

of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: December 17, 2012.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

- 1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

§ 9.1 [Amended]

- 2. The table in § 9.1 is amended by removing the entries “§ 721.10509” and “§ 721.10515” under the undesignated center heading “Significant New Uses of Chemical Substances.”

PART 721—[AMENDED]

- 3. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.10509 [Removed]

- 4. Remove § 721.10509.

§ 721.10515 [Removed]

- 5. Remove § 721.10515.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

RIN 1093–AA15

Freedom of Information Act Regulations

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule revises the regulations that the Department of the Interior (the “Department”) follows in processing records under the Freedom of Information Act (“FOIA”). The revisions clarify and update procedures for requesting information from the Department and procedures that the Department follows in responding to requests from the public. The revisions also incorporate clarifications and updates resulting from changes to the FOIA and case law. Finally, the revisions include current cost figures to be used in calculating and charging fees and increase the amount of information that members of the public may receive from the Department without being charged processing fees.

DATES: Effective January 30, 2013.

SUPPLEMENTARY INFORMATION:

I. Why We’re Publishing This Rule and What It Does

A. Introduction

The regulations are being revised to update, clarify, and streamline the language of procedural provisions, and to incorporate certain changes brought about by the amendments to the FOIA under the OPEN Government Act of 2007, Public Law 110–175, 121 Stat. 2524. Additionally, the regulations are being updated to reflect developments in the case law and to include current cost figures to be used in calculating and charging fees.

The revisions also incorporate changes to the language and structure of the FOIA regulations in order to improve the Department’s FOIA performance. More nuanced multitrack processing can be found at § 2.15. Partial fee waivers are expressly permitted under § 2.45. Revisions of the Department’s fee schedule can be found at §§ 2.42, 2.49(a)(1), and Appendix A. The duplication charge for physical records or scanning records increased from thirteen to fifteen cents a page. The amount at or below which the Department will not charge a fee increased from \$30.00 to \$50.00.

On September 13, 2012, the Department published a proposed rule

in the **Federal Register** (77 FR 56592) and requested comments over a 60-day period ending on November 13, 2012. All comments received were considered in drafting this final rule.

B. Discussion of Comments

Six commenters responded to the invitation for comments, including one commenter from a subcomponent of a Federal agency and five commenters from non-Federal sources. While most of the commenters generally supported the proposed changes, they identified thirty specific issues or recommendations, which the Department addressed as follows:

The Final Rule Should Include More Information in Its Introductory Section

One commenter suggested that § 2.1 discuss how to submit a FOIA request (and also expressed concern that the regulations might only allow FOIA requests to be submitted to the Department electronically). Because § 2.3 directly addresses where to send a FOIA request (and specifically discusses where to find the physical and email addresses of each bureau’s FOIA Officer), the Department has not adopted this suggestion.

The Final Rule Should Not Create Unnecessary Burdens for Requesters

One commenter suggested that requiring requesters to “write directly to the bureau that you believe maintains those records” in § 2.3(b) was overly burdensome and creates barriers to access, because requesters may not know where the records are maintained. However, § 2.3(d) specifically notes that “[q]uestions about where to send a FOIA request should be directed to the bureau that manages the underlying program or to the appropriate FOIA Public Liaison, as discussed in § 2.66.” Therefore, the Department does not believe § 2.3 is unduly burdensome and has not amended it.

The Final Rule Should Provide Examples of How Requesters Can Reasonably Describe the Records They Seek

One commenter suggested that examples of how requesters can reasonably describe the records they seek be added to § 2.5(b), and the Department has adopted this suggestion.

The Final Rule Should Not Use the Ambiguous Phrase “Does Not Hear From You”

One commenter suggested, in the context of § 2.5, that the use of “does not hear from you” was ambiguous. The Department has adopted this suggestion