

10. The Board has deemed it unnecessary to publish rules concerning matters referred to in the answer to question 7, above, because the confidentiality of such documents is well recognized in a quasi-judicial agency like the Board, or because the inaccessibility of such documents is dictated by the requirements of other departments or agencies.

11. The term "official record," which appears in section 3(c) of the Administrative Procedure Act, is likewise adverted to in sections 205(f) and 207(i) of the Federal Coal Mine Safety Act (66 Stat. 698, 702); in sections 401.34 and 401.38 of the Board's rules of procedure (30 CFR 401.34, 401.38); and in section 5 of the Board's statement of organization. Pursuant to the requirements of these provisions, the Board includes in such records all papers filed by the parties, all Board notifications to the parties, and all other official acts of the Board, including all findings, orders, and opinions issued in the case.

As you requested, enclosed are two copies of the following Board publications: Statement of Organization, as amended; Rules of Procedure, as amended; Information Circulars Nos. 1, 2, and 3; and Change of Address Notification. Copies of Board decisions are also available, if you so desire.

For the Board.

Sincerely yours,

ROBERT J. FREEHLING, *General Counsel.*

REPLY FROM FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., April 28, 1965.

Hon. JOHN E. MOSS,
*Chairman, Foreign Operations and Government Information Subcommittee,
Committee on Government Operations, House of Representatives, Washing-
ton, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your letter of February 12, 1965, in which you request answers to a number of questions concerning public information practices to aid in your subcommittee's study of section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002). The information you requested is as follows:

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?

As 5 U.S.C. 1002 applies to all functions of the Commission, there are no units of the Commission to which this section does not apply.

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

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

The information referred to in this question is primarily contained in the rules and regulations of the Commission. Rules of general applicability, except those dealing with ratemaking, are published in the Federal Register as they are issued or amended, and also in the Code of Federal Regulations (47 CFR). A looseleaf rules service is available from the Government Printing Office in 10 separate volumes. The rules pertaining to radio are also printed in Pike and Fischer, "Radio Regulation," a private service. Commission rulemaking documents, such as notices of proposed rulemaking, and reports and orders, are published in the Federal Register and are also available from the Commission's Office of Reports and Information. This is not true, however, of ratemaking and certain rules of special applicability, such as those prescribing depreciation rates. Decisions in rulemaking cases involving rates and similar matters are