

§ 1.1

1.647 What are the requirements for subpoenas and witness fees?

HEARING, BRIEFING, AND DECISION

1.650 When and where will the hearing be held?

1.651 What are the parties' rights during the hearing?

1.652 What are the requirements for presenting testimony?

1.653 How may a party use a deposition in the hearing?

1.654 What are the requirements for exhibits, official notice, and stipulations?

1.655 What evidence is admissible at the hearing?

1.656 What are the requirements for transcription of the hearing?

1.657 What is the standard of proof?

1.658 When will the hearing record close?

1.659 What are the requirements for post-hearing briefs?

1.660 What are the requirements for the ALJ's decision?

ALTERNATIVES PROCESS

1.670 How must documents be filed and served under §§ 1.670 through 1.673?

1.671 How do I propose an alternative?

1.672 What will the Forest Service do with a proposed alternative?

1.673 How will the Forest Service analyze a proposed alternative and formulate its modified conditions?

1.674 Has OMB approved the information collection provisions of §§ 1.670 through 1.673?

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

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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.

[65 FR 46336, July 28, 2000]

§ 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.

[65 FR 46337, July 28, 2000]

§ 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 U.S.C. 552(a)(2) and § 1.4 to be made available for public inspection and copying.

(b) Information regarding the publication and distribution (by sale or otherwise) of indexes and supplements to indexes that are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.4(c);

(c) The title and mailing address of the official or officials of the agency authorized to receive requests for records submitted in accordance with § 1.5(a), and to make determinations regarding whether to grant or deny such requests. Authority to make such determinations includes authority to: