

TABLE 1—RULEMAKING PROPONENTS—
Continued

Official	Area of jurisdiction
Commander, MA COM	Headquarters of MA COM and all subordinate installations, activities and units.
The Adjutant General ...	All other Army elements.

§ 519.54 Designation of Rulemaking Coordinators.

The officials listed in table 1 will designate Rulemaking Coordinators to perform the duties listed in paragraphs (a) through (d) of this section for their areas of functional responsibility. At the time of designation, the Adjutant General (DAAG-AMR-R) will be informed of the name and telephone number of the designated individual. The designee will perform the following duties:

- (a) Editorial review of all rules, notices, and highlight statements required to be published in the FEDERAL REGISTER.
- (b) Transmitting material to TAG and providing TAG with the name, office symbol, and telephone number of the action officer for each rule or general notice for inclusion in the FEDERAL REGISTER.
- (c) Coordinating with Publication Control Officers to ensure submission of Statements of Compliance required by § 519.55.
- (d) Notifying HQDA (DAAG-AMR-R), WASH DC 20314, when a regulation published in the FEDERAL REGISTER becomes obsolete or is superseded by another regulation.

§ 519.55 Statement of compliance.

In order to ensure compliance with the regulation, no rule will be issued unless there is on file with The Adjutant General (DAAG-AMR-R) a statement to the effect that it has been evaluated in terms of this regulation. If the proponent determines that the provisions of this regulation are inapplicable, such determination shall be explained in the statement.

§ 519.56 Submission of publications for printing.

When Army-wide publications or directives are transmitted to The Adjutant General (DAAG-PAP) for publica-

tion, the DA Form 260 (Request for Printing of Publication) or other transmittal paper will contain a statement that the directive has been processed for publication in the FEDERAL REGISTER or that it falls within the exempted category. DAAG-PAP will not publish any rule unless this statement is on DA Form 260. A copy of DA Form 260 may be submitted to DAAG-AMR-R in lieu of the statement required by § 519.55.

§ 519.57 Incorporation by reference.

(a) With the approval of the Director of the Federal Register, the requirements for publication in the FEDERAL REGISTER may be satisfied by reference in it to other publications, provided they are reasonably available to the class of persons affected and contain the information which must otherwise be published. For example, it can be purchased from the Superintendent of Documents, Government Printing Office or GPO bookstores at a reasonable cost, or is available for review at Army installations, or depository libraries. Therefore, before a document can be incorporated by reference, the proponent must determine that it is available to the public. See 5 U.S.C. 552(a)(1); 1 CFR part 51; 37 FR 23614 (4 Nov 1972).

(b) Incorporation by reference is not acceptable as a complete substitute for promulgating in full the material required to be published. It may, however, be utilized to avoid unnecessary repetition of published information already reasonably available to the class of persons affected. Examples include:

- (1) Construction standards issued by a professional association of architects, engineers, or builders,
- (2) Codes of ethics issued by professional organizations, and,
- (3) Forms and formats publicly or privately published and readily available to the persons required to use them.

(c) Proposals for incorporation by reference will be submitted to HQDA (DAAG-AMR-R), WASH DC 20314 by letter giving an identification and subject description of the document, statement of availability, indicating document will be reasonably available to the class of persons affected, where and

how copies may be purchased or examined, and justification for the requirement to incorporate by reference. The request will be submitted to TAG at least 20 working days before the proposed date for submission of the incorporation by reference notice for the FEDERAL REGISTER.

(d) TAG will consult with the Director, Office of the Federal Register (OFR) concerning each specific request and will notify the proponent of the outcome of the consultation.

(e) If the Director, OFR agrees to the proposal for incorporation by reference, a general notice will be submitted to HQDA (DAAG-AMR-R), WASH DC 20314.

INFORMATION TO BE PUBLISHED IN THE
FEDERAL REGISTER

§ 519.58 General.

The Administrative Procedure Act, as amended by the Freedom of Information Act, 5 U.S.C. 552(a), requires that certain policies, practices, procedures, and other information concerning the Department of the Army be published in the FEDERAL REGISTER for the guidance of the public. In general, this information explains where, how, and by what authority the Army performs any of its functions that affect the public. The following sections describe that information and the effect of failing to publish it.

§ 519.59 Information to be published.

In deciding which information to publish, consideration shall be given to the fundamental objective of informing all interested persons of how to deal effectively with the Department of the Army. Information to be currently published will include:

(a) Descriptions of the Army's central and field organization and the established places at which, the officers from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions;

(b) The procedures by which the Army conducts its business with the public, both formally and informally;

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, the instruc-

tions as to the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of applicability to the public adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Army; and

(e) Each amendment, revision, or repeal of the foregoing.

§ 519.60 Exceptions.

It is not necessary to publish in the FEDERAL REGISTER any information which comes within one or more of the exemptions to the Freedom of Information Act, 5 U.S.C. 552(b), as implemented by paragraph 2-12, AR 340-17.

§ 519.61 Procedures.

All matters to be published in accordance with § 519.59 will be submitted to The Adjutant General (DAAG-AMR-R), WASH DC 20314, in the proper format prescribed in § 519.65.

§ 519.62 Effect of not publishing.

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, comply with, or be adversely affected by, a matter required to be published in the FEDERAL REGISTER and not so published.

INVITING PUBLIC COMMENT ON CERTAIN
PROPOSED RULES AND SUBMISSION OF
PETITIONS

§ 519.63 General.

Public comment must be sought on certain of those proposed rules which are required to be published in accordance with § 519.59. The following sections set forth the criteria and procedures for inviting public comment before publication.

§ 519.64 Applicability.

(a) These provisions apply only to those Department of the Army rules or portions thereof which:

(1) Are promulgated after the effective date of this regulation; and

(2) Must be published in the FEDERAL REGISTER in accordance with § 519.59; and