

*Prosopis castellanosii* Burkart  
*Prosopis denudans* Benth  
*Prosopis elata* (Burkart) Burkart  
*Prosopis farcta* (Solander ex Russell) Macbride  
*Prosopis ferox* Grisebach  
*Prosopis fiebrigii* Harms  
*Prosopis hassleri* Harms  
*Prosopis humilis* Gillies ex Hooker & Arnott  
*Prosopis kuntzei* Harms  
*Prosopis pallida* (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth  
*Prosopis palmeri* S. Watson  
*Prosopis reptans* Benth var. *reptans*  
*Prosopis rojasiana* Burkart  
*Prosopis ruizlealii* Burkart  
*Prosopis ruscifolia* Grisebach  
*Prosopis sericantha* Gillies ex Hooker & Arnott  
*Prosopis strombulifera* (Lamarck) Benth  
*Prosopis torquata* (Cavanilles ex Lagasca y Segura) de Candolle  
*Rottboellia exaltata* Linnaeus f. (itchgrass, raoulgrass)  
*Rubus fruticosus* Linnaeus (complex) (wild blackberry)  
*Rubus moluccanus* Linnaeus (wild raspberry)  
*Saccharum spontaneum* Linnaeus (wild sugarcane)  
*Salsola vermiculata* Linnaeus (wormleaf salsola)  
*Setaria pallide-fusca* (Schumacher) Stapf & Hubbard (cattail grass)  
*Solanum torvum* Swartz (turkeyberry)  
*Solanum viarum* Dunal (tropical soda apple)  
*Tridax procumbens* Linnaeus (coat buttons)  
*Urochloa panicoides* Beauvois (liverseed grass)

[48 FR 20039, May 4, 1983, as amended at 49 FR 25223, June 20, 1984; 57 FR 8838, Mar. 13, 1992; 60 FR 35832, July 12, 1995]

**§ 360.300 Permits for movement of noxious weeds.**

(a) The Deputy Administrator shall issue a written permit for the movement of a noxious weed into or through the United States if application is made for such movement and if he determines that such movement under conditions specified in the permit would not involve a danger of dissemination of the noxious weed in the United States; otherwise such a permit shall not be issued. Application for such movement shall be made by filing a completed form of application with the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit

Unit, 4700 River Road, Unit 136, Riverdale, Maryland 20737-1236.<sup>1</sup>

(b) All such permits issued shall contain in written form in the permit any conditions (other than those conditions specified in this part) under which the permit is to be granted, e.g. conditions with respect to shipment, storage, and destruction.

(c) If the permit is denied, the applicant shall be furnished the reasons therefor.

(d) The Deputy Administrator may revoke any outstanding permit issued under this section if he determines that there has been a failure to comply with any provision of the Act or this section, including conditions written on the permit. Upon request, any permit holder will be afforded an opportunity for a hearing with respect to the merits or validity of any such revocation involving his permit.

(Approved by the Office of Management and Budget under control number 0579-0054)

(44 U.S.C. 35)

[41 FR 49988, Nov. 12, 1976, as amended at 48 FR 57466, Dec. 30, 1983; 59 FR 67611, Dec. 30, 1994]

**PART 370—FREEDOM OF INFORMATION**

Sec.

- 370.1 Scope and purpose.
- 370.2 Published materials.
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- 370.4 Facilities for inspection and copying.
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- 370.6 Appeals.
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AUTHORITY: 5 U.S.C. 552.

SOURCE: 40 FR 43223, Sept. 19, 1975, unless otherwise noted.

**§ 370.1 Scope and purpose.**

These regulations are issued pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), and in accordance with the requirements of the Department of Agriculture regulations

<sup>1</sup>Such forms of application are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road, Unit 136, Riverdale, Maryland 20737-1236, or local PPQ offices which are listed in telephone directories.

in part 1, subpart A of this title. The availability of records of the Animal and Plant Health Inspection Service (APHIS), and the procedures by which the public may obtain such information, shall be governed by the Department regulations as implemented by the regulations in this part. It is the policy of APHIS to be an open agency and to promptly make available for public inspection any records or information which are required to be released under the Act. Material which is exempt from disclosure will also be promptly made available when the Agency in its discretion determines that release of such material is in the public interest.

**§ 370.2 Published materials.**

Rules and regulations of APHIS relating to its regulatory responsibilities are continuously published in the FEDERAL REGISTER, and codified in this chapter III, title 7, and in 9 CFR chapter I. APHIS issues publications explaining animal and plant health programs and the laws and regulations, including quarantines, under which the programs are conducted. These publications are, for the most part available free from the Office of Governmental and Public Affairs, USDA, Washington, DC 20250; or, in some cases from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, at established rates.

[44 FR 53490, Sept. 14, 1979]

**§ 370.3 Index.**

Pursuant to the regulations in § 1.4(b) of this title, APHIS will maintain and make available for public inspection and copying a current index providing identifying information regarding the materials required to be published or made available under the Freedom of Information Act (5 U.S.C. 552(a)(2)). Notice is hereby given that publication of this index is unnecessary and impracticable, since the material is voluminous and does not change often enough to justify the expense of publication.

