

in 1948 (13 F.R. 5803) but changes are published in the Federal Register (29 F.R. 12436, 11167, 4925; 28 F.R. 11937; 26 F.R. 115).

For any liaison that may be deemed necessary, our general counsel, Paul O. Ritter, may be consulted (code 111, extension 5891).

Very truly yours,

R. B. TOOTELL, *Governor.*

REPLY FROM FEDERAL AVIATION AGENCY

FEDERAL AVIATION AGENCY,
Washington, D.C., March 17, 1965.

Hon. JOHN E. MOSS,

*Chairman, Foreign Operations and Government Information Subcommittee,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in response to your letter questionnaire of February 12, 1965, regarding the applicability of section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002) to this Agency's operations. The following numbered responses correspond to your numbered questions.

1. In general, section 3 of the Administrative Procedure Act applies to all functions of the FAA, to the extent that performance of the function affects the public. There are no divisions or bureaus to which the section does not apply per se. Of course, there are units of the Agency which deal primarily with internal matters, such as the Office of Management Services and the Office of Headquarters Operations. However, to the extent that these and any other units deal with the public, their actions must conform to section 3.

2. (a) The FAA publishes an organization statement in the Federal Register which is subject to amendment from time to time to keep it current. The organization and functions of FAA are also briefly stated in the U.S. Government Organization Manual, a Federal Register publication.

(b) The general course and method by which FAA's functions are channeled are stated in the organization statement. Insofar as these functions involve rulemaking, they are also reflected in the Federal Aviation Regulations, chapter I of title 14 of the Code of Federal Regulations. The subchapter headings indicate the Agency activities to which the regulations pertain; namely:

Subchapter A—Definitions, part 1.

Subchapter B—Procedural rules, parts 11–15.

Subchapter C—Aircraft, parts 21–49.

Subchapter D—Airmen, parts 61–67.

Subchapter E—Airspace, parts 71–77.

Subchapter F—Air traffic and general operating rules, parts 91–105.

Subchapter G—Air carrier and commercial operator certification and operation, parts 121–135.

Subchapter H—Schools and other certificated agencies, parts 141–149.

Subchapter I—Airports, parts 151–165.

Subchapter J—Navigational facilities, part 171.

Subchapter K—Administrative regulations, parts 181–187.

(c) Substantive rules are adopted, amended, and repealed from time to time as required under statutory standards by developments in aviation. This is a continuing process but action does not occur at regular intervals. The FAA follows a policy of giving public notice of rulemaking under section 4, Administrative Procedure Act even in most instances where notice is not required by law. The publication requirements of the Administrative Procedure Act and the Federal Register Act are fully complied with.

(d) Statements of general policy and interpretations for the guidance of the public are adopted from time to time as required by Agency business, and published in the Federal Register.

(e) Rules addressed to and served upon named persons are not published but are open for public inspection.

3. The Agency conducts an extensive program of licensing airmen, aircraft, and other aviation facilities under title VI of the Federal Aviation Act of 1958. Licensing falls within the definition of adjudication of the Administrative Procedure Act, section 2(d). No formal proceedings are required by law.