Finally, the FOIA requires agencies to promulgate regulations . . . providing for expedited processing of requests for records.” This rule implements changes to conform to the requirements of the following amendments to the FOIA: The OPEN Government Act of 2007, Public Law 110–175 and the FOIA Improvement Act of 2016, Public Law 114–185. These changes include the roles of the FOIA Public Liaison in § 286.4, § 286.5, § 286.8, § 286.9, and § 286.12; the roles of the FOIA Requesters Service Centers in § 286.3, § 286.4, § 286.5, § 286.8, § 286.9, § 286.11, and § 286.12; the processing of FOIA requests, § 286.7; the timing of responses to FOIA requests, § 286.8; and the fees schedules, Subpart E.

Comments and Responses

On Thursday, January 5, 2017 (82 FR 1192–1206), the Department of Defense published an interim final rule titled “DoD Freedom of Information Act (FOIA) Program” for a 60-day public comment period. The public comment period ended on March 6, 2017. Two public comments were received. This section addresses the public comments. Comment: From my reading of changes proposed to this regulation, I fully support this. I support this because it is making reporting and process of FOIA requests the same thought the entire Department of Defense. If this regulation was not passed it would make getting information much more complicated as some areas in the department could deny requests while others could over report. With the uniformity in this regulation, there would be less room for error in the department. Overall this should be implemented as soon as possible because the United States can’t afford to under or over report our defense actions. Response: The Department of Defense appreciates this commenter’s support for our regulation.

Comment: The “FOIA” provides access to the inner-workings of the government. The government, including the military represents “we the people.” It’s important that we not create a uniform standard across different agencies of the government. For this reason, I support this proposal. Response: The Department of Defense appreciates this commenter’s support for our regulation.

Expected Cost Savings of This Rule

The Department of Defense currently has 14 separate FOIA rules. With the finalization of this department-wide rule, DoD will revoke all component-level FOIA rules. This rulemaking will reduce costs to the public by consolidating the requirements for requests for access to DoD information.

FOIA requesters are a diverse community, including lawyers, industry professionals, reporters, and members of the public. Costs for these requestors can include the time required to research the current FOIA rule for each component and the time and preparation required to submit a request/appeal. DoD FOIA subject matter experts estimate that 40% of FOIA requests to DoD may involve consultation of the Code of Federal Regulations and the department's several FOIA regulations. DoD estimates the consolidation to one FOIA regulation will save those referring to the CFR for FOIA guidance approximately 30 minutes of research, review, and compliance time.

For purposes of estimating opportunity costs, DoD subject matter experts deemed it reasonable to use the average of a lawyer’s/judicial law clerk’s mean hourly wage ($66.44/hour), as informed by the Bureau of Labor and Statistics, and the 2016 federal minimum wage ($9/hour) to approximate an hourly wage for an average FOIA requester. That rate is $37.72/hour.

Through this consolidation, DoD expects to save the requester community at least $384,080 annually, as reflected in the chart below using FY 2016 data (annualized costs over perpetuity at a 7 percent discount rate is —$384,080; present value costs is —$5,486,857). The cost savings anticipated by the repeal of the DoD Component rules are accounted for in this rulemaking. Individual repeal actions for the DoD Component rules will refer back to this rule.

<table>
<thead>
<tr>
<th>Rule</th>
<th>Component</th>
<th>Number of 2016 requests</th>
<th>40% of FOIA requests</th>
<th>Time per request</th>
<th>Hourly wage of requester</th>
<th>Projected cost savings to public</th>
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</thead>
<tbody>
<tr>
<td>285</td>
<td>DoD</td>
<td>1,794 × 40% × 30 minutes</td>
<td>$37.72</td>
<td>−$13,533.94</td>
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<tr>
<td>287</td>
<td>DISA</td>
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<td>−4,450.96</td>
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<tr>
<td>290</td>
<td>DCAA</td>
<td>93 × 40% × 30 minutes</td>
<td>$37.72</td>
<td>−701.59</td>
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<td></td>
</tr>
</tbody>
</table>
The rule implements the procedures for processing FOIA requests within the
Department of Defense, which do not create such an impact.

Public Law 96–511, “Paperwork Reduction Act” (44 U.S.C. Ch. 35)

This final rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Executive Order 13132, “Federalism”

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. This final rule will not have a substantial effect on state and local governments, or otherwise have federalism implications.

The Coast Guard is establishing a temporary security zone encompassing certain waters of the Choptank River. This action is necessary to prevent waterside threats before, during, and after an event held at the Hyatt Regency Chesapeake Bay Golf Resort, Spa and Marina in Cambridge, MD, during February 7–9, 2018. This rule prohibits vessels and persons from entering the security zone and requires vessels and persons in the security zone to depart the security zone, unless specifically exempt under the provisions in this rule or granted specific permission from the Coast Guard Captain of the Port Maryland-National Capital Region or his designated representative.

SUMMARY: The Coast Guard is establishing a temporary security zone encompassing certain waters of the Choptank River. This action is necessary to prevent waterside threats before, during, and after an event held at the Hyatt Regency Chesapeake Bay Golf Resort, Spa and Marina in Cambridge, MD, during February 7–9, 2018. This rule prohibits vessels and persons from entering the security zone and requires vessels and persons in the security zone to depart the security zone, unless specifically exempt under the provisions in this rule or granted specific permission from the Coast Guard Captain of the Port Maryland-National Capital Region or his designated representative.

DATES: This rule is effective from noon on February 7, 2018, through 1 p.m. on February 9, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to http://www.regulations.gov, type USCG–2018–0020 in the “SEARCH” box, and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald L. Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard, DHS.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0020]

RIN 1625–AA87

Security Zone; Choptank River, Cambridge, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.