include in this notice. At a minimum, this Federal Register notice is to contain a title for the collection of information, a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response to the collection of information, and an estimate of the burden that will result from the collection of information. In describing likely respondents, OMB anticipates that agencies will use such categories as: individuals or households, State or local governments, farms, business or other for-profit institutions, Federal agencies or employees, non-profit institutions, and small businesses or organizations.

Proposed amendment 20 sets forth the content for this Federal Register notice. Proposed amendments 12, 15, and 18 would require agencies to provide this notice as part of the paperwork clearance process.

2. While the 1986 legislative amendment to *44 U.S.C. 3507(a)(2)(B)* sets a statutory minimum for the information agencies are to provide in the Federal Register notice, agencies may include in their notice any additional information that would enhance the quality and quantity of such public comments. In the spirit of this legislative amendment, OMB is proposing, in amendment 20, that each agency disaggregate its estimate of total annual reporting and recordkeeping burden for each collection of information into discrete components applicable to each separate collection of information -- the average hours per response, the frequency of response, and the likely number of respondents. Agencies will also be encouraged in this notice to explain the basis for estimating the average hours per response and to request comments on their overall accuracy.

OMB recognizes that an agency may, in its submission of collections of information for OMB review, seek approval for a group of related forms or other collections of information in a single package. Such packaging may facilitate agency implementation, and OMB review of related collections of information. OMB is not proposing to change this agency practice; OMB is, however, proposing that agencies estimate and give public notice of the reporting and recordkeeping burdens associated with each collection of information in such a packaged submission.

3. In amendment 20, OMB is also proposing that agencies publish in certain circumstances, as part of the Federal Register notice, a copy of the collection of information, together with any related instructions, for which OMB approval is being sought. Publication of the draft collection of information would occur when an agency, under existing § 1320.17(f), plans to request or has requested OMB to conduct its review on an expedited basis (a review faster than 60 days from the date of submission). Agencies would also include in this Federal Register notice the time period within which they are requesting OMB to approve or disapprove the collection of information. These requirements would not apply to collections of information contained in proposed rules published for public comment in the Federal Register; the instrument calling for the collection of information should already be published in the Federal Register as part of the proposed rule.

4. In amendment 22, OMB is likewise proposing that agencies include in the Federal Register notice the time period within which they are requesting emergency processing under § 1320.17.

5. More generally, it is the agency responsibility to develop and maintain an information collection management system that ensures that, to the extent practicable, the public receives adequate and appropriate notice. To this end, OMB is proposing, in amendment 3, that agencies indicate in their paperwork clearance packages, what practicable steps they have taken to consult with interested agencies and members of the public in order to minimize the burden of the collection of information.

6. The Paperwork Reduction Act of 1980 also requires OMB to make available to the public its decision to approve or disapprove an agency's collection of information. In an amendment to *44 U.S.C. 3507(b)*, the Paperwork Reduction Reauthorization Act of 1986 requires OMB to make its explanation thereof available to the public. Proposed amendment 9 would implement this legislative amendment.

7. In a new *44 U.S.C. 3507(h)*, the Paperwork Reduction Reauthorization Act of 1986 requires that:

Any written communication of the Administrator of the Office of Information and Regulatory Affairs [in OMB] or any employee thereof from any person not employed by the Federal Government or from an agency concerning a proposed information collection request, and any written communication from the Administrator or employee of the Office to such person or agency concerning such proposal, shall be made available to the public. This subsection shall not require the disclosure of any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

OMB will comply with this statutory provision in a manner consistent with applicable law. OMB is aware, however, of public concerns suggesting that the first sentence of this amendment may act to inhibit possible whistleblowers -- discourage public complaints or comments concerning specific collections of information. For example, a respondent may wish to express concerns about a collection of information imposed by a regulatory agency, or by an agency providing grants or other benefits. If the respondent's complaint is disclosed to the agency, the respondent may fear some form of reprisal, either, for example, through more intensified regulatory enforcement, through denial of a grant or other benefit, or other means.

