

Agency in these cases to make factual information available to persons who are properly and directly concerned. The Agency operates on the principle that the FAA exists to serve the public and that a free sharing of information with the public is generally in the public interest.

Official files pertaining to rulemaking are held open to inspection in accordance with Agency regulations. 14 CFR 11.11 requires that these files be maintained in docket form in the Office of the General Counsel, and be made available to any interested person.

7. Section 1104 of the Federal Aviation Act (49 U.S.C. 1504) provides that, if any person is required to submit disclosure of it and the Administrator shall then withhold this information from the public, when it would adversely affect the interest of the person and is not required in the interest of the public. This section reads as follows:

Any person may make written objection to the public disclosure of information contained in any application, report, or document filed pursuant to the provisions of this Act or of information obtained by the Board or the Administrator, pursuant to the provisions of this Act, stating the grounds for such objection. Whenever such objection is made, the Board or Administrator shall order such information withheld from public disclosure when, in their judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public. The Board or Administrator shall be responsible for classified information in accordance with appropriate law: *Provided*, That nothing in this section shall authorize the withholding of information by the Board or Administrator from the duly authorized committees of the Congress.

49 U.S.C. 1472(f) provides a criminal penalty for the disclosure of such information unless directed by the Administrator or a court of competent jurisdiction.

Agency regulations (14 CFR 185.15) deal specifically with the question of disclosing FAA documents and records in legal proceedings between private litigants. Such records may be released only after appropriate review by a member of the Office of the General Counsel. Guidelines for the release of information in these and other circumstances are set forth in Agency Handbook OA P 1200.2 entitled, "Release of Information by FAA Employees." Further guidelines on the release of information marked "Top Secret," "Secret," "Confidential," "For Official Use Only," "NATO," "SEATO," "CENTO," and "AEC Restricted" are contained in Agency Handbook OA P 1600.2 and Agency order AD 1600.3. Copies of these regulations and internal directives are enclosed.

8. Private parties are not required to resort to FAA organization or procedure not published in the Federal Register.

9. There are no rules in effect which were not published because they involved a function of the United States requiring secrecy in the public interest.

10. The FAA has a body of internal directives which relate solely to internal Agency management. They are addressed to FAA officers and employees only and do not prescribe the conduct or determine the rights or liabilities of any members of the public. They are, therefore, not public rules and they are not published.

11. This Agency considers as "matters of official record" the records in hearing cases; exchanges between parties and FAA in any adjudications; the rulemaking dockets; and all FAA rules, orders, or decisions, with supporting opinions (if any), which determine rights or liabilities, or prescribe the conduct, of members of the public, or inform the public of FAA policy. Also included are reports filed with the FAA and FAA correspondence with members of the public. However, any such materials either withheld from public disclosure under section 1104 of the Federal Aviation Act because disclosure would adversely affect the interests of the person submitting the information and is not required in the interest of the public, or kept secret on grounds of national defense, are not considered "matters of official record" in the sense of "public records" as used in section 3(c) Administrative Procedure Act.

Disclosure of any fact or information which was gathered during the course of an examination of the accounts, records, or memorandums of an air carrier, is prohibited by section 902(f) of the Federal Aviation Act excepted as directed by the Administrator.

Information collected or developed by FAA for the purpose of dissemination to the public (section 311 of the Federal Aviation Act) is, of course, available