

in bound volumes, as the Federal Communications Commission reports. These documents are not published in the Federal Register. Decisions and opinions pertaining to radio are also printed commercially in Pike and Fischer, "Radio Regulation." Public notice is given of all final and interim orders involved in the adjudication of cases, and they are available to the public through the Office of Reports and Information.

4. In what types of cases does your agency refrain from publishing interim and final opinions or orders where, in the opinion of your agency, good cause requires they be held confidential, pursuant to section 3(b) of the Administrative Procedure Act or other authority?

The Commission has not refrained from publishing interim and final opinions or orders on the grounds that they are confidential for good cause found.

5. In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?

All opinions and orders are announced by the Commission and published in the sense of being made publicly available at the Commission's Office of Reports and Information. In addition, those opinions and orders which the Commission feels are of special significance are printed in the FCC reports. The Commission, therefore, ordinarily cites no opinions and orders as precedent which have not been made publicly available, and, in most instances printed in its reports.¹ The Commission believes that in every instance where an opinion or order might have precedential value, it should be printed in the Federal Communications Commission reports (as well as made public at the Office of Reports and Information) and has so instructed the staff preparing the reports.

6. What is the procedure for making available to the general public the records and files, interpretations and legal opinions of your agency?

Sections 0.401-0.431 (47 CFR 0.401-0.431) of the Commission's rules describe the records and files which are open to public inspection, the places where they may be inspected, and the procedures to be followed. (For further details, see answer to question 7.) In addition, these sections set out the procedure whereby interested parties may request the Commission to inspect those records which are not generally made available to the public. Moreover, much of the information available for inspection at times and places designated by the Commission is also published in such documents as the Federal Register, Commission public notices, the Commission's annual report, and the weekly and semiannual compilations of FCC docket case decisions which are printed and sold by the Government Printing Office.

With respect to agency interpretations, pursuant to section 3 of the Administrative Procedure Act we publish in the Federal Register statements of general policy or interpretations formulated by the agency for the guidance of the public. In addition, we have published in the Federal Register other general policy statements which, although not required to be published, are of sufficient importance in our opinion to justify publication (e.g., "Political Broadcast Primer"; "Fairness Primer"). We have also adopted a policy of publishing such statements in the FCC reports. Further, as to all interpretations having general applicability, the Commission issues public notices which may be obtained at the Commission's Office of Reports and Information.

The Commission does not ordinarily issue legal opinions as such. Its opinions and orders, made public as discussed above (see especially the answer to question 3) do, of course, often refer to the legal basis and reasons for the Commission's decision. Legal opinions of the Commission's General Counsel or other staff attorneys are generally prepared for the guidance of the Commission and are not made public. On occasion, the legal opinion of the Commission, or its General Counsel, is requested by a committee of Congress, in which event any further dissemination of the matter rests in the discretion of the congressional committee.

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

The following limitations are placed upon the availability of records and files to the general public:

¹ One notable exception is that from 1950 to 1957, the FCC reports were not printed due to a lack of funds, although opinions and orders issued during that period continue to be cited as precedent (with citations to Pike and Fischer, "Radio Regulation"). Funds have been obtained, and we are now in the process of issuing Federal Communications Commission reports covering the above-noted years.