

of the acts which the Board administers. Examples of substantive rules may be found, however, in sections 250.1-250.6 and 345 of the regulations (20 CFR 250.1-250.6 and 345).

(e) Although there may have been a few rare instances, we are not aware of any Board rules having been addressed to and served upon named persons in accordance with law; if there have been any such rules, they have not been published. Rules of this nature might possibly be issued under sections 250.1-250.6 of the regulations (20 CFR 250.1-250.6), but in practice general instructions to all employers have been released, together with copies of the Board's regulations, and individual formal demands for particular compliance have not been necessary. (Copies of such instructions accompany the copies of the regulations we are submitting in compliance with the final paragraph of your letter.)

3 and 4. For the reasons mentioned in the answer to question 7, below, the Board does not publish its final orders in the adjudication of individual claims for benefits under the acts it administers. The legal principles forming the bases for its decisions are published in the regulations, and with respect to specific points of general interest legal principles are summarized in the administrative rulings and court review section of the Board's annual report, in the Board's monthly review in earlier years, and in Railroad Retirement Board—legal opinions with respect to some recent years.

5. Unpublished opinions and orders of the Board are not cited or used as precedents in other proceedings.

6. In addition to the methods noted in answer to question 3, above, opinions on particular questions are furnished to any interested persons upon request, the requirements noted in answer 7, below, having first been complied with, and the Board's records and files are available to inspection subject to the same requirements.

7. The availability of records and files to the general public is limited by the prohibition of disclosures from Board records appearing in section 12 (d) and (n) of the Railroad Unemployment Insurance Act (45 U.S.C. 362 (d) and (n)) and section 262.16 of the Board's regulations (20 CFR 262.16). The information and records not available to the public upon request are those which identify the individuals concerned and which consist either of medical information or any other information if its disclosure would not be in the interest of the individual. In addition, records (usually medical) received from the Social Security Agency or the Veterans' Administration are subject to any limitation upon disclosure imposed by the acts administered by those agencies (5 U.S.C. 139b(a)).

8. Private parties dealing with the Board are not required in any manner to resort to organization or procedure not published in the Federal Register. This may be qualified by noting that in infrequent cases the parties request the Board to vary its procedures, particularly appeal procedures, or the Board may suggest such a variance subject to agreement by the parties. It may also be noted that the instructions to employers, referred to in answer 2(e), above, do not appear in the Federal Register, but these are designed primarily to assist employers in complying with the requirements of the published regulations.

9. The Board has had no occasion to refrain from published rules involving any function of the United States requiring secrecy in the public interest, whether pursuant to section 3(1) of the Administrative Procedure Act or other authority.

10. Rules governing personnel activities and instructions to employees, administrative manuals, operating manuals, etc., concerning the manner in which the employees are to carry on their functions, are the types of materials relating solely to internal agency management which, pursuant to section 3(2) of the Administrative Procedure Act, are not published by the Board.

11. The Board's records and files maintained in the administration of the Railroad Retirement and Railroad Unemployment Insurance Acts are considered to be within the official record designation used in section 3(c) of the Administrative Procedure Act.

In compliance with the request in the final paragraph of your letter, I am transmitting herewith two copies of the Board's regulations (20 CFR 200-395) and the accompanying instructions to employers, together with two copies of the statement in the U.S. Government Organization Manual describing the central and field organization of the Board.

Sincerely yours,

HOWARD W. HABERMEYER, *Chairman.*