Exemption 7, which was substantially amended in 1986, but was not previously incorporated into the Department's regulations. This rule incorporates statutory language with regard to Exemption 7, setting forth the circumstances under which the exemption may provide authority for withholding documents from the public.

Section 15.31 currently establishes that the Department maintains a Central Information Center at its Headquarters location. This rule deletes the designation "Central"; cross-references § 15.1(f), which, as amended, describes "Information Center" as a combination of places, rather than one place within the Headquarters location; and updates the addresses of referenced offices.

Section 15.32 currently authorizes the Director of the Office of Public Affairs to designate the FOIA information officer in Headquarters, and requires the Director's concurrence in the selection by the Regional Administrator and by Directors of Field Offices of information officers in the Regional or Field Offices. This rule substitutes the Director, Office of the Executive Secretariat, for Director, Office of Public Affairs, and eliminates the requirement for the Director's concurrence in the Secretary's Representatives' designees, or designees of the State or Area Coordinators.

Section 15.33 currently provides, in paragraph (a)(6), that the Central Information Center shall contain or have ready access to an index of all Departmental regulations, opinions and adjudicated orders, staff and program manuals, and precedential interpretations. This rule deletes the reference to a "Central" information center, to provide consistency with §§ 15.1(f) and 15.31, as amended; provides that the enumerated records are available in a compilation of indices rather than in a single index; and eliminates other obsolete or unnecessary references. Thus, the rule corrects any public perception that the Department maintains a single index containing all records required by the FOIA to be made available to the public, and simplifies the regulatory language.

Section 15.41 clarifies the parameters for the Department's exercise of its discretion to require payment in advance.

Section 15.42 currently sets forth time limits applicable to requests for documents and appeals from adverse determinations, and provides for the General Counsel to make appeal determinations and approve time extensions, when appropriate. This rule adds authorization for Field Assistant General Counsel to make appeal determinations with respect to denials issued by Field Offices within their geographical jurisdiction and to grant extensions of time, under certain circumstances, for the Department's response.

Section 15.51 currently authorizes the head of each organizational unit within the Department to release records within his or her area of responsibility. This rule provides that only the Office of the Executive Secretariat (in Headquarters) and designated FOIA liaisons (in Field Offices) are authorized to release records to the public. The amendment consolidates the FOIA process under the supervision of a designated officer, which assures more consistent and prompt responses to FOIA requests.

Section 15.52 concerns the authority to deny requests for records. To be consistent with the statutory language, this rule substitutes the word "appeal" for the word "review" wherever it appears in this section. The rule permits program counsel in Headquarters to concur in the denial of a request for a record and authorizes Field Assistant General Counsel to make appeal determinations with respect to denials issued by Field Offices within their geographical jurisdictions. The rule also requires the Department to list the documents withheld when they number fewer than 21. In addition, the rule eliminates language that terminated the authority of an officer or the officer's designee to release records after the officer or designee has denied the release of those records; therefore, reconsideration by the issuing official of a denial is permitted.

Section 15.54 provides procedures for notifying a submitter when a FOIA request has been made for business information provided by the submitter. The rule provides for designation of business information by the submitter at the time of submission or at a reasonable time thereafter (see § 15.54(h) (4) and (5)). The rule allows business submitters an opportunity to object to disclosure of their information and provides for notice to business submitters about the Department's decision to disclose the information under the FOIA.

Section 15.61 currently provides for administrative review by the General Counsel of a denial of a request for a record, when requested in writing and addressed to the Assistant General Counsel for Training and Administrative Law at HUD Headquarters. To be consistent with the statutory language and § 15.52, as amended, this rule substitutes the word "appeal" for the word "review" wherever it appears in this section. The rule also reiterates the authority, provided elsewhere in the rule, of the Field Assistant General Counsel to make appeal determinations with respect to Field Office denials of requests for records, and changes the official to whom appeals from decisions by Headquarters and by offices containing a Field Assistant General Counsel should be addressed.

Other Matters

Executive Order 12866

This rule has been reviewed by the Office of Management and Budget under Executive Order 12866. Any changes made in the rule as a result of this review are identified in the docket file of the rule maintained by the Department and available for review at the above address.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. This final rule merely implements certain in-house procedural changes in the processing of FOIA requests, and conforms regulatory language relating to FOIA Exemption 7 to current statutory language.

Environmental Review

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures contained in this rule relate only to internal administrative procedures and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. This final rule implements certain housekeeping provisions relating to the Department's regulations on the release of requested documents.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive