

Reports, and copies of such reports may be ordered at a cost of 25 cents per page.

Question 7. What limitations are placed upon the availability of records and files to the general public, either by statute, rule, or practice?

Answer 7. In general, no limitations are placed on the availability of "official records" of the kind to which section 3 applies. The Secretary's, Bureau Director's, or Solicitor's discretion applies with reference to other records (see delegation of authority of 27 F.R. 1505). Information obtained in confidence is not made available to the public.

More particularly, limitations upon availability of files and records to the general public are expressed in 29 CFR 2.4, 2.5, 2.6, 2.9, and 5.6 and 20 CFR 1.21 and 1.22, and 501.8 (see app. I). It is also considered that the Department is subject to the restrictions found in 18 U.S.C. 1905 and 5 U.S.C. 139b. Confidential treatment recorded "investigatory files compiled for law enforcement purposes" (cf. H.R. 5012) is buttressed by the common-law informers privilege. *Wirtz v. McDade*, 330 F. 2d 610; *Wirtz v. Continental Finance & Loan Co.*, 326 F. 2d 561; *Wirtz v. B. A. C. Steel Products*, 312 F. 2d 14.

Question 8. In what circumstances are private parties dealing with your agency required in any manner to resort to organization or procedure not published in the Federal Register (see sec. 3(a) of the Administrative Procedure Act)?

Answer 8. None.

Question 9. In what types of cases has your agency refrained from publishing rules where there is involved any function of the United States requiring secrecy in the public interest, pursuant to section 3(1) of the Administrative Procedure Act or other authority?

Answer 9. None.

Question 10. In what circumstances has your agency refrained from publishing rules where there is involved any matter relating solely to internal agency management, pursuant to section 3(2) of the Administrative Procedure Act or other authority?

Answer 10. Rules concerning the methods by which employees of the Department are to carry out their duties are generally not made public (e.g., how an investigator should look for minimum wage violations or what assignments require special priority).

Question 11. What is your agency's definition of "official record" as used in section 3(c) of the Administrative Procedure Act?

Answer 11. We have no established definition. However, page 24 of the Attorney General's Manual on the Administrative Procedure Act is used for guidance.

REPLY FROM POST OFFICE DEPARTMENT

POST OFFICE DEPARTMENT,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., April 5, 1965.

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

DEAR MR. CHAIRMAN: This is in reply to your letter of February 12, 1965, requesting information with respect to the applicability of section 3 of the Administrative Procedure Act of 1946 to the functions and administration of this Department.

The following are replies to the 11 questions submitted by your subcommittee:

1. Section 1002 of title 5, United States Code (1) requires the publication of organization, procedures, and substantive regulations in the Federal Register, (2) provides for the publication or inspection of orders in the adjudication of cases, and (3) makes official records available to the public.

These provisions are considered applicable to the functions of this Department generally and to its Bureaus and other subdivisions.

2. (a) The Department's central and field organization descriptions are published in the Federal Register, the United States Government Organization Manual, and chapter 8 of the postal manual.

(b), (c), (d) Statements of the general course and method in the channeling and determination of Department functions, substantive rules as adopted and