

Office of the Secretary, USDA

§ 1.3

- 1.332 Evidence.
- 1.333 The record.
- 1.334 Post-hearing briefs.
- 1.335 Determining the amount of penalties and assessments.
- 1.336 Initial decision of the ALJ.
- 1.337 Reconsideration of initial decision.
- 1.338 Appeal to the judicial officer.
- 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.

Subpart N—Policy With Regard to Indemnification of Department of Agriculture Employees

- 1.501 Policy on employee indemnification.
- AUTHORITY: 5 U.S.C. 301, unless otherwise noted.

Subpart A—Official Records

AUTHORITY: 5 U.S.C. 301, 552; 7 U.S.C. 3125a; 31 U.S.C. 9701; and 7 CFR 2.28(b)(7)(viii).

§ 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 any person may obtain official records. It also provides rules pertaining to the disclosure of records pursuant to compulsory process. This subpart also serves as the implementing regulations (referred to in § 1.3, “Agency 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 implementation of the FOIA in the Department of Agriculture (“USDA” or “Department”). The term “agency” or “agencies” is used throughout this subpart to include both USDA program agencies and staff offices.

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§ 1.2 Policy.

(a) Agencies of USDA shall comply with the time limits set forth in the FOIA and in this subpart 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) and § 1.16(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 to this subpart, with regard to the charging of fees for providing copies of records and related services to requesters.

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§ 1.3 Agency implementing regulations.

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

(a) 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 5