

REPLY FROM DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 18, 1965.

Hon. JOHN E. MOSS,
Chairman, Subcommittee on Foreign Operations and Government Information of
the Committee on Government Operations, House of Representatives.

DEAR MR. MOSS: There is attached to this letter answer to the questions contained in your letter of February 12 on section 3 of the Administrative Procedure Act. This response will also serve as a reply to your request of the same date to the Board on Geographic Names.

Sincerely yours,

D. OTIS BEASLEY,
Assistant Secretary.

1. Generally, to what functions of your agency does 5 U.S.C. 1002 apply? Are there any divisions, bureaus, branches or other constituent units of your agency to which the section does not apply?

Except as provided in 5 U.S.C. 1002 and as noted below, all functions of the Department of the Interior are subject to the requirements of that section. There are no divisions, bureaus, branches, or other constituent units, as such, of this Department to which the provisions of 5 U.S.C. 1002 do not apply.

There is an express statutory exception (30 U.S.C. 483) of functions of the Department from the Administrative Procedure Act with respect to the making of an order of withdrawal pursuant to title II of the Federal Coal Mine Safety Act or to any proceeding for the annulment or revision of any such order. The provisions for making, revising, or annulling such orders are prescribed in detail by the statute—30 U.S.C. 473, 474, 476, 477, 478.

2. In what official or unofficial publication, and at what intervals, does your agency publish:

(a) Descriptions of its central and field organization (see sec. 3(a) (1) of the Administrative Procedure Act);

(b) Statements of the general course and method by which its functions are channeled and determined (see sec. 3(a) (2) of statute);

(c) Substantive rules adopted as authorized by law (see sec. 3(a) (3) of statute);

(d) Statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public (see sec. 3(a) of statute); and

(e) Rules addressed to and served upon named persons in accordance with law (see sec. 3(a) (3) of statute).

2(a). Descriptions of our central and field organization (as required by sec. 3(a) (1) of the Administrative Procedure Act) are published annually in the U.S. Government Organizational Manual, published by the Office of the Federal Register as a special edition of the Federal Register. Major organization changes which are made between issues of the manual are published as Secretary's orders in the Federal Register.

2(b), 2(c), 2(d). Statements of the general course and method by which functions are channeled and determined; substantive rules adopted as authorized by law; and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public are published as regulations in titles 18, 25, 30, 32, 32A, 36, 41, 43, 49, and 50 of the Code of Federal Regulations. In addition to the regulations in 50 CFR, part 80, concerning financial assistance to States for fish and wildlife restoration programs under the Pittman-Robinson Act of September 2, 1937, as amended (16 U.S.C. 669-669j) and the Dingell-Johnson Act of August 9, 1950, as amended (16 U.S.C. 777-777k), representatives of the States have been furnished a copy of the Federal Aid Manual which details procedure to be followed as to these programs. Two copies of the manual are enclosed.

2(e). "Rules addressed to and served upon named persons in accordance with law" are exempt from publication by section 3 of the act. The Department does not issue that type of rule.

3. Please describe the manner in which your agency publishes, or, in accordance with published rule, makes available to public inspection, all final and interim opinions or orders in the adjudication of cases, pursuant to section 3(b) of the Administrative Procedure Act or other authority.