

§ 5.21

§ 5.21 Effect of failure to publish.

5 U.S.C. 552(a)(1) provides that, except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or to be adversely affected by, a matter required to be published in the FEDERAL REGISTER and not so published.

§ 5.22 Coordination of publication.

The Chief Counsel, FEMA, is responsible for coordination of FEMA materials required to be published in the FEDERAL REGISTER.

§ 5.23 Incorporation by reference.

When deemed appropriate, matter covered by this subpart, which is reasonably available to the class of persons affected thereby may be incorporated by reference in the FEDERAL REGISTER in accordance with standards prescribed from time to time by the Director of the Federal Register (see 1 CFR part 51).

§ 5.24 Availability of opinions, orders, policies, interpretations, manuals, and instructions.

FEMA will make available for public inspection and copying the material described in 5 U.S.C. 552(a)(2) as enumerated in § 5.25 and an index of those materials as described in § 5.28, at convenient places and times.

§ 5.25 Available materials.

FEMA materials which are available under this subpart are as follows:

(a) Final opinions and orders made in the adjudication of cases.

(b) Those statements of policy and interpretations which have been adopted by FEMA and are not published in the FEDERAL REGISTER.

(c) Administrative staff manuals and instructions to staff that affect a member of the public, unless such materials are promptly published and copies offered for sale.

§ 5.26 Rules for public inspection and copying.

(a) *Location.* Materials are available for public inspection and copying at the following locations:

(1) Headquarters:

44 CFR Ch. I (10–1–11 Edition)

Federal Center Plaza, 500 C Street, SW,
Washington, DC 20472

(2) Regional Offices

Region I: 99 High Street, 6th Floor, Boston, Massachusetts 02110.

Region II: 26 Federal Plaza, Suite 1337, New York, New York 10278.

Region III: 615 Chestnut Street, One Independence Mall, 6th Floor, Philadelphia, Pennsylvania 19106.

Region IV: 3003 Chamblee Tucker Road, Atlanta, Georgia 30341.

Region V: 536 South Clark Street, 6th Floor, Chicago, Illinois 60605.

Region VI: Federal Regional Center, 800 North Loop 288, Denton, Texas 76209.

Region VII: 9221 Ward Parkway, Suite 300, Kansas City, Missouri 64114.

Region VIII: Denver Federal Center, Building 710, Box 25267, Denver, Colorado 80255.

Region IX: 1111 Broadway, Suite 1200, Oakland, California 94607.

Region X: Federal Regional Center, 130 228th Street SW, Bothell, Washington 98021.

(b) *Time.* Materials will be made available for public inspection and copying during the normal hours of business.

(c) FEMA will furnish reasonable copying services at fees specified in subpart C. Such reproduction services as are required will be arranged by the Office of Administrative Support in the headquarters or by regional offices as appropriate.

(d) *Handling of materials.* The unlawful removal or mutilation of materials is forbidden by law and is punishable by fine or imprisonment or both. FEMA personnel making materials available will ensure that all materials provided for inspection and copying are returned in the same condition as provided.

[44 FR 50287, Aug. 27, 1979, as amended at 47 FR 13149, Mar. 29, 1982; 48 FR 44542, Sept. 29, 1983; 50 FR 40006, Oct. 1, 1985; 74 FR 15333, Apr. 3, 2009]

§ 5.27 Deletion of identifying details.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, FEMA may delete identifying details when making available or publishing an opinion, statement of policy, interpretation, or staff manual or instruction. However, the justification for each deletion will be explained fully in writing, and will require the concurrence of the Chief Counsel. A