

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 412

#### Public Information

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the regulations governing the availability of information to the public found in 7 CFR part 412. The intended effect of this rule is to redesignate FCIC office from whom information may be requested by the public, and the location and type of information to the public.

**EFFECTIVE DATE:** This rule is effective December 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** Donna Basset, Paralegal, Appeals, Litigation and Legal Liaison Staff, Risk Management Agency, United States Department of Agriculture, 1400 Independence Avenue, SW, STOP 0807, room 6618-S, Washington, D.C., 20250-0803, telephone number (202) 690-0679.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866

This rule has been determined to be exempt and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

#### Paperwork Reduction Act of 1995

In accordance with the Paperwork Reduction Act of 1995, this rule does not contain reporting or record keeping requirements subject to approval by the Office of Management and Budget.

#### Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

#### Executive Order 12612

It has been determined under section 6(a) of Executive Order No. 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

#### Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. The rule makes only technical changes to the Public Information regulation to update and publish the offices from whom information may be requested by the public and the location. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), and no Regulatory Flexibility Analysis was prepared.

#### Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

#### Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

#### Executive Order 12988

This final rule has been reviewed in accordance with Executive Order No. 12988 on civil justice reform. The provisions of this rule will not have

retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions contained herein must be exhausted before action against FCIC for judicial review may be brought.

#### Environmental Evaluation

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### National Performance Review

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicative regulations and improve those that remain in force.

#### Background

Under the Freedom of Information Act (FOIA) affirmative disclosure provisions contained in 5 U.S.C. 552 (a) (1) and (2), FCIC is required to make certain information regarding its organization, operations, and regulations available for public use so the public can deal with FCIC knowledgeably and effectively. The current regulations do not reflect the recent changes to the name and address of the FOIA Officer, changes in addresses and locations, and the type of information available to the public. These changes relate to internal agency management and personnel. The provisions of the Administrative Procedures Act concerning notice and opportunity for comment on agency rulemaking (5 U.S.C. 553) do not apply to the promulgation of agency rules of organization, procedure, or practice. For this reason, these changes are made effective upon publication in the **Federal Register**.

#### List of Subjects in 7 CFR Part 412

Administrative practice and procedure, Freedom of Information Act, Availability of information to the public.

#### Final Rule

For the reasons set forth in the preamble, 7 CFR part 412 is revised to read as follows:

**PART 412—PUBLIC INFORMATION—  
FREEDOM OF INFORMATION**

Sec.

- 412.1 General statement.
- 412.2 Public inspection and copying.
- 412.3 Index.
- 412.4 Requests for records.
- 412.5 Appeals.
- 412.6 Timing of responses to requests.

**Authority:** 5 U.S.C. 552 and 7 U.S.C. 1506.**§ 412.1 General statement.**

This part is issued in accordance with the regulations of the Secretary of Agriculture published at 7 CFR 1.1–1.23, and appendix A, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by this part, and the Risk Management Agency (RMA) govern availability of records of the Federal Crop Insurance Corporation (FCIC) as administration of the crop insurance program for FCIC.

**§ 412.2 Public inspection and copying.**

(a) Members of the public may request access to the information specified in § 412.2(d) for inspection and copying.

(b) To obtain access to specified information, the public should submit a written request, in accordance with 7 CFR 1.6, to the Appeals, Litigation and Legal Liaison Staff, Risk Management Agency, United States Department of Agriculture, 1400 Independence Avenue, SW, STOP 0807, room 6618–S, Washington, DC, 20250–0807, from 9:00 a.m.—4:00 p.m., EDT Monday through Friday, except holidays.

(c) When the information requested is not located at the office of the Appeals, Litigation and Legal Liaison Staff, the Appeals, Litigation and Legal Liaison Staff will direct the request to the appropriate office where the information can be obtained. The requester will be informed that the request has been forwarded to the appropriate office.

(d) FCIC will make available for inspection and copying, unless otherwise exempt from publication under sections 552(a)(2)(C) and 552(b):

(1) Final opinions, including concurring and dissenting opinions and orders made in the adjudication of cases; and

(2) Those statements of policy and interpretations that have been adopted by FCIC and RMA and are not published in the **Federal Register**; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

**§ 412.3 Index.**

5 U.S.C. 552(a)(2) requires that each agency publish, or otherwise make

available, a current index of all materials available for public inspection and copying. RMA and FCIC will maintain a current index providing identifying information for the public as to any material issued, adopted, or promulgated by the Agency since July 4, 1967, and required by section 552(a)(2). Pursuant to the Freedom of Information Act provisions, RMA and FCIC have determined that in view of the small number of public requests for such index, publication of such an index would be unnecessary and impracticable. Copies of the index will be available upon request in person or by mail at the address stated in § 412.2(b).

**§ 412.4 Requests for records.**

The Director of the Appeals, Litigation and Legal Liaison staff, RMA located at the above stated address, is the person authorized to receive Freedom of Information Act and to determine whether to grant or deny such requests in accordance with 7 CFR 1.8.

**§ 412.5 Appeals.**

Any person whose request under § 412.4 is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 1.13 and addressed to the Manager, Federal Crop Insurance Corporation, United States Department of Agriculture, 1400 Independence Avenue, SW, STOP 0807, room 6618–S, Washington, DC, 20250–0807.

**§ 412.6 Timing of responses to requests.**

(a) In general, FCIC will respond to requests according to their order of receipt.

(b) Existing responsive documents or information may be maintained in RMA's field offices. Therefore, extra time may be necessary to search and collect the documents.

Signed in Washington, D. C. on December 22, 1997.

**Robert Prchal,**

*Acting Manager, Federal Crop Insurance Corporation.*

[FR Doc. 97–33828 Filed 12–29–97; 8:45 am]

BILLING CODE 3410–08–P

**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 959****[Docket No. FV98–959–1 IFR]****Onions Grown in South Texas;  
Decreased Assessment Rate****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule decreases the assessment rate established for the South Texas Onion Committee (Committee) under Marketing Order No. 959 for the 1997–98 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of onions grown in South Texas. Authorization to assess Texas onion handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The 1997–98 fiscal period began August 1 and ends July 31. The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated.

**DATES:** Effective December 31, 1997. Comments received by March 2, 1998, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 205–6632. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Cavazos or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501; telephone: (956) 682–2833, Fax: (956) 682–5942 or Anne M. Dec, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box