



7710-12

## POSTAL SERVICE

### 39 CFR Part 265

#### Production or Disclosure of Material or Information; Technical Correction

**AGENCY:** Postal Service™.

**ACTION:** Final rule; technical correction.

**SUMMARY:** The Postal Service is making a technical correction to its regulations concerning the Freedom of Information Act.

**DATES:** *Effective* [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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**SUPPLEMENTARY INFORMATION:** On November 30, 2016 (81 FR 86270), the Postal Service published its revised Freedom of Information Act (FOIA) regulations to comply with the FOIA Improvement Act of 2016 (FOIAIA), effective December 27, 2016. In response to public comments, the Postal Service published an additional change to these regulations on January 10, 2017 (82 FR 2896). After further review, the Postal Service published miscellaneous technical corrections to its regulations on March 8, 2017 (82 FR 12921). The Postal Service is now making a further technical correction to these regulations.

Currently, in defining what records are excluded from the requirements of the FOIA, and thus should not be considered responsive to a request for disclosure, § 265.4(a) cites both 5 U.S.C. 552(c) and 39 U.S.C. 410(c). This

citation is in error, because section 410(c) is an exempting statute, not an exclusionary one. This amendment corrects that error.

**List of Subjects in 39 CFR Part 265**

Administrative practice and procedure, Courts, Freedom of information, Government employees.

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 265 as follows:

**PART 265 – [AMENDED]**

1. The authority citation for 39 CFR part 265 continues to read as follows:

**Authority:** 5 U.S.C. 552; 5 U.S.C. App. 3; 39 U.S.C. 401, 403, 410, 1001, 2601; Pub.L. 114-185.

§ 265.4 [Amended]

2. In § 265.4(a), remove the words “or 39 U.S.C. 410(c)” from the final sentence.

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