Southwest, Fort Worth Office—1600 Throckmorton, P.O. Box 2905, Fort Worth, Texas 76113–2905.

Great Plains, Kansas City Office—Room 200, Gateway Tower II, 400 State Avenue, Kansas City, Kansas 66101–2406.

Rocky Mountain, Denver Office—633 17th Street, Denver, Colorado 80202–3607. Pacific/Hawaii, San Francisco Office— Philip Burton Federal Building & U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102–3448.

Northwest/Alaska, Seattle Office—Suite 200, Seattle Federal Office Building, 909 First Avenue, Seattle, Washington 98104–1000.

(2) [Reserved]

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7. Section 15.32 is revised to read as follows:

§15.32 Information officer and FOIA liaisons.

There shall be an information officer in Headquarters and a FOIA liaison in each of the information centers described in § 15.31(b), who shall be responsible for making information and records available to the public in accordance with this part. The information officer in Headquarters shall be designated by the Director, Office of the Executive Secretariat. The FOIA liaisons in each Field Office shall be designated by the Secretary's Representative, State Coordinator, or Area Coordinator.

8. In § 15.33, paragraphs (a) introductory text, (a)(6), (b), and (c) are revised to read as follows:

§15.33 Material in department information centers.

- (a) The information center at Headquarters shall contain or have access to the following:
- (6) Current indices of the foregoing materials.
- (b) The information center in each Regional Office shall contain or have access to such of the above records that pertain to the activities of that office.
- (c) Facilities shall be available in each information center for the copying of available records.
- 9. In § 15.41, paragraph (c) is revised to read as follows:

§15.41 Requests for records.

* * * * *

(c) The request shall be accompanied by an agreement to pay a fee to be determined in accordance with § 15.14. Under the circumstances enumerated in § 15.18, the Department may refuse to furnish records before receipt of the appropriate fee. A requester may specify a limit for fees, above which the requester is not willing to pay without

advance consultation with the Department.

* * * * *

10. Section 15.42 is revised to read as follows:

§15.42 Time limitations.

(a) Upon receipt of a request for records, the appropriate office will determine within ten working days whether to comply with such requests. The office will either agree to provide the requested documents, or will notify the requester, in writing, of an adverse determination, the reasons therefor, and the right to appeal the denial to the:

(1) General Counsel, with respect to a denial issued by the Office of the Executive Secretariat or by the offices in which there is a Field Assistant General Counsel or

Counsel; or

- (2) Field Assistant General Counsel, with respect to a denial issued by the Field Offices.
- (b) When a request for records is misdirected by the requester, the office receiving the request shall:
- (1) Promptly refer it to the appropriate office; and
- (2) Advise the requester that the time of receipt by the appropriate office will be the time of receipt for processing purposes.
- (c) A determination by the General Counsel or the Field Assistant General Counsel with respect to an appeal under § 15.61 shall be made within 20 working days after receipt of the appeal, and shall be communicated to the appellant, in writing.
- (d) In unusual circumstances, the General Counsel, or the appropriate Field Assistant General Counsel, may extend the time limits prescribed in paragraphs (a) and (c) of this section, by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. An extension shall not exceed ten working days. As used in this paragraph, unusual circumstances means that there is a need:
- (1) To search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) To search for, collect, and examine appropriately a voluminous amount of separate and distinct records that are demanded in a single request; or

(3) For consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more organizational units of the Department having a substantial interest in the subject matter of the request.

11. Section 15.51 is revised to read as follows:

§ 15.51 Authority to release records or copies.

The Office of the Executive Secretariat in Headquarters and the FOIA liaisons in each Field Office are authorized to release copies of any Department records upon written request unless disclosure is clearly not appropriate under this part.

12. Section 15.52 is revised to read as follows:

§ 15.52 Authority to deny requests for records.

The officers described in § 15.51, or other official designated by the Secretary's Representative, may deny a request for a record only with the concurrence of the appropriate program counsel in Headquarters or counsel in the Field Offices. Any denial shall:

- (a) Be made in writing, describing the documents denied and, if fewer than 21, listing them specifically;
- (b) Contain a simple reason for the denial, stating the appropriate exemption used; and
- (c) Advise of the right to appeal the adverse determination, in accordance with § 15.61, to the:
- (1) General Counsel, with respect to a denial issued by the Office of Executive Secretariat or by offices in which there is a Field Assistant General Counsel; and
- (2) Field Assistant General Counsel, with respect to a denial issued by Field Offices.
- 13. A new section 15.54 is added to read as follows:

§15.54 Business information.

- (a) *In general*. Business information provided to the Department by a submitter shall not be disclosed pursuant to a FOIA request except in accordance with this section.
- (b) *Definitions*. As used in this section:

Business information means commercial or financial information provided to the Department by a submitter that arguably is protected from disclosure under Exemption 4 (42 U.S.C. 552(b)(4)) of the Act.

Submitter means any person or entity who provides business information, directly or indirectly, to the Department. The term includes, but is not limited to, corporations, State governments, and foreign governments.

(c) Designation of business information. A submitter's claim that certain information is confidential or proprietary should be supported by a statement or certification by an officer