

§ 390.6

or applicable regulations, (4) make determinations regarding the charging of fees pursuant to the established schedule, and (5) determine the applicability of 7 CFR 1.8 to requests for records.

(b) Requests for FSIS records or information shall be made in writing in accordance with 7 CFR 1.6, and submitted to the FSIS Freedom of Information Act Coordinator at the following address:

Freedom of Information Act Coordinator
(FOIA Request), Food Safety and
Inspection Service U.S. Department of
Agriculture, Washington, DC 20250.

The submitter shall identify each record with reasonable specificity as prescribed in 7 CFR 1.3. Initial requests for records customarily released by FSIS may be made orally, but in certain instances, the Coordinator in his/her discretion, may deem it necessary to require a written submission from the requester.

(c) In exercising his/her authority under 7 CFR 1.3(a)(3) to grant and deny requests, the Coordinator or designee will comply with subsection (b) of the Freedom of Information Act (5 U.S.C. 552(b)), as amended, which requires that any reasonably segregable portion of a document shall be provided to a person requesting such document after deletion of any portions within the scope of the request for which an exemption is being claimed under the Act. Therefore, unless the disclosable and nondisclosable portions are so inextricably linked that it is not reasonably possible to separate them, the document will be released with the nondisclosable portions deleted. The Coordinator or designee may exercise discretion as limited by 7 CFR 1.14 to release the entire document, or to make only a minimum number of deletions.

[45 FR 54309, July 15, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 53 FR 24679, June 30, 1988]

§ 390.6 Fee schedule.

Departmental regulations provide for a schedule of reasonable standard charges for document search and duplication. See 7 CFR 1.16. Fees to be

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charged are set forth in 7 CFR part 1, subpart A, appendix A.

[45 FR 54309, July 15, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 53 FR 24679, June 30, 1988]

§ 390.7 Appeals.

(a) If the request for information, or for a waiver of search and/or duplication fees is denied, in whole or in part, the Freedom of Information Act Coordinator or designee will set forth in the letter of response the grounds for any denial of access and offer the requesting party an opportunity to file an administrative appeal from the denial, pursuant to 7 CFR 1.3(a)(4). The appeals should be filed in writing within 45 days of the date of denial (departmental regulations, 7 CFR 1.8(a)(4)) and should be addressed as follows:

Administrator, Food Safety and Inspection
Service, (FOIA Appeal),
U.S. Department of Agriculture,
Washington, DC 20250.

(b) The Administrator of FSIS is authorized under 7 CFR 1.3(a)(4) to (1) extend the 20-day deadline, (2) make discretionary releases, and (3) make determinations regarding the charging of fees.

[45 FR 54309, July 15, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981, and amended at 53 FR 24679, June 30, 1988]

§ 390.8 Agency response to requests.

(a) The response to Freedom of Information requests and appeals by the officials named in §§ 390.5 and 390.7 of this part shall be governed by and made in accordance with 7 CFR 1.8 and the regulations in this part.

(b) Requests for records and information may be submitted to field stations. The field station shall immediately notify the FOIA Coordinator or designee by telephone. Unless the FOIA Coordinator or designee orally authorizes a release of the requested records, the field station receiving the request shall transmit the request directly to the FOIA Coordinator for a response. For purposes of compliance with the statutory time limit, the request will be considered as having been received on the date of its arrival in the office of the Coordinator or designee.