

geographic areas and number of members assigned to each area have been accomplished through informal rulemaking in § 1250.510 of the regulations. Therefore, portions of § 1250.328(d) are outdated and obsolete. Removing § 1250.328(d) in the Order except for the last sentence avoids current and future conflicting information in companion rules should additional changes be required. Appropriate language of § 1250.328(e) also is removed.

#### Miscellaneous Provisions

Sections 1250.360 and 1250.552 are miscellaneous provisions which were included in the Order and rules and regulations when they were originally published.

Section 1250.360 deals with board members' and alternates' personal liability and is similar to provisions found in § 1250.547 of the rules and regulations. Therefore, § 1250.360 is removed.

Section 1250.552 establishes the right of the Secretary to review and approve substantive plans of the board; it duplicates § 1250.361 of the Order and is removed.

#### Refund Provisions

Other sections [§§ 1250.336 (g) and (h), 1250.350, and 1250.523] originally implemented a statutory provision allowing producers to request refunds of assessments paid to the Egg Board. In a July-August 1990 referendum, producers voted in favor of mandatory assessments and eliminating the refund option. Therefore, the refund provisions are no longer applicable and should be removed from the Order and regulations.

After consideration of all relevant material with regard to the termination of the order provisions as hereinafter set forth, it is found that the provisions no longer tend to effectuate the declared policy of the Act.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register for the following reasons: (1) The sections being removed are either duplicative or obsolete, and removal will not alter any aspect of the program; and (2) no useful purpose would be served by a delay of the effective date.

#### List of Subjects in 7 CFR Part 1250

Administrative practice and procedure, Advertising, Agricultural research, Eggs and egg products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1250 is amended as follows:

#### **PART 1250—[AMENDED]**

1. The authority citation of part 1250 continues to read as follows:

Authority: Pub. L. 93-428, 88 Stat. 1171, as amended, 7 U.S.C. 2701-2718.

#### **§ 1250.328 [Amended]**

2. § 1250.328, the first sentence of paragraph (d) is removed.

#### **§ 1250.328 [Amended]**

3. In § 1250.328(e), the words "provided for in paragraph (d) of this section" are removed.

#### **§ 1250.336 [Amended]**

4. In § 1250.336, paragraphs (g) and (h) are removed and reserved.

#### **§ 1250.350 [Removed and Reserved]**

5. Section 1250.350 is removed and reserved.

#### **§ 1250.360 [Removed and Reserved]**

6. Section 1250.360 is removed and reserved.

#### **§ 1250.523 [Removed]**

7. Section 1250.523 and the undesignated center heading preceding it are removed.

#### **§ 1250.552 [Removed]**

8. Section 1250.552 and the undesignated center heading preceding it are removed.

Dated: December 18, 1995

Shirley R. Watkins,

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 95-31275 Filed 12-26-95; 8:45 am]

**BILLING CODE 3410-02-P**

### **Cooperative State Research, Education, and Extension Service**

#### **7 CFR Part 3404**

#### **Availability of Information**

**AGENCY:** Cooperative State Research, Education, and Extension Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends regulations of the Department of Agriculture (USDA) regarding the

availability of information to the public in accordance with the Freedom of Information Act (FOIA) to reflect the establishment of the Cooperative State Research, Education, and Extension Service (CSREES) by the Department of Agriculture Reorganization Act of 1994.

**EFFECTIVE DATE:** December 27, 1995.

#### **FOR FURTHER INFORMATION CONTACT:**

Stasia A.M. Hutchison, FOIA Coordinator, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; (301) 344-2207.

**SUPPLEMENTARY INFORMATION:** The FOIA (5 U.S.C. 552(a)(1)) requires Federal agencies to publish in the Federal Register regulations describing how the public may obtain information from the agency. This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR part 1, Subpart A, implementing FOIA.

CSREES was established by section 251(d) of the Department of Agriculture Reorganization Act of 1994, Public Law 103-354 (USDA Reorganization Act). The USDA Reorganization Act abolished the former Cooperative State Research Service (CSRS) and Extension Service (ES) and consolidated the functions of the Department related to cooperative State research programs and cooperative extension and education programs formerly administered by CSRS and ES into the new CSREES. This document amends 7 CFR part 3404 to reflect the reorganization of USDA, to make technical corrections in the regulations, and to inform the public of the change in location of the FOIA Coordinator for CSREES delegated the authority to make initial determinations on FOIA requests in accordance with 7 CFR 1.3(a)(3).

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12778 and 12866. Also, this rule will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

#### List of Subjects in 7 CFR Part 3404

Freedom of information.

