

Adjudicative action for cause affecting outstanding certificates is authorized by section 609 of the Federal Aviation Act. The statute does not require formal hearings by FAA under sections 5, 7, and 8 of the Administrative Procedure Act in such cases but provides for de novo review by the Civil Aeronautics Board of FAA action amending, modifying, suspending, or revoking any certificate. Part 13 of the Federal Aviation Regulations and part 301 of the Procedural Regulations of CAB apply to these proceedings.

Under the Federal Airport Act, FAA administers a program of Federal aid to public airports. Grants are made for specific construction projects and, under a recent amendment to the act, for advance planning and engineering proposals, when all statutory and policy standards are met. The Federal Airport Act provides that FAA action take the form of a grant agreement. Such grant agreements may constitute adjudication under section 2(c) (d) Administrative Procedure Act.

Under section 901(a) (2) of the Federal Aviation Act, FAA is authorized to compromise civil penalties for violations of certain provisions of the act and the Federal Aviation Regulations.

Copies of all final actions involving civil penalty compromises and certificate actions are placed in the public docket which is located in the FAA Building and which is available for inspection by the public. These documents include in civil penalty cases, civil penalty letters, and letters of acceptance, and in certificate cases notices of proposed certificate action and orders of suspension of revocation. Since the enforcement actions are not of the type required to be held under the provisions of the Administrative Procedure Act, the maintenance of the public docket is not required by the Administrative Procedure Act. The public docket is maintained for the convenience of the public, and no rule has been published concerning it.

FAA is an allotting agency under the defense materials system. Allotments may constitute adjudication under the Administrative Procedure Act.

While there are no formal published rules regarding access to these adjudicatory findings, all of them are available through the FAA Washington office or the appropriate regional office.

In the civil rights field, FAA has certain policing functions. Under the regulations of the President's Committee on Equal Employment Opportunity, 41 CFR part 60-1, as reflected in FAA regulations, the FAA prosecutes violations of the equal opportunity clause by contractors engaged in work under Government contracts let by FAA and under federally assisted construction contracts let under programs administered by FAA. The rules provide for imposition of sanction, partly with and partly without the concurrence of the President's Committee. No such case has yet occurred.

Under title VI of the Civil Rights Act of 1964 and the implementing FAA regulation, 14 CFR part 15 which was approved by the President, FAA prosecutes and adjudicates (subject to judicial review) proscribed discriminatory action by recipients of FAA financial assistance vis-a-vis ultimate beneficiaries of such assistance. Part 15 provides for formal hearing proceedings in such cases at the option of the respondent. Detailed procedural rules authorized by part 15 have not yet been adopted.

It may be that action in the direction of uniformity of Agency procedures in the civil rights field will be taken under the auspices of the President's Council on Equal Opportunity (Executive Order 11197) or otherwise, and that the matter of publication of adjudication of violations will be taken up in that context, but we have no present information to this effect.

The FAA also has a contracts appeals panel which decides contractor claims under FAA contracts to the extent authorized by the disputes clause of a contract. Decisions in these cases are not adjudicatory within the definition of section 2(d) of the Administrative Procedure Act. However, the decisions are available for public inspection.

4. Interim or final opinions and orders in adjudication would be held confidential when secrecy is requisite on grounds of national defense. We are not aware of any such instance since FAA was created in 1958.

5. Unpublished opinions or orders are not cited as precedents in any proceedings under the Administrative Procedure Act.

6. For the most part, the Agency has no specific procedures for making records, files, opinions, and interpretations available to the general public. The Agency accepts individual requests for such materials, and decides on a case-by-case basis whether the materials should be made available. It is the policy of the