

to the Commission will interfere unduly with its law enforcement, national security or homeland defense activities and further states that it will notify that party of the Commission's disclosure once the potential for such interference is eliminated, the Commission will not give notice of disclosure.

(3) A party who furnished records to the Commission in confidence will not be afforded prior notice when the disclosure is made to the Comptroller General of the United States, in the Government Accountability Office. Such a party will instead be notified of disclosure of the records to the Comptroller General either individually or by public notice.

(4) If disclosure is opposed and the Commission decides to make the records available to the other agency, the party who furnished the records to the Commission will be afforded ten calendar days from the date of the ruling to move for a judicial stay of the Commission's action. If the party does not move for stay within this period, the records will be disclosed.

(e) Except as provided in paragraph (d)(3) of this section, nothing in this section is intended to govern disclosure of information to Congress or the Comptroller General.

§0.445 Publication, availability, and use of opinions, orders, policy statements, interpretations, administrative manuals, staff instructions, and frequently requested records.

(a) Adjudicatory opinions and orders of the Commission, or its staff acting on delegated authority, are mailed or delivered by electronic means to the parties, and as part of the record, are available for inspection in accordance with §0.453.

(b) Documents adopted by the Commission or a member of its staff on delegated authority and released through the Office of Media Relations are published in the FCC Record. Older materials of this nature are available in the FCC Reports. In the event that such older materials are not published in the FCC Reports, reference should be made to the FEDERAL REGISTER or Pike and Fischer Communications Regulation.

(c) All rulemaking documents or summaries thereof are published in the FEDERAL REGISTER and are available on the Commission's Web site. The complete text of the Commission decision also is released by the Commission and is available for inspection through the Reference Information Center, via the Electronic Document Management System (EDOCS), or as otherwise specified in the rulemaking document published in the FEDERAL REGISTER.

(d) Formal policy statements and interpretations designed to have general applicability are published on the Commission's Web site and in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer Communications Regulation. Commission decisions and other Commission documents not entitled formal policy statements or interpretations may contain substantive interpretations and statements regarding policy, and these are published as part of the document in the FCC Record, FCC Reports or Pike and Fischer Communications Regulation. General statements regarding policy and interpretations furnished to individuals, in correspondence or otherwise, are not ordinarily published.

(e) Copies of all records that have been released to any person under §0.461 and that because of the nature of their subject matter, the Commission determines have become or are likely to become the subject of subsequent requests for substantially the same records, or that have been requested three or more times, are made available in electronic format.

(f) If the documents described in paragraphs (a) through (d) of this section are published in the FEDERAL REGISTER, the FCC Record, FCC Reports, or Pike and Fischer Communications Regulation, they are indexed, and they may be relied upon, used or cited as precedent by the Commission or private parties in any manner. If they are not so published, they may not be relied upon, used or cited as precedent, except against persons who have actual notice of the document in question or by such persons against the Commission. No person is expected to comply with any requirement or policy of the Commission unless he or she has actual notice of that requirement or policy or

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a document stating it has been published as provided in this paragraph. Nothing in this paragraph, however, shall be construed as precluding a reference to a recent document that is pending publication.

(g) Subparts A and B of this part describe the functions of the staff and list the matters on which authority has been delegated to the staff. All general instructions to the staff and limitations upon its authority are set forth in those subparts or in decisions of the Commission published in the FEDERAL REGISTER. Instructions to the staff in particular matters or cases are privileged and/or protected and are not published or made available for public inspection.

(h) To the extent required to prevent a clearly unwarranted invasion of personal privacy, or to prevent disclosure of information required or authorized to be withheld by another statute, the Commission may delete identifying details or confidential information when it makes available or publishes any document described in this section. The justification for any such deletion will be fully explained in a preamble to the document.

[82 FR 4188, Jan. 13, 2017, as amended at 88 FR 21432, Apr. 10, 2023]

§0.451 Inspection of records: Generally.

(a) *Records which are routinely available for public inspection.* Section 0.453 specifies those Commission records which are routinely available for public inspection and where those records may be inspected. Procedures governing requests for inspection of such records are set out in §0.460.

(b) *Records which are not routinely available for public inspection.* Records which are not specified in §0.453 are not routinely available for public inspection. Such records fall into three categories.

(1) The first category consists of categories of records listed in §0.457, and of particular records withheld from public inspection under §0.459. The Commission has determined that there is a statutory basis for withholding these records from public inspection. In some cases, the Commission is prohibited from permitting the inspection of

records. This category also includes records that are the property of another agency that the Commission has no authority to release for inspection. In still other cases, the Commission is authorized, for reason of policy, to withhold records from inspection, but is not required to do so. As applicable, procedures governing demands by competent authority for inspection of these records are set forth in §0.463.

(2) The second category consists of records that are not specified in §0.453 or §0.457 and have not been withheld from inspection under §0.459. In some cases, these records have not been identified for listing. In other cases an individualized determination is required. Procedures governing requests for inspection of these records are set forth in §0.461. Procedures governing demands by competent authority for inspection of these records are set forth in §0.463.

(3) The third category consists of material previously released consistent with the agency's rules that the agency determines is not likely to become the subject of a subsequent FOIA request or otherwise likely to be of broader public interest.

(4) Except as provided in §0.461 and §0.463, or pursuant to §19.735–203 of this chapter, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for public inspection under §0.453, or disclose information contained therein. This provision does not restrict the inspection or disclosure of records described in §0.453(b)(3).

(c) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §0.453 and those which are made available for inspection under §0.461. Sections 0.467 and 0.465(c)(3) apply to requests for certified copies of Commission records.

(d) *Search and copying fees.* Section 0.465(c)(2) prescribes the per page fee for copying records made available for inspection under §0.460 or §0.461. Section 0.466 prescribes fees to cover the expense of searching for and reviewing records made available for inspection under §0.460 or §0.461. Review of initial fee determinations under §0.467 through §0.470 and initial fee reduction