

## Office of the Secretary, USDA

## § 1.3

- 1.339 Stays ordered by the Department of Justice.
- 1.340 Stay pending appeal.
- 1.341 Judicial review.
- 1.342 Collection of civil penalties and assessments.
- 1.343 Right to administrative offset.
- 1.344 Deposit to Treasury of the United States.
- 1.345 Settlement.
- 1.346 Limitation.

### Subpart M—Rules of Practice Governing Adjudication of Sourcing Area Applications and Formal Review of Sourcing Areas Pursuant to the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 et seq.)

- 1.410 Meaning of words.
- 1.411 Definitions.
- 1.412 Institution of proceedings.
- 1.413 Submission of a sourcing area application.
- 1.414 Docket number.
- 1.415 Notification of proceedings.
- 1.416 Comment period.
- 1.417 Review period.
- 1.418 Procedure upon no request for hearing.
- 1.419 Amendment of a sourcing area application.
- 1.420 Consent recommendation.
- 1.421 Prehearing conferences and procedures.
- 1.422 Conduct of the hearing.
- 1.423 Post-hearing procedure.
- 1.424 Motions and requests.
- 1.425 Judges.
- 1.426 Appeal to Judicial Officer.
- 1.427 Filing; identification of parties of record; service; and computation of time.
- 1.428 Depositions.
- 1.429 Ex parte communications.

AUTHORITY: 5 U.S.C. 301, unless otherwise noted.

### Subpart A—Official Records

AUTHORITY: 5 U.S.C. 301, 552; 7 U.S.C. 312a; 31 U.S.C. 9701; 7 U.S.C. 1387; and 7 CFR 2.28(b)(7)(viii).

SOURCE: 52 FR 49386, Dec. 31, 1987, unless otherwise noted.

#### § 1.1 Purpose and scope.

This subpart establishes policy, procedures, requirements, and responsibilities for administration and coordination of the Freedom of Information Act (FOIA), 5 U.S.C. 552, pursuant to which official records may be obtained by any person. This subpart also provides rules

pertaining to the disclosure of records pursuant to compulsory process. This subpart also serves as the implementing regulations for the Office of the Secretary (the immediate offices of the Secretary, Deputy Secretary, Under Secretaries and Assistant Secretaries) and for the Office of Communications. The Office of Communications has the primary responsibility for the FOIA in the Department of Agriculture (USDA). The term “agency” or “agencies” is used throughout this subpart to include both USDA program agencies and staff offices.

[62 FR 33978, June 24, 1997]

#### § 1.2 Policy.

(a) Agencies of USDA shall comply with the time limits set forth in the FOIA for responding to and processing requests and appeals for agency records, unless there are unusual circumstances within the meaning of 5 U.S.C. 552(a)(6)(B). An agency shall notify a requester in writing whenever it is unable to respond to or process a request or appeal within the time limits established by the FOIA.

(b) All agencies of the Department shall comply with the fee schedule provided as appendix A of this subpart, with regard to the charging of fees for providing copies of records and related services to requesters.

[52 FR 49386, Dec. 31, 1987, as amended at 62 FR 33978, June 24, 1997]

#### § 1.3 Agency implementing regulations.

(a) Each agency of the Department shall promulgate regulations setting forth the following:

(1) The location and hours of operation of the agency office or offices where members of the public may gain access to those materials required by § 1.5 to be made available for public inspection and copying;

(2) Information regarding the publication and distribution (by sale or otherwise) of indexes and supplements to indexes which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.5(b);

(3) The title(s) and mailing address(es) of the official(s) of the agency

## § 1.4

who is/are authorized to receive requests for records submitted in accordance with §1.6(a), and to make determinations regarding whether to grant or deny such requests. Authority to make such determinations includes authority to:

(i) Extend the 10-day administrative deadline for reply pursuant to §1.14;

(ii) Make discretionary releases pursuant to §1.17(b); and

(iii) Make determinations regarding the charging of fees pursuant to appendix A of this subpart;

(4) The title and mailing address of the official of the agency who is authorized to receive appeals submitted in accordance with §1.6(e) and to make determinations regarding whether to grant or deny such appeals. Authority to determine appeals includes authority to:

(i) Extend the 20-day administrative deadline for reply pursuant to §1.14 (to the extent the maximum extension authorized by §1.14(c) was not used with regard to the initial request);

(ii) Make discretionary releases pursuant to §1.17(b); and

(iii) Make determinations regarding the charging of fees pursuant to appendix A of this subpart; and

(5) Other information which would be of concern to a person wishing to request records from that agency in accordance with this subpart.

(b) [Reserved]

[52 FR 49386, Dec. 31, 1987, as amended at 62 FR 33978, June 24, 1997]

### § 1.4 Implementing regulations for the Office of the Secretary.

(a) For the Office of the Secretary and for the Office of Communications, the information required by §1.3 is as follows:

(1) Records available for public inspection and copying may be obtained in room 536-A, Jamie L. Whitten Federal Building, USDA, Washington, DC 20250 during the hours of 9:00 a.m. to 5:00 p.m.;

(2) Any indexes and supplements which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and §1.5(b) will also be available in Room 536-A, Jamie L. Whitten Federal Building, USDA, Washington,

## 7 CFR Subtitle A (1-1-00 Edition)

DC 20250 during the hours of 9:00 a.m. to 5:00 p.m.;

(3) The person authorized to receive FOIA requests and to determine whether to grant or deny such requests is the FOIA Coordinator, Office of Communications, USDA, Washington, DC 20250;

(4) The official authorized to receive appeals from denials of FOIA requests and to determine whether to grant or deny such appeals is the Director of Communications, Office of Communications, USDA, Washington, DC 20250.

(b) The organization and functions of the Office of the Secretary and the Office of Communications (OC) is as follows:

(1) The Office of the Secretary provides the overall policy guidance and direction of the activities of the Department of Agriculture. Overall policy statements and announcements are made from this office.

(2) The Office of the Secretary consists of the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and other staff members.

(3) In the absence of the Secretary and the Deputy Secretary, responsibility for the operation of the Department of Agriculture is as delegated at part 2, subpart A, of this title.

(4) The Office of Communications provides policy direction, review, and coordination of all information programs of the Department of Agriculture. The Office of Communications is assigned responsibility for maintaining the flow of information and providing liaison between the Department of Agriculture and the Congress, the mass communication media, State and local governments, and the public.

(5) The Office of Communications is headed by the Director of Communications. In the Director's absence, the Office of Communications is headed by the Deputy Director.

(6) The Office of Communications consists of nine divisions, each headed by a director.

[52 FR 49386, Dec. 31, 1987, as amended at 62 FR 33978, June 24, 1997]