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Civil Aeronautics Administration U. S. Department of Commerce

REGULATIONS OF THE ADMINISTRATOR

PART 405

General Procedures

Effective December 30, 1950

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SUBPART A—INTRODUCTION

§ 405.1 *Definitions of terms.* As used in this part:

(a) "Acts" shall mean Civil Aeronautics Act of 1938, as amended.

(b) "Administration" shall mean Civil Aeronautics Administration.

(c) "Administrator" shall mean Administrator of Civil Aeronautics.

(d) "Board" shall mean Civil Aeronautics Board.

§ 405.2 *Civil aeronautics procedures.* The act provides that certain civil aeronautics functions shall be performed by the Administration, while others shall be performed by the Board. Accordingly, persons desiring information with respect to civil aeronautics procedures should examine not only this chapter but also Chapter I of this title.

SUBPART B—FORMAL AND INFORMAL PROCEDURES

§ 405.11 *Public information.* Except to the extent that there is involved any function of the United States requiring secrecy in the public interest, or any matter relating solely to the internal management of the Administration:

(a) The Administration will separately state and currently publish in the FEDERAL REGISTER:

(1) Descriptions of its central and field organization, including delegations by the Administrator of final authority and the established places at which, and methods by which, the public may secure information or make submittals or requests. Organization of the Administration will be promulgated uncodified in the "Notices" section of the FEDERAL REGISTER, and in summarized form in the United States Government Organization Manual. In addition, it will be available as Part 400, Regulations of the Administrator, from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. Amendments to Part 400 will be obtainable without charge, from the Aviation Information Office, Civil Aeronautics Administration, Washington 25, D. C. All current parts and amendments to the Regulations of the Administrator will be listed in the Civil Aeronautics Journal, published monthly by the Administration and available from the Superintendent of Documents.

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations. Procedures of the Administration will be promulgated in Parts 405 through 419 of this chapter. In addition, they will be available as Parts 405 through 419, Regulations of the Administrator, from the Superintended of Documents, Government Printing Office. Amendments to Parts 405 through 419 will be obtainable without charge, from the Aviation Information Office of the Administration.

(3) Substantive rules adopted by the Administration as authorized by law, and statements of general policy or interpretations formulated and adopted by the Administration for the guidance of the public, but not rules addressed to, and served upon, named persons in accordance with law. Rules, policies, and interpretations of the Administration issued primarily pursuant to statutes conferring authority on the Administrator will be promulgated in Parts 420 through 699 of this chapter. In addition, they will be available as Parts 420 through 699, Regulations of the Administrator, from the Superintendent of Documents, Government Printing Office. Amendments to Parts 420 through 699 will be obtainable without charge, from the Aviation Information Office of the Administration. Rules, policies, and interpretations of the Administration issued primarily pursuant to Civil Air Regulations delegating authority to the Administrator, will be promulgated in Parts 1 through 99 and 420 through 699 of this title. In addition, many of these rules, etc., will be found in the following publications:

(i) Civil Aeronautics Manuals will correspond with those individual parts in Subchapter A of Chapter I which have been supplemented by the Administration. These Manuals will be available from the Superintendent of Documents, Government Printing Office, and supplements to these Manuals will be obtainable without charge from the Aviation Information Office of the Administration. All current Manuals and supplements will be listed in the Civil Aeronautics Journal.

(ii) Flight Information Manual, issued semi-annually, and Airman's Guide, issued bi-weekly, which supplements the Manual, will include rules, etc., which are of value to persons operating aircraft. They will be available from the Superintendent of Documents, Government Printing Office.

(iii) Technical Standard Orders will consist of technical standards dealing with aircraft, airports, airmen, and airways. They will be obtainable without charge, from the Aviation Information Office of the Administration.

(iv) Airworthiness Directives will consist of technical standards dealing with airworthiness of aircraft. They will be obtainable without charge, from the Aviation Information Office of the Administration.

(b) The Administration will publish or, in accordance with published rules, make available for public inspection, all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

(c) Save as otherwise required by statute, the Administration will, in accordance with published rules, make available to persons properly and directly concerned, all matters of official record except information held confidential for good cause found.

§ 405.12 *Drafting of rules, etc.* The Administrator's rules, policies, and interpretations result from recommendations made by the industry or from research and experimentation conducted by technical offices of the Administration. Such rules, etc., will be prepared by the technical offices assigned responsibility for the subject matter in the organization of the Civil Aeronautics Administration, and thereafter will be submitted through the General Counsel's office to the Administrator for final adoption and promulgation. Before the Administrator adopts rules, the Administration may issue a draft of the proposed rules to the industry, requesting its views and comments, and will comply with § 405.13.

§ 405.13 *Making of rules.* Except to the extent that there is involved any military, naval, or foreign affairs function of the United States, or any matter

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relating to Administration management or personnel or to public property, loans, grants, benefits, or contracts.

(a) The Administration will publish general notice of proposed rule making in the FEDERAL REGISTER (unless all persons subject to the rules are named and either are personally served or otherwise have actual notice of the rules in accordance with law). The notice will include a statement of the time, place, and nature of the public rule making proceedings; a reference to the authority under which the rules are proposed; and either the terms or the substance of the proposed rules or a description of the subjects and issues involved. Except where notice is required by statute, this subsection will not apply to interpretative rules, general statements of policy, rules of Administration organization, procedure, or practice, or in any situation in which the Administrator for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice thereon is impracticable, unnecessary, or contrary to the public interest.

(b) After complying with the notice requirements of this section, the Administration will afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner; and, after consideration of all relevant matter presented, the Administration will incorporate in any rules adopted, a concise general statement of their basis and purpose. Except where hearing is required by statute, this subsection will not apply to interpretative rules, general statements of policy, rules of Administration organization, procedure, or practice, or in any situation in which the Administration for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that public procedures thereon are impracticable, unnecessary, or contrary to the public interest. Where rules are required by statute to be made on the record after opportunity for an Administration hearing, the requirements of sections 7 and 8 of the Administrative Procedure Act will apply in place of the provisions of this paragraph.

(c) The publication or service by the Administration of any substantive rules (other than those granting or recognizing exemptions or relieving restrictions, or interpretative rules and statements of policy) will be made not less than 30 days prior to the effective date of the rules, except as otherwise provided by the Administration upon good cause found and published with the rules.

(d) Any interested person may petition for the issuance, amendment, or repeal of Administration rules. Such petition shall be addressed to the Civil Aeronautics Administration, Washington 25, D. C. It shall set forth clearly and concisely the petitioner's interest in the subject matter, the specific action desired, the facts requiring or justifying the action, and the purpose that would be served by granting the action.

§ 405.14 *Requests for informal appearances.* Any interested person may request and will be granted an opportunity to appear informally before the proper official or officials of the Administration for the presentation, adjustment, or determination of an issue or controversy pertaining to a function of the Administration. A request for such an appearance shall be submitted in writing and addressed to the Civil Aeronautics Administration, Washington 25, D. C., or to its nearest Regional or District Office.

§ 405.15 *Availability of rules, etc.* Inquiries regarding the availability of copies of current organization, procedures, rules, policies, or interpretations issued by the Administration shall be addressed to its Aviation Information Office, Washington 25, D. C.

(15 Federal Register 9435)

AVIATION INFORMATION

A complete list of the Regulations of the Administrator and amendments to them appears in the CAA Journal, issued monthly by Civil Aeronautics Administration. Copies of amendments are obtainable, without charge, from the Office of Aviation Information, CAA, Washington 25, D. C.

U. S. GOVERNMENT PRINTING OFFICE : 1951 O 829881