

and physically cancel it under standard security conditions. If the document voided in paragraphs (d) (1) or (2) is in the form of a stamp in a passport the officer shall write or stamp "canceled" across the face of the document.

(e) *Replacement.* When a B-1/B-2 Visa/BCC issued under the provisions of this section, or a BCC or B-1/B-2 Visa/BCC issued under any provisions of this section contained in the 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, has been lost, mutilated, destroyed, or expired, the person to whom such card was issued may apply for a new B-1/B-2 Visa/BCC as provided in this section.

3. Revise section 41.33 to read as follows:

§ 41.33 Nonresident alien Canadian border crossing identification card (BCC).

(a) *Validity of Canadian BCC.* A Canadian BCC or the BCC portion of a Canadian B-1/B-2 Visa/BCC issued to a permanent resident of Canada pursuant to provisions of this section contained in the 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, is valid until the date of expiration, if any, unless previously revoked, but not later than the date, currently October 1, 2001, on which a machine readable biometric identifier is required in order for a BCC to be usable for entry.

(b) *Revocation of Canadian BCC.* A consular or immigration officer may revoke a BCC or a B-1/B-2 Visa/BCC issued in Canada at any time under the provisions of § 41.122, or if the consular or immigration officer determines that the alien to whom any such document was issued has ceased to be a permanent resident of Canada. Upon revocation, the consular or immigration officer shall notify the issuing consular office and if the revoked document is a card, the consular or immigration officer shall take possession of the card and physically cancel it under standard security conditions. If the revoked document is a stamp in a passport the consular or immigration officer shall write or stamp "canceled" on the face of the document.

(c) *Voidance.* (1) The voiding pursuant to INA 222(g) of the visa portion of a B-1/B-2 Visa/BCC issued at any time by a consular officer in Canada under provisions of this section contained in the 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, also voids the BCC portion of that document.

(2) A BCC issued at any time by a consular officer in Canada under any provisions of this section contained in the 22 CFR, parts 1 to 299, edition revised as of April 1, 1998, is void if a consular or immigration officer finds

that the alien has violated the conditions of the alien's admission into the United States, including the period of stay authorized by the Attorney General.

(3) A consular or immigration officer shall immediately take possession of a card determined to be void under paragraphs (c) (1) or (2) of this section and physically cancel it under standard security conditions. If the document voided under paragraphs (c) (1) or (2) is in the form of a stamp in a passport the officer shall write or stamp "canceled" across the face of the document.

Dated: August 10, 1999.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 99-21566 Filed 8-18-99; 8:45 am]

BILLING CODE 4710-06-U

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1610

RIN 3046-AA67

Availability of Records

AGENCY: Equal Employment Opportunity Commission (EEOC or Commission).

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission is adopting as final without change an interim rule revising its Freedom of Information Act (FOIA) regulations to conform to the Electronic Freedom of Information Act Amendments of 1996, and to implement a delegation of the Regional Attorney's FOIA responsibilities, update office addresses and correct typographical errors.

EFFECTIVE DATE: This rule is effective on August 19, 1999.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Deputy Legal Counsel, Thomas J. Schlageter, Assistant Legal Counsel, or Kathleen Oram, Senior Attorney, at (202) 663-4669 or TDD (202) 663-7026. This rule is also available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this rule in an alternative format should be made to EEOC's Publications Center at 1-800-669-3362.

SUPPLEMENTARY INFORMATION: On January 9, 1998, at 63 FR 1339-1342, the Equal Employment Opportunity Commission published an interim final rule implementing the Electronic Freedom of Information Act Amendments of 1996 (Public Law 105-

231). The interim rule also revised the regulation to reflect a delegation of FOIA responsibilities by the Regional Attorneys, update field office addresses, and correct some typographical errors. Comments on the revisions were invited from the public, to be received by EEOC on or before March 10, 1998. No comments were received and EEOC has determined that no changes are needed to the interim rule. Therefore, EEOC is adopting the interim rule, without change, as final.

Regulatory Procedures

Regulatory Flexibility Act

The Commission, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant impact on a substantial number of small entities.

Executive Order 12866

This regulation has been reviewed in accordance with Executive Order 12866. The Office of Management and Budget has determined that this rule is not a "significant regulatory action" as defined in Executive Order 12866 because the revisions contained in this final rule incorporate only those changes required by the Electronic FOIA Amendments of 1996, a provision allowing regional attorneys to delegate their FOIA responsibilities, updated field office addresses, and corrections of typographical errors.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 29 CFR Part 1610

Freedom of information.

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission is adopting the interim rule amending 29 CFR part 1610, which was published at 63 FR 1339-1342, on January 9, 1998, as a final rule without change.

For the Equal Employment Opportunity Commission.

Dated at Washington, DC, this 10th day of August, 1999.

Ida L. Castro,
Chairwoman.

[FR Doc. 99-21567 Filed 8-18-99; 8:45 am]

BILLING CODE 6570-01-M

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Part 75**

RIN 1219-AB10

Safety Standard for Preshift Examinations in Underground Coal Mines

AGENCY: Mine Safety and Health Administration, (MSHA) Labor.

