

Rules and Regulations

Federal Register

Vol. 66, No. 223

Monday, November 19, 2001

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules of practice and procedure in this part to reflect the relocation of its Denver Field Office. On November 12, 2001, the Board relocated its Denver Field Office from 12567 W. Cedar Drive, Suite 100, Lakewood, Colorado to 165 South Union Blvd., Suite 318, Lakewood, Colorado. Appendix II of this part is amended to show the new address. The facsimile number and the geographical areas served by the Denver Field Office are unchanged.

EFFECTIVE DATE: November 12, 2001.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

The Board is publishing this rule as a final rule pursuant to 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1201 as follows:

PART 1201—PRACTICES AND PROCEDURES

1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204 and 7701, unless otherwise noted.

2. Amend Appendix II to 5 CFR part 1201 in item 5a by removing “12567 West Cedar Drive, Suite 100, Lakewood, Colorado 80228 and adding, in its place

“165 South Union Blvd., Suite 318, Lakewood, Colorado 80228”.

Dated: November 9, 2001.

Robert E. Taylor,
Clerk of the Board.

[FR Doc. 01-28690 Filed 11-16-01; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

7 CFR Part 510

Availability of Information

AGENCY: Agricultural Research Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends regulations of the Agricultural Research Service (ARS) regarding the availability of information to the public in accordance with the Freedom of Information Act (FOIA). It informs the public of the change in location and telephone number of the FOIA Coordinator for ARS, provides a TTY number for access for hearing impaired individuals, and addresses multitrack processing of requests and the availability of “reading room” material by electronic telecommunication, pursuant to the Electronic FOIA Amendments of 1996, Public Law 104-231.

EFFECTIVE DATE: This rule will become effective on December 19, 2001.

FOR FURTHER INFORMATION CONTACT: Stasia A.M. Hutchison, FOIA Coordinator, Agricultural Research Service, USDA, 5601 Sunnyside Avenue, Mail Stop 5128, Beltsville, Maryland 20705-5128; Telephone (301) 504-1655; TTY-VOICE (301) 504-1743; Facsimile (301) 504-1648; E-mail: shutchison@ars.usda.gov.

SUPPLEMENTARY INFORMATION: The FOIA requires Federal agencies to publish in the *Federal Register* regulations describing how the public may obtain information from the agency (5 U.S.C. 552(a)(1)). Part 510 of Title 7, Code of Federal Regulations, is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR part 1, subpart A, implementing FOIA.

Pursuant to the Electronic FOIA Amendments of 1996, Public Law 104-231, § 510.2 is updated to address the availability of “reading room” material

by electronic telecommunication means. Also § 510.4 is revised to address multitrack processing of requests. As a result, former §§ 510.4 and 510.5 are renumbered and § 510.6 added.

This rule also amends part 510 to inform the public of the change in the location and telephone number of the FOIA Coordinator for ARS and to provide a TTY number for access for hearing impaired individuals.

This rule will become effective 30 days after this publication pursuant to 5 U.S.C. 553(d). Further, this rule has been reviewed to ensure accordance with Executive Orders 12988 and 12866. 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 510

Freedom of Information.

Accordingly, 7 CFR part 510 is revised to read as follows:

PART 510—PUBLIC INFORMATION

Sec.

510.1 General statement.

510.2 Public inspection, copying, and indexing.

510.3 Requests for records.

510.4 Multitrack processing.

510.5 Denials.

510.6 Appeals.

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

§ 510.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture in part 1, subpart A of this title and appendix A thereto, 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 Agricultural Research Service (ARS) to the public.

§ 510.2 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 ARS at the following

office: Information Staff, ARS, REE, USDA, Room 1-2248, Mail Stop 5128, 5601 Sunnyside Avenue, Beltsville, MD 20705-5128; Telephone (301) 504-1640 or (301) 504-1655; TTY-VOICE (301) 504-1743. Office hours are 8 a.m. to 4:30 p.m. Information maintained in our electronic reading room can be accessed at <http://www.ars.usda.gov/is/foia/#Electronic>.

§ 510.3 Requests for records.

