

to all chlorine species as determined by Method 4500-ClO<sub>2</sub> E in the "Standard Methods for the Examination of Water and Wastewater," 18th ed., 1992, or an equivalent method. Method 4500-ClO<sub>2</sub> E is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Petition Control, Center for Food Safety and Applied Nutrition (HFS-215), Food And Drug Administration, 200 C St., SW., Washington, DC 20204-0001 and The American Public Health Association, 1015 Fifteenth St., NW., Washington, DC 20005, or may be examined at the Office of the Federal Register, 800 North Capitol St., NW., suite 700, Washington, DC.

(b) The additive may be used as an antimicrobial agent in water used in poultry processing in an amount not to exceed 3 parts per million (ppm) residual chlorine dioxide as determined by Method 4500-ClO<sub>2</sub> E referenced above or an equivalent method.

Dated: February 23, 1995.

William B. Schultz,

*Deputy Commissioner for Policy.*

[FR Doc. 95-5275 Filed 3-2-95; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

#### 24 CFR Part 15

[Docket R-95-1682; FR-3282-F-01]

RIN 2501-AB47

### Freedom of Information Act Procedures

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule amends 24 CFR part 15, which implements the Freedom of Information Act and sets forth the procedures to be followed by the Department in responding to requests from the public for documents. The rule fashions certain in-house administrative and procedural changes in the processing of requests for documents and appeals from denials of requests for documents, and is necessary to reflect current organizational responsibilities of the various offices within the Department. The rule also implements the Department's FOIA Handbook procedures for notifying business submitters and affording them an opportunity to object to disclosure of their business information.

**EFFECTIVE DATE:** April 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Yvette Magruder, Assistant Director, Freedom of Information Unit, Room 10139, Department of Housing and Urban Development, 451 Seventh Street SW., Washington DC 20410; telephone (202) 708-3054, or 1-800-877-8339 (TDD). (Only the "800" TDD number is toll-free.)

#### SUPPLEMENTARY INFORMATION:

##### Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 does provide for an exception for rules governing the Department's organization or its own internal practices or procedures. Because the provisions contained in this rule relate to the manner in which the Department will administer its responsibilities under the Freedom of Information Act and related technical amendments, notice-and-comment rulemaking would not benefit the public and is not required.

##### Background

The Department's regulations implementing the Freedom of Information Act (5 U.S.C. 552) (FOIA) were published at 40 FR 48123 (October 14, 1975), and were amended at 52 FR 12160 (April 15, 1987) and 53 FR 37549 (September 27, 1988). This rule is being issued to reflect organizational changes relating to the manner in which the Department administers the disclosure of public documents.

Under Exemption 4 of the FOIA (5 U.S.C. 552(b)(4)) Federal agencies have a responsibility to protect sensitive business information from disclosure. Under Executive Order 12600 (3 CFR, 1987 Comp., p. 235), in meeting this responsibility agencies must notify business submitters that their information has been requested under the FOIA and must afford them an opportunity to object to disclosure of the requested information. By this rule, a new § 15.54, updating the Department's current business submitter notification procedures in HUD Handbook 1327.1 REV-1, Freedom of Information Act, is being added to title 24 of the Code of Federal Regulations (CFR).

In addition, the rule updates language in § 15.21 on the protections available for law enforcement records. The new language duplicates statutory language in the Freedom of Information Reform Act of 1986 (Pub. L. 99-570, subtitle N, approved October 27, 1986; 100 Stat.

3207-48), which modified the terms of the exemption as provided in the FOIA.

##### Section-by-Section Analysis

*Section 15.1(f)* currently defines "information center" as any place, reading room, desk, or other area or facility, established and maintained by the Department where the public may request and obtain information and records concerning the Department's operations and business. This rule clarifies the means by which the public may obtain access to those resources that are maintained in a combination of locations within the Department. The rule corrects any perception that all records are maintained in a single location within the Department.

*Section 15.13(b)* currently provides that the Department will request records that have been stored in the National Archives or other record centers of the General Services Administration. This rule deletes reference to the General Services Administration, because the Federal Record Centers are now administered by the National Archives and Records Administration. The rule establishes that records that have been accessioned by the National Archives and Records Administration may be requested directly from the National Archives and Records Administration.

*Section 15.14* addresses the payment of fees for search time and the copying of documents. Those fees currently established in § 15.14(a) are inadequate to defray the Government's own reasonable direct costs in processing requests and copying documents. Accordingly, this rule increases those fees. In addition, § 15.14(c) currently does not include a separate schedule of fees for computer search time. This rule provides for charges to be assessed on the basis of the direct cost of running the computer, plus the programming cost attributable to the search. Section 15.14(e) places restrictions on the assessment of fees against noncommercial requesters. The rule simplifies those restrictions by eliminating confusing language. Section 15.14(f) currently provides that fees may be paid in cash, by check, or by money order. This rule removes approval of cash payments, except when a cash payment is made in person, and identifies to whom the fees should be directed.

The changes to § 15.14 will help defray the direct reasonable cost to the Government of compliance with the FOIA and will simplify fee projections for certain computer searches.

*Section 15.21* currently reflects the statutory exemptions to the Freedom of Information Act, with the exception of