OMB points out that one purpose of the Paperwork Reduction Act is "to ensure that the collection \* \* \* of information by the Federal Government is consistent with applicable laws related to confidentiality" (44 U.S.C. 3501(6)), and that the authority of the OMB Director under the Paperwork Reduction Act is to "be exercised consistent with applicable law" (44 U.S.C. 3504(a)). If a complainant wishes to provide OMB comments about a specific collection of information on a confidential basis, the complainant should request such confidentiality. Consistent with the privacy functions of the OMB Director (see 44 U.S.C. 3501(6) and 3504(f)), OMB will seek to honor such a request to the extent that OMB is legally permitted (see 5 U.S.C. 552(b)).

#### D. New § 1320.21 -- Agency Display of Estimated Burden

OMB is proposing a new § 1320.21 -- Agency display of estimated burden. Proposed amendment 24 would require agencies to indicate on each instrument for the collection of information -- whether set forth on a printed form, or contained in a proposed or current rule -- the estimated average burden hours per response, together with a request that the public direct any comments concerning the accuracy of this burden estimate to the agency and Office of Information and Regulatory Affairs in OMB.

In order to focus public comments, agencies may also, as part of the collection of information (or any related instructions), explain the basis for estimating the average hours per response. In addition, for example, if it is not practical for an agency to indicate the burden estimate and request for comments on the front page of a printed form (or at the beginning of a proposed or final rule), the agency may indicate the burden estimate and request for comments at the beginning of any related instructions that accompany the collection of information (or of the preamble to the rule). Proposed amendment 24 also provides that if OMB determines that special circumstances exist, OMB may, at the request of the agency, exempt specific collections of information or categories thereof from the provisions of this proposal.

This proposal is intended to facilitate agency management of its collection of information and its efforts to reduce paperwork burdens on the public. Before an agency submits a collection of information for OMB review, an agency is obligated by the Paperwork Reduction Act to balance its need for the information, and the practical utility of the information, against the burden on respondents and costs involved. The purpose of this agency review is to encourage each agency to discipline itself to submit for OMB review the least burdensome alternative that will meet its need. A grossly underestimated or overestimated burden could adversely affect an agency's evaluation of the impact of alternative ways to collect the information. This proposal is also intended to encourage more meaningful public participation by eliciting public comment on the burdens actually imposed and the perceived practical utility of the information to be provided.

The Department of Interior has already initiated a pilot effort to implement this proposal. Specifically, that Department is developing internal guidance for its Information Collection Clearance Officers (ICCOs) that would require certain collections of information to include statements of estimated burden -- either on the face of an individual form, or in a separate section of a rule containing a collection of information. An excerpt from this guidance follows:

Some forms impose approximately the same burden for all respondents. Examples are simple permit applications used by individuals or nontechnical surveys. For forms of this type, the following statement should be used:

Public reporting burden for this form [/information collection] is estimated to average *xx hours[/minutes]* per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form[/information collection]. Direct comments regarding the burden estimate or any other aspect of this form [/information collection] to [insert title and address of bureau ICCO]; and Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Burden for some complex forms may vary widely. Examples include complex permit forms or applications completed by firms or organizations. On forms of this type, the following statement may be used:

Public reporting burden for this form[/information collection] is estimated to vary from *xx to xx hours[/minutes]* per response, with an average of *xx hours[/minutes]* per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form[/information collection]. Direct comments regarding the burden estimate or any other aspect of this form[/information collection] to [insert title and address of bureau ICCO]; and Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Proposed amendment 24 would not require as specific a format as developed by the Department of the Interior. OMB, however, is considering whether such a specifically formatted statement should be required by rule. Consistent with the purposes of this proposal, OMB seeks comment concerning whether this format would provide information

useful to the public, and what different or additional information would be more useful. OMB also seeks comment on the potential burdens and costs involved in including such a specifically formatted statement on agency forms, and on the degree of flexibility agencies need to tailor such a statement to their various kinds of forms and other types of collection of information.