ACTION: Final rule.

SUMMARY: We (MSHA) are amending the examination interval for preshift examinations of underground coal mines by requiring that mine operators conduct preshift examinations at 8-hour intervals. The rule clarifies when a preshift examination is required and the length of the shift covered by the preshift examination.

EFFECTIVE DATES: This final rule is effective on October 18, 1999. Submit all written comments on the information collection burden no later than October 18, 1999.

FOR FURTHER INFORMATION CONTACT: Carol J. Jones, Acting Director; Office of Standards, Regulations, and Variances; telephone 703/235-1910; fax 703/235-5551.

SUPPLEMENTARY INFORMATION:**I. Background**

The preshift examination is the mine operator's fundamental tool for assessing the overall safety condition of the mine. During the preshift examination, which includes all areas where miners are scheduled to work or travel during the shift, the examiner focuses on discovering both existing and developing hazards, such as methane accumulation, bad roof and water accumulation, and determining the

effectiveness of the mine ventilation system. The examination has proven to be particularly effective in the discovery and correction of hazardous conditions and practices before they lead to injuries or fatalities. Because conditions in the underground mining environment can change rapidly, recurring examinations are necessary to assure safety of the miners underground. A timely preshift examination assures the safety of the environment on a routine basis.

The Federal Mine Safety and Health Act of 1977 (Mine Act) contains interim mandatory safety standards that address preshift examinations. The interim standards in the Mine Act that relate to preshift examinations, §§ 303(d)(1) and 303(d)(2), appear as interim mandatory safety standards in the Federal Coal Mine Health and Safety Act of 1969. In 1970, the Bureau of Mines of the United States Department of the Interior, a predecessor of the Mine Safety and Health Administration at that time, adopted these interim standards as safety standards in Title 30 of the Code of Federal Regulations (CFR). Interim standard § 75.303(d)(1) required that preshift examinations be conducted "[w]ithin three hours immediately preceding the beginning of any shift." We adopted this provision as a mandatory safety standard in our regulations for underground coal mines, promulgating it in 1978 as former 30 CFR 75.303(a).

Section 303(d)(2) of the Mine Act, the other interim standard addressing preshift examinations, provided that no person, other than certified persons designated to conduct the examination, is permitted to enter any underground area, except during any shift, unless a preshift examination of such area has been made within 8 hours prior to the person entering the area. Under this provision, miners already working on a shift where a preshift examination has been completed may remain working underground during the subsequent preshift examination being conducted for the oncoming shift. In 1978, MSHA adopted this provision as a mandatory safety standard in its regulations for underground coal mines as former 30 CFR § 75.303(b).

At the time the Mine Act was enacted, coal miners worked in shifts of 8 hours as a general practice. The effect of the preshift examination requirement in this environment was for examiners to conduct preshift examinations every 8 hours. Since the Mine Act was enacted, overlapping work shifts and work shifts of various lengths (novel work shifts) have become common, making it necessary for MSHA to address the frequency of preshift examinations.

Currently, a number of mines work shifts of up to 12 hours in length.

In 1992, we revised our preshift examination requirements as part of our final rule for ventilation standards. We retained the requirement that preshift examinations must be conducted "within 3 hours preceding the beginning of any shift." However, in our preamble discussion to the 1992 final ventilation rule, we interpreted this language to mean that if the mine used regular shifts longer than 8 hours, the preshift examination applied to the entire length of the shift (57 FR 20893).

In 1994, we proposed a new preshift examination rule in an attempt to clarify and standardize the application of certain provisions of the 1992 preshift examination rule (59 FR 26356). In the comments submitted to us during the 1994 rulemaking, a segment of the mining community expressed concern that because of novel work schedules, preshift examinations were not being conducted frequently enough to assure safe working conditions. A commenter expressed concern that conducting preshift examinations at intervals longer than 8 hours would reduce the protection afforded miners under the Mine Act. The commenter also stated that MSHA introduced confusion into the preshift examination requirements in interpreting the acceptable intervals for preshift examinations.

Another segment of the public argued that the language of § 303(d)(2) of the Mine Act indicates that Congress tacitly accepted shifts longer than 8 hours with only one preshift examination required. The same segment of the public argued that we allowed a practice to evolve over a period of time which permitted not only longer shifts but also "excursions" over 8 hours under specific conditions. During these so-called excursions, miners would remain underground for short periods to handle unplanned situations that developed during the shift. As an example, an excursion might be used to perform mechanical repairs or install roof support. Finally, commenters representing both labor and industry recommended that we adopt a final rule requiring preshift examinations for each 8-hour period that miners are underground.

When we promulgated the 1994 proposed rule as a final rule in 1996, (61 FR 9764) we addressed the comments and revised the existing standard. We substituted the phrase "8-hour interval" for the phrase "beginning of any shift." The 1996 rule required a preshift examination, "* * * within 3 hours preceding the beginning of any 8-hour interval during which any person is