

## § 204.4

(f) *Prior delegations.* All prior delegations and redelegations of authority relating to any function or activity covered by these delegations of authority shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignment of functions.

(g) *Reservations of authority.* It is hereby reserved to the Administrator and Deputy Administrator authority with respect to proposed rulemaking and final action for the issuance of regulations (§201.1 of this chapter *et seq.*), rules of practice governing proceedings (§202.1 of this chapter *et seq.*), and statements of general policy (§203.1 of this chapter *et seq.*), and the issuance of moving papers as prescribed in the rules of practice governing formal adjudicatory administrative proceedings instituted by the Secretary (7 CFR part 1, subpart H, §1.133); and the authority to make final determinations in accordance with the provisions of 7 CFR part 1, subpart A, as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered exempt from disclosure under §204.7 of this part. Further, authority to issue subpoenas (7 U.S.C. 222 and 15 U.S.C. 49) is reserved to the Administrator and Deputy Administrator.

### § 204.4 Public inspection and copying.

(a) Facilities for public inspection and copying of the indexes and materials required to be made available under 7 CFR 1.2(a) will be provided by the Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs) during normal hours of operation. Requests for this information should be made to the Freedom of Information Act Officer, Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs, United States Department of Agriculture, Washington, DC 20250.

(b) Copies of such materials may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations pre-

## 9 CFR Ch. II (1–1–16 Edition)

scribed by the Director of Information, Office of Governmental and Public Affairs, USDA.

### § 204.5 Indexes.

Pursuant to the regulations in 7 CFR 1.4(b), the Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs) will maintain and make available for public inspection and copying current indexes of all material required to be made available in 7 CFR 1.2(a). Notice is hereby given that publication of these indexes is unnecessary and impractical, since the material is voluminous and does not change often enough to justify the expense of publication.

### § 204.6 Requests for records.

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a). Authority to make determinations regarding initial requests in accordance with 7 CFR 1.4(c) is delegated to the Freedom of Information Act Officer of the Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs). Requests should be submitted to the FOIA Officer at the following address: Freedom of Information Act Officer (FOIA Request), Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs), United States Department of Agriculture, Washington, DC 20250.

(b) The request shall identify each record with reasonable specificity as prescribed in 7 CFR 1.3.

(c) The FOIA Officer is authorized to receive requests and to exercise the authority to (1) make determination to grant requests or deny initial requests; (2) extend the administrative deadline; (3) make discretionary release of exempt records; and (4) make determinations regarding charges pursuant to the fee schedule.

### § 204.7 Appeals.

Any person whose request under §204.6 of this part is denied shall have the right to appeal such denial in accordance with 7 CFR 1.3(e). Appeals shall be addressed to the Administrator, Grain Inspection, Packers and Stockyards Administration (Packers

and Stockyards Programs), U.S. Department of Agriculture, Washington, DC 20250.

## PART 205—CLEAR TITLE—PROTECTION FOR PURCHASERS OF FARM PRODUCTS

### DEFINITIONS

Sec.

205.1 Definitions.

### REGULATIONS

- 205.101 Certification—request and processing.  
 205.102 Name of person subjecting a farm product to a security interest, on EFS and master list—format.  
 205.103 EFS—minimum information.  
 205.104 Registration of buyer, commission merchant, or selling agent—minimum information.  
 205.105 Master list and portion thereof distributed to registrants—format.  
 205.106 Farm products.  
 205.107 Crop year.

### INTERPRETIVE OPINIONS

- 205.201 System operator.  
 205.202 “Effective financing statement” or EFS.  
 205.203 Place of filing EFS.  
 205.204 Filing “notice” of EFS.  
 205.205 Fees.  
 205.206 Farm products.  
 205.207 “Amount” and “County or parish”.  
 205.208 Distribution of portions of master list—registration—information to non-registrants on request.  
 205.209 Amendment or continuation of EFS.  
 205.210 Effect of EFS outside State in which filed.  
 205.211 Applicability of court decisions under the UCC.  
 205.212 “Buyer in ordinary course of business” and “security interest.”  
 205.213 Obligations subject—“person indebted”—“debtor.”  
 205.214 Litigation as to whether a system is operating in compliance with the Section.

AUTHORITY: 7 U.S.C. 1631; 7 CFR 2.22 and 2.81.

SOURCE: 51 FR 29451, Aug. 18, 1986, unless otherwise noted.

### DEFINITIONS

#### § 205.1 Definitions.

Terms defined in section 1324 of the Food Security Act of 1985, Pub. L. 99-198, 99 Stat. 1535, 7 U.S.C. 1631, shall

mean the same in this part as therein. In addition, except as otherwise specified, as used in this part:

*Approved Unique Identifier* means a combination of numbers selected by the Secretary of State using a selection system or method approved by the Secretary of Agriculture.

*EFS* means *effective financing statement* as defined in subsection (c)(4);

*Master list* means the accumulation of data in paper, electronic, or other form, described in subsection (c)(2)(C);

*Portion* means portion of the master list distributed to registrants under subsection (c)(2)(E);

*Registrant* means any buyer of farm products, commission merchant, or selling agent, as referred to in the Section, registered with a system under subsection (c)(2)(D);

*The Secretary* means the Secretary of Agriculture of the United States;

*The Section* means section 1324 of the above-cited Act, and “subsection” means a subsection of that Section;

*System* means *central filing system* as defined in subsection (c)(2);

*System operator* means Secretary of State or other person designated by a State to operate a system;

*UCC* or *Uniform Commercial Code* means the Uniform Commercial Code prepared under the joint sponsorship of the American Law Institute and the National Conference of Commissioners on Uniform State Laws, and in effect in most States of the United States at the time of enactment of Pub. L. 99-198.

[51 FR 29451, Aug. 18, 1986, as amended at 71 FR 56342, Sept. 27, 2006; 72 FR 25948, May 8, 2007]

### REGULATIONS

#### § 205.101 Certification—request and processing.

(a) To obtain certification of a system, a written request for certification must be filed together with such documents as show that the system complies with the Section. If such material is voluminous, a summary, table of contents, and index must accompany it as necessary to facilitate review.

(b) The request must:

(1) Include an introductory explanation of how the system will operate;