Requests for records of ARS under 5 U.S.C. 552(a)(3) shall be made in accordance with Subsection 1.5 of this title and submitted to the FOIA Coordinator, Information Staff, ARS, REE, USDA, Mail Stop 5128, 5601 Sunnyside Avenue, Beltsville, MD 20705-5128; Telephone (301) 504-1640 or (301) 504-1655; TTY-VOICE (301) 504-1743; Facsimile (301) 504-1648; e-mail vherberger@ars.usda.gov or shutchison@ars.usda.gov. The FOIA Coordinator is delegated authority to make determinations regarding such requests in accordance with Subsection 1.3(c) of this title.

§ 510.4 Multitrack processing.

(a) When ARS has a significant number of requests, the nature of which precludes a determination within 20 working days, the requests may be processed in a multitrack processing system, based on the date of receipt, the amount of work and time involved in processing the request, and whether the request qualifies for expedited processing.

(b) ARS may establish as many processing tracks as appropriate; processing within each track shall be based on a first-in, first-out concept, and rank-ordered by the date of receipt of the request.

(c) A requester whose request does not qualify for the fastest track may be given an opportunity to limit the scope of the request in order to qualify for the fastest track. This multitrack processing system does not lessen agency responsibility to exercise due diligence in processing requests in the most expeditious manner possible.

(d) ARS shall process requests in each track on a "first-in, first-out" basis, unless there are unusual circumstances as set forth in § 1.16 of this title, or the requester is entitled to expedited processing as set forth in § 1.9 of this title.

§ 510.5 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 § 1.7(a) of this title.

§ 510.6 Appeals.

Any person whose request is denied shall have the right to appeal such denial. Appeals shall be made in accordance with § 1.14 of this title and should be addressed as follows: Administrator, ARS, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, this October 29, 2001.

Edward B. Knipling,

Associate Administrator, Agricultural Research Service.

[FR Doc. 01-28835 Filed 11-16-01; 8:45 am]

BILLING CODE 3410-03-P

DEPARTMENT OF AGRICULTURE

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 rule amends regulations of the Cooperative State Research, Education, and Extension Service (CSREES) regarding the availability of information to the public in accordance with the Freedom of Information Act (FOIA). It informs the public of the change in location and telephone number of the FOIA Coordinator for CSREES, provides a TTY number for access for hearing impaired individuals, and addresses multitrack processing of requests and the availability of "reading room" material by electronic telecommunication, pursuant to the Electronic FOIA Amendments of 1996, Public Law 104-231.

EFFECTIVE DATE: This rule will become effective December 19, 2001.

FOR FURTHER INFORMATION CONTACT: Stasia A.M. Hutchison, FOIA Coordinator, Agricultural Research Service, USDA, 5601 Sunnyside Avenue, Mail Stop 5128, Beltsville, Maryland 20705-5128; Telephone 301-504-1655; TTY-VOICE (301) 504-1743; Facsimile (301) 504-1648; e-mail shutchison@ars.usda.gov.

SUPPLEMENTARY INFORMATION: The FOIA requires Federal agencies to publish in the **Federal Register** regulations describing how the public may obtain information from the agency (5 U.S.C. 552(a)(1)). Part 3404 of Title 7, Code of Federal Regulations, is issued in

accordance with the regulations of the Secretary of Agriculture at 7 CFR part 1, subpart A, implementing FOIA.

Pursuant to the Electronic FOIA Amendments of 1996, Public Law 104-231, § 3404.2 is updated to address the availability of "reading room" material by electronic telecommunication means. Also § 3404.4 is revised to address multitrack processing of requests. As a result, §§ 3404.4 and 3404.5 are renumbered and § 3404.6 added.

This rule also amends part 3404 to inform the public of the change in the location and telephone number of the FOIA Coordinator for CSREES and to provide a TTY number for access for hearing impaired individuals.

This rule will become effective 30 days after this publication pursuant to 5 U.S.C. 553(d). Further, this rule has been reviewed to ensure accordance with Executive Orders 12988 and 12866. 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 Multitrack processing.
- 3404.5 Denials.
- 3404.6 Appeals.

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

§ 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 and appendix A thereto, 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 (CSREES) 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