

higher-level review of any denial, offers adequate and meaningful review of denials.

One comment, seeking to ensure greater transparency about the Department's decision-making process, raised concerns with the use of non-public information maintained by the State Department in the Department's consultation process with the State Department. Consultation with the State Department may assist the Department in determining, in part, a claimant's eligibility for benefits under the HAVANA Act. In particular, because a qualifying injury to the brain must have occurred in connection with war, insurgency, hostile act, terrorist activity, or other incidents designated by the Secretary of State or the Secretary of Commerce, consultation with the State Department may assist in determining whether an injury is connected to an incident designated by the Secretary of State. However, the State Department, not the Department of Commerce, determines whether such information is administratively controlled or made publicly available.

### Regulatory Analysis

#### *Administrative Procedure Act*

Because this rule is a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts, it is exempt from the requirements of 5 U.S.C. 553. *See* 5 U.S.C. 553(a)(2). Furthermore, because this final rule does not change the regulatory provisions previously implemented by the IFR, a delay in effective date is unnecessary and therefore the Department finds good cause for this rule to take effect immediately. Furthermore, because this final rule does not change the regulatory provisions previously implemented by the IFR, a delay in effective date is unnecessary and therefore the Department finds good cause for this rule to take effect immediately. *See* 5 U.S.C. 553 (d)(3).

#### *Regulatory Flexibility Act*

The Chief Counsel for Regulations for the Department certified that this rulemaking does not have a significant impact on a substantial number of small entities. This rule applies only to certain individuals who are current and former Department employees and family members who are eligible for payments as a result of certain injuries. The rule provides for payments to certain individuals and is not expected to impact any small entities. As a result, a regulatory flexibility analysis is not required under the Regulatory

Flexibility Act (5 U.S.C. 601, *et seq.*), and none has been prepared.

#### *Executive Order 12866 and Executive Order 13563*

This rule has been determined to be a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094.

The Department has reviewed the rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and finds that the benefits of the rule (in providing mechanisms for individuals to obtain compensation for certain injuries) outweigh any costs to the public. The Department has also considered this rulemaking in light of Executive Order 13563 and affirms that this proposed regulation is consistent with the guidance therein.

#### *Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) (PRA), the information collection associated with this final rule was approved by the Office of Management and Budget (OMB) under OMB Control Number 0690-0037. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Accordingly, the Department of Commerce adopts the interim rule published April 19, 2023, at 88 FR 24110, as final without change.

Dated: December 13, 2024.

#### **Jeremy Pelter,**

*Deputy Assistant Secretary for Administration, performing the non-exclusive functions and duties of the Chief Financial Officer and Assistant Secretary of Commerce for Administration, U.S. Department of Commerce.*

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## **DEPARTMENT OF COMMERCE**

### **15 CFR Part 29**

[Docket No. 241211-0323]

RIN 0605-AA57

### **Promoting the Rule of Law Through Improved Agency Guidance Documents Rescission**

**AGENCY:** Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule rescinds the Department's regulations on guidance document procedures in accordance with a 2021 Executive order to revoke previous Executive orders concerning Federal regulation.

**DATES:** This final rule is effective December 18, 2024.

#### **FOR FURTHER INFORMATION CONTACT:**

Xenia Kler, Office of the Assistant General Counsel for Legislation and Regulation, 202-482-5354, or via email [xkler1@doc.gov](mailto:xkler1@doc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

Executive Order 13891, "Promoting the Rule of Law Through Improved Agency Guidance Documents," sought to ensure that when Federal agencies issue guidance documents, the agencies: do not treat those guidance documents alone as imposing binding obligations both in law and in practice, except as incorporated into a contract; take public input into account in formulating significant guidance documents; and make guidance documents readily available to the public. (84 FR 55235, Oct. 15, 2019). On September 28, 2020, the Department issued an interim final rule, "Promoting the Rule of Law Through Improved Agency Guidance Documents" to implement E.O. 13891. (85 FR 60694). The interim final rule established 15 CFR part 29 for guidance document procedures, procedures for withdrawal or modification requests from the public, and procedures for significant guidance documents.

On January 20, 2021, President Biden issued E.O. 13992, "Revocation of Certain Executive Orders Concerning Federal Regulation," revoking a number of Executive orders including E.O. 13891. (86 FR 7049, Jan. 25, 2021). E.O. 13992 directs agencies "to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the revoked Executive orders."

After review and consideration, the Department concluded that its rule on guidance documents deprives the Department of necessary flexibility in determining when and how best to issue guidance based on particular facts and circumstances consistent with the policy directive in E.O. 13992. Therefore, the Department is issuing this final rule to rescind its regulations at 15 CFR part 29. The Department will continue to pursue ways to make its guidance documents more accessible to the public. Additionally, in accordance with M-09-13, "Guidance for Regulatory Review," the Office of Management and Budget will continue

to review the Department's actions and documents subject to the Office of Information and Regulatory Affairs review under E.O. 12866. These reviews include policy and guidance documents that OMB determines are significant.