#### E. Other Amendments

As amended in 1986, *44 U.S.C. 3501(5)* states that a purpose of the Paperwork Reduction Act is "to ensure that automatic data processing, telecommunications, and other information technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, improves the quality of decisionmaking, reduces waste and fraud, and wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to and for the Federal Government." Agencies have been able to increase practical utility and reduce burden by automating or otherwise applying new forms of information technology to the collection of information; e.g., by receiving information electronically online or on magnetic tape or diskette. OMB is proposing, in amendment 7, to have all agencies, as part of the development of a collection of information, consider reducing the burden on respondents by use of automated collection techniques, or other forms of information technology.

Proposed amendments 2 and 25 are technical in nature, reflecting the fact that statutory amendment has taken place since implementation of these existing regulations.

#### Regulatory Impact and Regulatory Flexibility Act Analysis

OMB has analyzed the effects of this rule under both Executive Order No. 12291 and the Regulatory Flexibility Act. Copies of this analysis are available upon request. In summary, OMB has concluded that these amendments will have a salutary impact on small entities through the reduction of unnecessary paperwork and that, while the costs and benefits of procedural amendments such as these are largely unquantifiable, the amendments meet all the requirements of the Executive Order.

Issued in Washington, DC, July 16, 1987.

Wendy L. Gramm,

Administrator, Office of Information and Regulatory Affairs.

#### List of Subjects in 5 CFR Part 1320

Reporting and recordkeeping requirements, paperwork, collections of information.

#### PART 1320 -- CONTROLLING PAPERWORK BURDENS ON THE PUBLIC

For the reasons set forth in the preamble, OMB proposes to amend 5 CFR Part 1320 as follows:

1A. The authority citation for Part 1320 is revised to read as follows:

Authority: *31 U.S.C. Sec. 1111* and *44 U.S.C. Chs. 21, 25, 27, 29, 31, 35.*

1. In the summary of the titles of the sections at the beginning of this Part, delete the titles for § § 1320.12 to 1320.20 and replace them with:

1320.12 Clearance of collections of information.

1320.13 Clearance of collections of information in proposed rules.

1320.14 Clearance of collections of information in current rules.

1320.15 Federal Register notice of OMB review.

1320.16 Collections of Information prescribed by another agency.

1320.17 Interagency reporting.

1320.18 Emergency and expedited processing.

1320.19 Public access.

1320.20 Independent regulatory agency override authority.

1320.21 Agency display of estimated burden.

1320.22 Other authority.

2. In § 1320.1, after "1980" insert "as amended,"; replace "1950," with "1950"; and replace "1111," with "1111),".

3. At the end of § 1320.4(b)(3), replace the period with a comma, and add at the end of that sentence the following: "and shall indicate, in its submission of a collection of information for OMB review, what practicable steps it has taken to consult with interested agencies and members of the public in order to minimize the burden of that collection of information.". In § 1320.4(c)(2), replace "information collection request" each time the phrase appears with "collection of information". In § 1320.4(d), replace "§ 1320.19" with "§ 1320.20".

4. Remove §§ 1320.5(a) and 1320.5(b), and replace these paragraphs with a new § 1320.5(a), as follows: "(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failure to comply with any collection of information (1) that does not display a currently valid OMB control number; or (2), in the case of a collection of information required by law or to obtain a benefit which is submitted to nine or fewer persons, that fails to state, as prescribed by § 1320.4(a), that it is not subject to OMB review under the Act. The failure to display a currently valid OMB control number for a collection of information contained in a current rule does not, as a legal matter, rescind or amend the rule; however, its absence will alert the public that either the agency has failed to comply with applicable legal requirements for the collection of information or the collection of information has been disapproved, and that therefore the portion of the rule containing the collection of information has no legal force and effect and the public protection provisions of 44 U.S.C. 3512 apply.".

5. In § 1320.5, redesignated paragraphs (c) and (d) as paragraphs (b) and (c), respectively, and replace the first sentence in the new § 1320.5(b) with the following sentence: "Whenever an agency has imposed a collection of information as a means for providing or satisfying a condition to the receipt of a benefit or the avoidance of a penalty, and the collection of information does not display a currently valid OMB control number or statement, as prescribed in § 1320.4(a), the agency shall not treat a person's failure to comply, in and of itself, as grounds for withholding the benefit or imposing the penalty.". In the new §§ 1320.5(b)(1) and 1320.5(b)(2), replace "§ 1320.19" each time it appears with "§ 1320.20".

