



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-0500

OFFICE OF GENERAL COUNSEL

September 9, 2015

Carl Malamud
President & CEO
Public Resource Organization
1005 Gravenstein Highway North
Sebastopol, CA 95472

RE: Freedom of Information Act Appeal
FOIA Control No. 15-FI-HQ-01670
FOIA Appeal No. 15-A-HQ-00030

Dear Mr. Malamud:

This letter responds to your Freedom of Information Act (FOIA) appeal received by our office on August 12, 2015. On July 2, 2015, you requested the Underwriting Laboratories (UL) 737, 1996 Fireplace Stoves, Eight Edition, with 2000 revisions. HUD responded to your request by letter dated August 6, 2015, stating that a search of Headquarters' records by knowledgeable staff failed to locate any documents at HUD Headquarters that would be responsive to your request.

In your appeal, you state that the requested record is incorporated by reference in the Code of Federal Regulations at 24 C.F.R. 3280.4 and is therefore part of the agency's binding law. You contend that it is inconceivable that knowledgeable HUD staff who had conducted an adequate search would be unable to locate a copy of the agency's own governing law. Further, you state, per the regulation, this requested standard should be available for inspection at HUD's Office of Manufactured Housing Programs. You assert that because the regulation provides for inspection, then the record is available at this location.

We have contacted the appropriate staff and have confirmed that they have undertaken a search reasonably calculated to uncover documents responsive to your request. Because no such documents were found, we conclude that there are no records responsive to your request. Notwithstanding, HUD is only required to provide copies of the incorporated standards that are not available from their producer organization. *See* 24 C.F.R. 3280.4(a); *see also* 5 U.S.C. 552(a). The appropriate HUD staff contacted UL and the requested standard is available from UL by visiting the following link: <http://www.ulstandards.com/IBR/ibrlogin.aspx>. Based on the foregoing, we affirm HUD's initial determination.

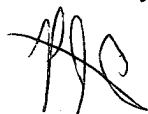
The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services

does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001 E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Judicial review of this determination under 5 U.S.C. §552(a)(4) is available in the United States Court for the judicial district in which you reside or have your principal place of business, in the District of Columbia, or in the judicial district where the records you seek are located.

Sincerely,



Peter J. Constantine
Associate General Counsel
for Ethics, Appeals, and Personnel Law

cc: Dolores Cole, FOIA Director, Office of the Executive Secretariat
John Shumway, Assistant General Counsel, Administrative Law Division