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than for the services of the APHIS inspector during regularly assigned hours of duty and at the usual places of duty. All expenses incurred by the U.S. Department of Agriculture (including travel, per diem or subsistence, and salaries of officers or employees of the Department) in connection with the monitoring of cleaning, labeling, other reconditioning, or destruction of seed, screenings, or refuse under this part shall be reimbursed by the owner or consignee of the seed or screenings.

PART 370—FREEDOM OF INFORMATION

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AUTHORITY: 5 U.S.C. 552.

SOURCE: 40 FR 43223, Sept. 19, 1975, unless otherwise noted.

§ 370.1 Scope and purpose.

These regulations are issued pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), and in accordance with the requirements of the Department of Agriculture regulations in part 1, subpart A of this title. The availability of records of the Animal and Plant Health Inspection Service (APHIS), and the procedures by which the public may obtain such information, shall be governed by the Department regulations as implemented by the regulations in this part. It is the policy of APHIS to be an open agency and to promptly make available for public inspection any records or information which are required to be released under the Act. Material which is exempt from disclosure will also be promptly made available when the Agency in its discretion determines that release of such material is in the public interest.

§ 370.2 Published materials.

Rules and regulations of APHIS relating to its regulatory responsibilities are continuously published in the FEDERAL REGISTER, and codified in this chapter III, title 7, and in 9 CFR chapter I. APHIS issues publications explaining animal and plant health programs and the laws and regulations, including quarantines, under which the programs are conducted. These publications are, for the most part available free from the Office of Governmental and Public Affairs, USDA, Washington, DC 20250; or, in some cases from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, at established rates.

[44 FR 53490, Sept. 14, 1979]

§ 370.3 Index.

Pursuant to the regulations in §1.4(b) of this title, APHIS will maintain and make available for public inspection and copying a current index providing identifying information regarding the materials required to be published or made available under the Freedom of Information Act (5 U.S.C. 552(a)(2)). Notice is hereby given that publication of this index is unnecessary and impracticable, since the material is voluminous and does not change often enough to justify the expense of publication.

§ 370.4 Facilities for inspection and copying.

Facilities for public inspection and copying of the index and materials required to be made available under 5 U.S.C. 552(c)(2) will be provided by APHIS, on business days between 8 a.m. and 4:30 p.m. Requests for this information should be made to the FOIA Coordinator at the following address:

Freedom of Information Act Coordinator, Animal and Plant Health Inspection Service, Legislative and Public Affairs, Freedom of Information, 4700 River Road, Unit 50, Riverdale, Maryland 20737–1231.

Copies of such material may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Office of Operations and Finance, USDA, pursuant to §2.75 of this title. See §1.10 and appendix A—Fee Schedule in part 1, subtitle A of this title.

[44 FR 53490, Sept. 14, 1979, as amended at 51 FR 30836, Aug. 29, 1986; 59 FR 67611, Dec. 30, 1994]

§ 370.5 Requests for records.

(a) Requests for APHIS records or information other than material published or made available under the preceding sections, shall be made in writing in accordance with 7 CFR 1.3(a) and submitted to the APHIS Freedom of Information Act Coordinator at the following address:

Freedom of Information Act Coordinator, (FOIA Request), Animal and Plant Health Inspection Service, Legislative and Public Affairs, Freedom of Information, 4700 River Road, Unit 50, Riverdale, Maryland 20737–1231.

The request shall identify each record with reasonable specificity as prescribed in §1.3(b) of this title. The APHIS FOIA Coordinator is hereby delegated authority to make determinations with respect to such requests in accordance with 7 CFR.

(b) The FOIA Coordinator or his designee is authorized to receive requests and to exercise the authority under §1.4(c) of this title to:

(1) Make determinations to grant or deny requests,

(2) Extend the administrative deadline,

(3) Make discretionary releases of exempt records, and

(4) Make determinations regarding charges pursuant to the fee schedule.

(c) In exercising his authority under §1.4(c) of this title to grant and deny requests, the Coordinator will comply with subsection (b) of the Freedom of Information Act, as amended (5 U.S.C. 552(b)), which requires that any reasonably segregable portion of a document shall be provided to a person requesting such document after deletion of any portions which are exempt under the Act. Therefore, unless the disclosable and non-disclosable portions are so inextricably linked that it is not reasonably possible to separate them, the document will be released with the non-disclosable portions deleted, except that the Coordinator may exercise discretion as limited by §1.11 of this title, to release the entire document, or to make only a minimum number of deletions, e.g., the names of individuals.

[40 FR 43223, Sept. 19, 1975, as amended at 44 FR 53490, Sept. 14, 1979; 51 FR 30837, Aug. 29, 1986; 59 FR 67611, Dec. 30, 1994]

§ 370.6 Appeals.

If the request for information made under §370.5 is denied in whole or in part, the requester may file an appeal pursuant to §1.3(e) of this title. The appeal should be in writing and should be addressed as follows:

Administrator, Animal and Plant Health Inspection Service (FOIA Appeal), Room 313–E, U.S. Department of Agriculture, Washington, DC 20250.

[44 FR 53490, Sept. 14, 1979]

§ 370.7 Agency response to requests.

(a) The response to requests for information and to appeals shall be made in accordance with the Department regulations in §1.5 of this title and the regulations in this part.

(b) Requests for records and information which have customarily been directed to field stations and agency headquarters may continue to be directed to those locations, notwithstanding the provisions of these regulations. If the information is not available at the location at which the request is made, or the official receiving the request is in doubt as to whether the information should be released, the official shall (1) promptly forward the request to the FOIA Coordinator, or (2) inform the requester of the procedures established in these regulations by which the request may be sent directly to the FOIA Coordinator. The date of receipt of the request by the Coordinator shall be the determining date for purposes of the time limitations under the Freedom of Information Act and the regulations.

PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

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371.1 General Statement.
371.2 The Office of the Administrator.
371.3 Plant Protection and Quarantine.
371.4 Veterinary Services.
371.5 Marketing and Regulatory Programs Business Services.