6. In § 1320.6(b), replace "an information collection request or requirement" with "a collection of information".

7. At the end of § 1320.6(j), replace the period with a comma and add after that paragraph the following new paragraph: "(k) Unless the agency has considered reducing the burden on respondents by use of automated collection techniques or other forms of information technology.".

8. In the first sentence of § 1320.7(c), after "questions," insert "or identical reporting or recordkeeping requirements.". Replace the third sentence of § 1320.7(c) introductory text with the following: "In the Act, a 'collection of information requirement' is a type of 'information collection request.' As used in this Part, a 'collection of information' refers to the act of collecting information, to the information to be collected, to a plan and/or an instrument calling for the collection of information, or any of these, as appropriate."

In the second sentence of § 1320.7(c)(1), after "plans" insert "information collection requests, collection of information requirements,"; after "rules or regulations," insert "information collection requests or collection of information requirements contained in, derived from, or authorized by such rules or regulations,"; after "interview guides," insert "oral communications,"; and after "telephonic requests," insert "automated collection techniques,". In the first sentence of § 1320.7(c)(2), replace "by an agency or" with "by an agency for". In § 1320.7(c)(3), delete the word "also". In § 1320.7(f)(1), replace "information collection requests" with "collections of information," and "request" with "collection of information". In the first sentence of § 1320.7(u) introductory text, replace "an information collection request" with "a collection of information", and replace both "request" and "information collection request" with "collection of information". In § 1320.7(u)(2), replace "information collection request" with "collection of information". In § 1320.7, remove paragraphs (d) and (1); and redesignate paragraphs (e) to (k), and (m) to (u), as paragraphs (d) to (j), and (k) to (s), respectively.

9. At the end of § 1320.11(d), add a new sentence, as follows: "Any such determination and explanation thereof shall be publicly available."

10. In § 1320.11(e), replace the third sentence with the following: "Agencies shall submit collections of information other than those contained in proposed rules published for public comment in the Federal Register or in current regulations that were published as final rules in the Federal Register, in accordance with the requirements set forth in § 1320.12.". In the fourth sentence of § 1320.11(e), replace "§ 1320.15" with "§ 1320.16". In the fifth sentence of § 1320.11(e), replace "information collection requests" with "collections of information", and replace "§ 1320.17" with "§ 1320.18." Replace the third sentence of § 1320.11(f) with the following: "Upon such notification, the agency shall submit the collection of information for review under the procedures outlined in § § 1320.12 or 1320.14, as appropriate.". In the fifth sentence of § 1320.11(f), replace "information collection request" with "collection of information" and "request", the second time it appears, with "collection of information". In § 1320.11(h), replace "an information collection request or requirement" with "a collection of information".

11. In § 1320.12, replace the title with "§ 1320.12 Clearance of collections of information.". Replace the first sentence of § 1320.12 introductory text with: "Agencies shall submit all collections of information, other than those contained either in proposed rules published for public comment in the Federal Register or in current rules that were published as final rules in the Federal Register, in accordance with the following requirements:".

12. In the first sentence of § 1320.12(a), add after the word "shall" the following: ", in accordance with the requirements set forth in § 1320.15,".

13. In the second sentence of § 1320.12(a), replace "information collection request" with "collection of information". In § 1320.12(b), replace "information collection request" the first and third times the phrase appears with "collection of information"; replace "the request" with "the collection of information"; and replace "an information collection request" with "a collection of information". In § 1320.12(d), replace "No information collection request may" with "A collection of information may not".

14. In § 1320.13, replace the title with "§ 1320.13 Clearance of collections of information in proposed rules.". In the first sentence of § 1320.13 introductory text, replace "collection of information requirements" with "collections of information". In the first sentence of § 1320.13(a), replace "collection of information requirements" with "collections of information".

15. In the first sentence of § 1320.13(a), after the word "include", insert ", in accordance with the requirements set forth in § 1320.15,"; and after the word "rule", insert ", and identified as such,".

16. In § § 1320.13(d) through 1320.13(j), remove the word "requirement" each time it appears.

17. In the first sentence of § 1320.14 introductory text, replace "reporting and recordkeeping requirements" with "collections of information".

