



OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 294

RIN: 3206-AK53

Freedom of Information Act (FOIA) Regulations

AGENCY: Office of Personnel Management

ACTION: Withdrawal of proposed rule.

SUMMARY: The Office of Personnel Management (OPM) withdraws a proposed rule to amend its Freedom of Information Act (FOIA) regulations published on July 24, 2008. Due to the time that has elapsed, OPM is withdrawing the proposal. OPM will propose amendments to its FOIA regulations in future rulemaking.

DATES: OPM withdraws the proposed rule, published July 24, 2008 at 73 FR 43153, as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Kalea Lorenzi by email at foia@opm.gov or by telephone at 202-606-3642.

SUPPLEMENTARY INFORMATION:

On July 24, 2008, OPM published a notice of proposed rulemaking (NPRM or proposed rule) titled “Freedom of Information Act (FOIA) Regulations” in the Federal Register. *See* 73 FR 43153. The NPRM proposed to modify the Freedom of Information Act (FOIA) regulations to allow for more streamlined submission process and to update FOIA regulations that had not been updated in many years. The modernization updates that OPM proposed in the 2008 proposed rule are outdated due to the time that has elapsed since the publication of the NPRM, including new developments in case law and amendments to the FOIA, especially the FOIA Improvement Act of 2016, which strengthened public access to federal records by codifying disclosure standards, updated exemptions, and enhanced agency accountability. OPM plans to

make updates to the FOIA regulations in the near future to align with modern capabilities for submission and processing of FOIA requests. Accordingly, the 2008 NPRM is withdrawn.

Regulatory Review

OPM has examined the impact of this rule as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for rules that have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. Therefore, this rule is not subject to Executive Order 14192.

Regulatory Flexibility Act

The Director of the Office of Personnel Management certifies that this regulation will not have a significant impact on a substantial number of small entities because it applies only to Federal agencies and employees.

Signing Statement

The Director of OPM, Scott Kupor, reviewed and approved this document and has authorized the undersigned to electronically sign and submit this document to the Office of the Federal Register for publication.

Office of Personnel Management.

Jerson Matias
Federal Register Liaison

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