#### Classification

This final rule is a rule of agency organization, procedure, or practice, codifying in the CFR the Department's existing procedures. Therefore, pursuant to 5 U.S.C. 553(b)(3)(A), notice and public comment are not required. Because a notice and public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

This rule has been determined to be not significant for purposes of Executive Order 12866.

This rule does not have any collection of information requirements under the Paperwork Reduction Act.

#### List of Subjects in 15 CFR Part 29

Administrative practice and procedure, Guidance documents.

#### PART 29—[REMOVED AND RESERVED]

■ For the reasons stated in the preamble and under the authority of 15 U.S.C. 1512, the Department of Commerce amends subtitle A in title 15 of the Code of Federal Regulations by removing and reserving part 29.

Dated: December 12, 2024.

**Nell Abernathy,**

*Director, Office of Policy and Strategic Planning, U.S. Department of Commerce.*

[FR Doc. 2024-29890 Filed 12-17-24; 8:45 am]

**BILLING CODE P**

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 402

[Docket No. SSA-2021-0049]

RIN 0960-A107

#### Availability of Information and Records to the Public

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** The Social Security Administration (SSA) is finalizing revisions to our Freedom of Information Act (FOIA) regulations to conform with the requirements of the FOIA Improvement Act of 2016. The FOIA

Improvement Act of 2016 requires Federal agencies to issue regulations on procedures for disclosure of records consistent with the amendments to the FOIA by such Act. We are also finalizing the reorganization of our FOIA regulation to make our FOIA procedures easier for the public to understand and use.

**DATES:** This rule is effective January 17, 2025.

**FOR FURTHER INFORMATION CONTACT:** Sarah Reagan, Office of Privacy and Disclosure, Social Security Administration, WHR G401, 6401 Security Boulevard, Baltimore, MD 21235, (410) 966-5855.

For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213, or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <https://www.ssa.gov>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The FOIA is a Federal statute that allows the public to request records from the Federal government. The FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records subject to the FOIA, except to the extent that any portions of such records are protected from public disclosure by one of nine exemptions. Under the FOIA, agencies must make records specified in 5 U.S.C. 552(a)(2) (*e.g.*, instructional manuals issued to our employees, general statements of policy, other materials used in processing claims, etc.) available for public inspection in an electronic format. The FOIA also statutorily requires Federal agencies to annually report on numerous and various metrics to the Department of Justice (DOJ).

Since the time the SSA became an agency independent of the Department of Health and Human Services, Congress enacted two significant laws. These laws, the Openness Promotes Effectiveness in our National Government Act of 2007 (OPEN Government Act of 2007)<sup>1</sup> and the FOIA Improvement Act of 2016,<sup>2</sup> guide how agencies implement the requirements of the FOIA. We are finalizing our proposed updates and revisions to our regulation at 20 CFR part 402 to conform with these laws, as well as the FOIA Improvement Act of 2016's requirement to issue regulations on

procedures for disclosure of records in accordance with its amendments.

On June 6, 2023, we published a notice of proposed rulemaking (NPRM) to update, reorganize, and clarify our FOIA processes for the public.<sup>3</sup> In the NPRM, we proposed comprehensive revisions to the entirety of 20 CFR part 402. This reorganization starts with our FOIA policies and procedures for processing FOIA requests and concludes with information on records available for public inspection. Our revisions, finalized here with some modifications from the NPRM, streamline our FOIA regulations at part 402 by creating new sections, consolidating sections based on content, and revising section headings to more clearly capture the information contained therein. We also proposed updates to reflect office name changes, as well as general text changes consistent with the plain language initiative.<sup>4</sup>

Our proposed revisions to our FOIA regulation at 20 CFR part 402, which we are finalizing with minor revisions, are supported by the requirements of the OPEN Government Act of 2007 and the FOIA Improvement Act of 2016.

These changes also correlate with the guidelines on the FOIA that Attorney General Merrick Garland issued within his March 2022 *Memorandum for Heads of Executive Departments and Agencies*. As summarized by DOJ's Office of Information Policy, Attorney General Garland's memorandum "direct[s] the heads of all executive branch departments and agencies to apply a presumption of openness in administering the FOIA and make clear that the Justice Department will not defend nondisclosure decisions that fail to do so." Attorney General Garland stated that proactive disclosures are "fundamental to the faithful application of FOIA," and advised agencies of the need "to remove barriers to access and to help requesters understand the FOIA process and the nature and scope of the records the agency maintains."

In the NPRM, and in this final rule, we explained and justified the rulemaking on the requirements of the

<sup>3</sup> 88 FR 36980.

<sup>4</sup> The Plain Writing Act of 2010 requires Federal agencies to use clear communication that the public can understand and use. Federal agencies are required to follow plain language principles; <https://centerforplainlanguage.org/learning-training/five-steps-plain-language/>. In fiscal year 2021, the Center for Plain Language graded Federal agencies' Coronavirus Update pages and main FOIA web pages. SSA received an overall grade of B+ and received positive reviews on our FOIA main web page.

<sup>1</sup> Public Law 110-175; <https://www.congress.gov/bill/110th-congress/senate-bill/2488/text>.

<sup>2</sup> Public Law 114-185; <https://www.congress.gov/bill/114th-congress/senate-bill/337/text>.