18. In the first sentence in § 1320.14(b), add after the word "shall" the following: ", in accordance with the requirements set forth in § 1320.15,".

19. In the second sentence of § 1320.14(e), replace "§ 1320.7(f)(2)" with "§ 1320.7(e)(2)". In the third sentence of § 1320.14(g), replace "requirement" with "collection of information". In the second sentence of § 1320.14(i) remove "request or requirement" the first time it is used, and replace "request or requirement" the second time it is used with "collection of information".

20. Insert, after § 1320.14, a new § 1320.15, as follows:

§ 1320.15 Federal Register notice of OMB review.

Agencies shall publish the notices statement prescribed by §§ 1320.12(a) and 1320.14(b), and the statement prescribed by § 1320.13(a), in accordance with the following requirements:

(a) The notices and statement shall each set forth, at a minimum:

(1) The title for the collection of information;

(2) A brief description of the agency's need for the information to be collected, including the use to which it is planned to be put;

(3) A description of the likely respondents; and

(4) An estimate of the total annual reporting and recordkeeping burden that will result from each collection of information. This total burden for each collection of information shall also be disaggregated and set forth in terms of the estimated average burden hours per response, the proposed frequency of response, and the estimated number of likely respondents.

(b) If, at the time of submittal of a collection of information for OMB review in accordance with the requirements set forth in §§ 1320.12 or 1320.14, an agency plans to request, or has requested OMB to conduct its review on an expedited schedule (a review faster than 60 days from the date of receipt by OMB), the agency shall publish as part of this Federal Register notice the time period within which it is requesting OMB to approve or disapprove the collection of information, and a copy of the collection of information, together with any related instructions, for which OMB approval is being sought.

21. Redesignate existing §§ 1320.15 through 1320.19 as §§ 1320.16 through 1320.20, respectively. In the new § 1320.17, add, after the third use of the word "Act" the phrase "as amended,". In the first sentence of the new § 1320.18, replace "information collection requests" with "collections of information".

22. After the new § 1320.18(c), add the following new paragraph "(d) The agency shall set forth in the Federal Register notice prescribed by § 1320.15 a statement that it is requesting emergency processing, and the time period stated under § 1320.18(b).".

Redesignate paragraphs (d) to (f) in new § 1320.18 as paragraphs (e) to (g), respectively. In new § 1320.18(e), replace "§ 1320.17(b)" with "§ 1320.18(b)". In the new § 1320.19(b), replace "an information collection request" with "a collection of information".

23. In the third sentence of the new § 1320.20, replace "information collection requirement or collection of information request" with "collection of information".

24. In the new § 1320.19(b), after "used,", insert "the average burden hours per response,". Insert, after the new § 1320.20, a new § 1320.21, as follows:

§ 1320.21 Agency display of estimated burden.

(a)(1) Agencies shall display on each collection of information, as close to the current OMB control number as practicable, the agency estimate of the average burden hours per response.

(2) Agencies shall include with this estimate of burden a request that the public direct any comments concerning the accuracy of this burden estimate to the agency and the Office of Information and Regulatory Affairs.

(b) If it is not practicable to display the burden estimate and request for comments on the front page, or otherwise at the beginning of the collection of information (or for other good cause), the agency may display the burden estimate and request for comments at the beginning of the instructions that accompany the collection of information, or at the beginning of the preamble of a proposed or final rule that contains the collection of information.

(c) An agency need only display the burden estimate and request for comments on copies of the collection of information, or on its instructions, printed or otherwise reproduced (or newly communicated) after October 1, 1987.

(d) If an agency determines that special circumstances exist, OMB may, in consultation with the agency, exempt specific collections of information or categories of collections of information from the requirements of this section.



25. Redesignate existing § 1320.20 as § 1320.22. In the first sentence of the new § 1320.22(e), add after "1980" the following: ", the Paperwork Reduction Reauthorization Act of 1986,". In the second sentence of the new § 1320.22(e), replace the "or" with a ", " and after "Act" add the following: "of 1980, or the Paperwork Reduction Reauthorization Act of 1986".

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