**§ 370.4 Facilities for inspection and copying.**

Facilities for public inspection and copying of the index and materials required to be made available under 5

U.S.C. 552(c)(2) will be provided by APHIS, on business days between 8 a.m. and 4:30 p.m. Requests for this information should be made to the FOIA Coordinator at the following address:

Freedom of Information Act Coordinator,  
Animal and Plant Health Inspection Service,  
Legislative and Public Affairs, Freedom of Information, 4700 River Road, Unit 50, Riverdale, Maryland 20737-1231.

Copies of such material may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Office of Operations and Finance, USDA, pursuant to § 2.75 of this title. See § 1.10 and appendix A—Fee Schedule in part 1, subtitle A of this title.

[44 FR 53490, Sept. 14, 1979, as amended at 51 FR 30836, Aug. 29, 1986; 59 FR 67611, Dec. 30, 1994]

**§ 370.5 Requests for records.**

(a) Requests for APHIS records or information other than material published or made available under the preceding sections, shall be made in writing in accordance with 7 CFR 1.3(a) and submitted to the APHIS Freedom of Information Act Coordinator at the following address:

Freedom of Information Act Coordinator,  
(FOIA Request), Animal and Plant Health Inspection Service, Legislative and Public Affairs, Freedom of Information, 4700 River Road, Unit 50, Riverdale, Maryland 20737-1231.

The request shall identify each record with reasonable specificity as prescribed in § 1.3(b) of this title. The APHIS FOIA Coordinator is hereby delegated authority to make determinations with respect to such requests in accordance with 7 CFR.

(b) The FOIA Coordinator or his designee is authorized to receive requests and to exercise the authority under § 1.4(c) of this title to:

- (1) Make determinations to grant or deny requests,
- (2) Extend the administrative deadline,
- (3) Make discretionary releases of exempt records, and
- (4) Make determinations regarding charges pursuant to the fee schedule.

(c) In exercising his authority under § 1.4(c) of this title to grant and deny requests, the Coordinator will comply with subsection (b) of the Freedom of Information Act, as amended (5 U.S.C. 552(b)), which requires that any reasonably segregable portion of a document shall be provided to a person requesting such document after deletion of any portions which are exempt under the Act. Therefore, unless the disclosable and non-disclosable portions are so inextricably linked that it is not reasonably possible to separate them, the document will be released with the non-disclosable portions deleted, except that the Coordinator may exercise discretion as limited by § 1.11 of this title, to release the entire document, or to make only a minimum number of deletions, e.g., the names of individuals.

[40 FR 43223, Sept. 19, 1975, as amended at 44 FR 53490, Sept. 14, 1979; 51 FR 30837, Aug. 29, 1986; 59 FR 67611, Dec. 30, 1994]

#### § 370.6 Appeals.

If the request for information made under § 370.5 is denied in whole or in part, the requester may file an appeal pursuant to § 1.3(e) of this title. The appeal should be in writing and should be addressed as follows:

Administrator, Animal and Plant Health Inspection Service (FOIA Appeal), Room 313-E, U.S. Department of Agriculture, Washington, DC 20250.

[44 FR 53490, Sept. 14, 1979]

#### § 370.7 Agency response to requests.

(a) The response to requests for information and to appeals shall be made in accordance with the Department regulations in § 1.5 of this title and the regulations in this part.

(b) Requests for records and information which have customarily been directed to field stations and agency headquarters may continue to be directed to those locations, notwithstanding the provisions of these regulations. If the information is not available at the location at which the request is made, or the official receiving the request is in doubt as to whether the information should be released, the official shall (1) promptly forward the request to the FOIA Coordinator, or (2)

inform the requester of the procedures established in these regulations by which the request may be sent directly to the FOIA Coordinator. The date of receipt of the request by the Coordinator shall be the determining date for purposes of the time limitations under the Freedom of Information Act and the regulations.

### PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

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- 371.1 General statement.
- 371.2 The Office of the Administrator.
- 371.3 Plant Protection and Quarantine.
- 371.4 Veterinary Services.
- 371.5 Management and Budget.
- 371.6 Animal Damage Control.
- 371.7 Regulatory Enforcement and Animal Care.
- 371.8 International Services.
- 371.9 Policy and Program Development.
- 371.10 Recruitment and Development.
- 371.11 Legislative and Public Affairs.
- 371.12 Science and Technology.
- 371.13 Biotechnology, Biologics, and Environmental Protection.
- 371.14 Delegations of authority.
- 371.15 Concurrent authority and responsibility to the Administrator.
- 371.16 Reservation of authority.
- 371.17 Availability of information and records.

AUTHORITY: 5 U.S.C. 301.

SOURCE: 54 FR 23194, May 31, 1989, unless otherwise noted.

#### § 371.1 General statement.

(a) The Animal and Plant Health Inspection Service (APHIS) was created by the Secretary of Agriculture on April 2, 1972 (37 FR 6327, March 28, 1972).

(b) *Central Office.* The central offices of APHIS are located at Washington, DC, and Riverdale, Maryland, and consist of the offices of the Administrator, the Associate Administrator, six Deputy Administrators, and five Directors, as follows:

Administrator  
Associate Administrator  
Deputy Administrator, Plant Protection and Quarantine (PPQ)  
Deputy Administrator, Veterinary Services (VS)  
Deputy Administrator, Management and Budget (M&B)