Accordingly, 7 CFR part 3404 is revised to read as follows:

**PART 3404—PUBLIC INFORMATION**

Sec.

- 3404.1 General statement.  
 3404.2 Public inspection, copying, and indexing.  
 3404.3 Requests for records.  
 3404.4 Denials.  
 3404.5 Appeals.

Authority: 5 U.S.C. 301, 552; 7 CFR part 1, subpart A.

**§ 3404.1 General statement.**

This part is issued in accordance with the regulations of the Secretary of Agriculture in part 1, subpart A of this title, implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Cooperative State Research, Education, and Extension Service to the public.

**§ 3404.2 Public inspection, copying, and indexing.**

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying and that a current index of these materials be published quarterly or otherwise be made available. Members of the public may request access to such materials maintained by CSREES at the following office: Information Staff, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; Telephone (301) 344-2207. Office hours are 8:00 a.m. to 4:30 p.m.

**§ 3404.3 Requests for records.**

Requests for records of CSREES under 5 U.S.C. 552(a)(3) shall be made in accordance with § 1.6 of this title and submitted to the FOIA Coordinator at the following address: Information Staff, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; Telephone (301) 344-2207; Facsimile (301) 344-2325; TDD (301) 344-2435. The FOIA Coordinator is delegated authority to make determinations regarding such requests in accordance with § 1.3(a)(3) of this title.

**§ 3404.5 Denials.**

If the FOIA Coordinator determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, the FOIA Coordinator shall give written notice of denial in accordance with § 1.8(a) of this title.

**§ 13404.6 Appeals.**

Any person whose request is denied shall have the right to appeal such denial. Appeals shall be made in accordance with § 1.6(e) of this title and

should be addressed as follows: Administrator, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, D.C., this 15th day of December 1995.

Colien Hefferan,

*Acting Administrator, Cooperative State Research, Education, and Extension Service.*

[FR Doc. 95-31183 Filed 12-26-95; 8:45 am]

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**Economic Research Service****7 CFR Part 3701****Availability of Information**

**AGENCY:** Economic Research Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends regulations of the Economic Research Service (ERS) regarding the availability of information to the public in accordance with the Freedom of Information Act (FOIA) to notify the public of a change in the location of the ERS FOIA Coordinator and the location where published data is available.

**EFFECTIVE DATE:** December 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Stasia A.M. Hutchison, FOIA Coordinator, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770, (301) 344-2207.

**SUPPLEMENTARY INFORMATION:** The FOIA (5 U.S.C. 552(a)(1)) requires Federal agencies to publish in the Federal Register regulations describing how the public may obtain information from the agency. This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR part 1, subpart A, implementing FOIA. This document amends 7 CFR part 3701 to inform the public of the change in location of the FOIA Coordinator for ERS delegated the authority to make initial determinations on FOIA requests in accordance with 7 CFR 1.3(a)(3), and the location where published data are available to the public.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12778 and 12866. Also, this rule will not cause a significant economic

impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

List of Subjects in 7 CFR Part 3701

Freedom of information.

Accordingly, 7 CFR part 3701 is revised to read as follows:

**PART 3701—PUBLIC INFORMATION**

Sec.

- 3701.1 General statement.  
 3702.2 Public inspection, copying, and indexing.  
 3701.3 Request for records.  
 2701.4 Denials.  
 3701.5 Appeals.  
 3701.6 Requests for published data and information.

Authority: 5 U.S.C. 301 and 552; 7 CFR part 1, subpart A.

**§ 3701.1 General statement.**

This part is issued in accordance with the regulations of the Secretary of Agriculture in part 1, subpart A of this title, implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Economic Research Service (ERS) to the public.

**§ 3701.2 Public inspection, copying, and indexing.**

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying and that a current index of these materials be published quarterly or otherwise be made available. Members of the public may request access to such materials maintained by ERS at the following office: Information Staff, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; Telephone (301) 344-2207. Office Hours are 8:00 a.m. to 4:30 p.m.

**§ 3701.3 Request for records.**

Requests for records of ERS shall be made in accordance with § 1.6 (a) and (b) of this title and submitted to the FOIA Coordinator, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770; Telephone (301) 344-2207, Facsimile (301) 344-2325, TDD (301) 344-2425. The FOIA Coordinator is delegated authority to make determinations regarding such requests in accordance with § 1.3(a)(3) of this title.

**§ 3701.4 Denials.**

If the FOIA Coordinator determines that a requested record is exempt from mandatory disclosure and that