

# ADMINISTRATIVE PROCEDURE IN GOVERNMENT AGENCIES

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## REPORT

### OF THE

COMMITTEE ON ADMINISTRATIVE PROCEDURE,  
APPOINTED BY THE ATTORNEY GENERAL, AT  
THE REQUEST OF THE PRESIDENT, TO  
INVESTIGATE THE NEED FOR PRO-  
CEDURAL REFORM IN VARIOUS  
ADMINISTRATIVE TRIBUNALS  
AND TO SUGGEST IMPROVE-  
MENTS THEREIN



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some end specified in the statute. It may be to see that benefits of some sort are received by persons with whom the agency deals, or that transportation systems or communications systems, or various other business activities are conducted either so as to comply with certain negative requirements or so as to achieve positive results. Taken together, the various Federal administrative agencies have the responsibility for making good to the people of the country a major part of the gains of a hundred and fifty years of democratic government. This means that the agencies cannot take a wholly passive attitude toward the issues which come before them. Out of this fact flow perhaps the most difficult of the problems relating to the administrative process. Administrative agencies constitute a large measure of the motive power of Government; a problem of motive power is a problem also of brakes; but the necessity of both must be faced frankly when either is in question.

4. *Variety of administrative duties.*—No single fact is more striking in a review of existing Federal administrative agencies than the variety of the duties which are entrusted to them to perform. This is true of many single agencies taken alone; it is true, above all, of the agencies taken as a group. This central and inescapable fact makes generalization in description difficult. It makes even more difficult generalization in prescription. For variety in functions means variety in the circumstances and conditions under which the activities of the various agencies impinge upon private individuals. A procedure which would be for the protection of the individual in one situation may be clearly to his injury in another. A set of standards evolved to meet one problem may fail wholly to meet another. One need look no further than a single agency—the Interstate Commerce Commission—to be impressed by the basic necessity of differing procedures for different types of activities, and by the varying procedural patterns which the Commission has evolved to meet this necessity.

The Committee has approached its task with acute awareness of this central difficulty. And as it ventured upon tentative generalizations it has had repeated occasion to be reminded of it. The Committee has throughout, however, regarded the difficulty not as a barrier but as a warning. The recommendations of this report include major proposals for generalized action, at least at the stage of formal adjudicatory hearings. The Committee has confidence that further progress in the direction of uniformity of principle and practice is not only desirable but possible. In considering either the present proposals or suggestions which may grow out of future study, however, awareness of this difficulty remains important, and persistent testing in specific applications is imperative.

#### **D. A CONSEQUENCE OF THE CHARACTERISTICS OF ADMINISTRATIVE AGENCIES—THE NEED FOR DELEGATION**

Four of the characteristics of administrative agencies, then, are their size, their specialization, their responsibility for results, and their variety of duties. Each of these characteristics to a greater or less degree, in turn, contributes to, and necessitates, a highly

important characteristic of administrative procedure: delegation. The large staff of an agency, the many duties which the agency is called upon to perform, the necessity of harmonizing its affirmative responsibility for results with its equally important duty of deciding correctly as between the parties in each particular case, and the practical need for the fullest possible utilization of its special skills and expertness—each of these calls for internal organization which involves an allocation of functions among the members and staff of the agency.

For it becomes obvious at once that the major work of the heads of an agency is normally supervision and direction. They cannot themselves be specialists in all phases of the work, but specialists must be immediately available to them. They cannot themselves receive material which must be filed and analyse it. They cannot, and they should not, conduct investigations, determine in every instance whether or not action is required, hear controversies, and at the same time make all the decisions. Administrative procedures must be founded upon the reality that many persons in the agency other than the heads must do the bulk of this work. When agency heads permit themselves to be overwhelmed by detail, they rob themselves of time essential for their most important tasks.

So it will be seen that the very characteristics of administrative agencies necessitate that delegation of function and authority be a predominant feature of their organization and procedure.

1. *Necessity for delegating internal management.*—Delegation must begin with internal management. The Committee has been impressed by the frequent reluctance of high officers, charged with serious policy-making functions, to relinquish control over the most picayune phases of personnel and business management. No reason appears, for example, why the members of one agency must approve, as they do, the travel expense vouchers of its employees, or why the members of another must give, as they do, their personal attention to the assignment of parking spaces in the basement of their building, or why the members of a third must themselves pass upon the selection of every employee whose compensation is to exceed \$2,600 per annum. Intelligent conservation of an agency's resources demands the sloughing off of many of these routine tasks by assignment of the work of internal management to an executive officer. It is plainly feasible for a board or commission to designate one or more of its members as a committee to whom the personnel director will report. The Interstate Commerce Commission has long followed such a plan, with marked success. Eight of the eleven commissioners are relieved entirely of the duties of personnel management. One commissioner has stated that the Commission could not continue to operate if all his colleagues were burdened with every question of employment, promotions, and salary increases of more than 2,500 employees.

2. *Necessity for delegation of authority to dispose of routine matters.*—Not only internal management, but nearly every phase of the typical agency's activity demands delegation of authority. In many agencies there are large numbers of more or less formal applications for extension of time or for waiver of requirements, which involve no decision of principle, but merely ascertainment that the facts are as represented. All of these matters should be entrusted to responsible

executive officers. For example, in agencies which regulate rates, such as the Federal Power Commission, the Federal Communications Commission, and the Civil Aeronautics Board, it is not essential that each of the agency heads should pass upon routine matters connected with the filing of tariffs such as the waiving of notices. This power should be delegated, and the necessary supervision can adequately be performed by one commissioner instead of all. The Interstate Commerce Commission has delegated this particular power to a single commissioner, and he in turn has in large measure entrusted it to a board of employees. The orders have been issued in the name of the commissioner, but in fact the power has been largely exercised by employees under his general direction, the policies have been determined by the commissioner, and only the novel or difficult cases have been referred to him. Apparently none of the other rate-making agencies has experimented with an equally extensive delegation of this power.

3. *Necessity of delegating authority to dispose of matters informally, or to initiate formal proceedings.*—Authority to decide the next step to be taken after investigation of a matter may properly, and should more often, be delegated. Here it must be understood that delegation may be a matter of degree. It is not true that authority must be delegated completely or not at all. In the collection of taxes, after a return has been audited the question may arise whether to accept the taxpayer's position, or to make an adjustment by agreement, or to assert a deficiency involving formal proceedings. The Commissioner of Internal Revenue cannot decide all these questions. Many, indeed most, are decided by responsible employees under adequate supervision. Only important or novel questions go to the Commissioner and few indeed to the Secretary of the Treasury.

But this method is not universally adopted. The Federal Trade Commission, for instance, in a year's time considers some 2,000 separate cases which have been fully investigated by its Chief Examiner's Division or by its Radio and Periodical Division.<sup>15</sup> The question before the Commission is merely what further action shall be taken—shall the matter be dropped? Shall an effort be made to secure an agreement that the conduct will not be continued? Shall a formal complaint be issued? In every instance the matter comes before the Commission after careful review by one of its most important officials; even in those cases in which its several subordinates have concurred in recommending that no further action be taken, personal consideration of one commissioner and some consideration by all is nevertheless accorded.

To conserve the time and energy of the agency heads for their primary tasks,<sup>16</sup> matters such as those just mentioned should be delegated. The Committee believes that agencies which have not done so should vest one or more ranking and responsible agency officers with the power, among other things, to issue complaints or otherwise

<sup>15</sup> See Appendix D, "Institution of Formal Administrative Disciplinary Action for Violation of Statutes or Regulations," *infra*, pp. 286–306, for a description of the investigations which precede issuance of Federal Trade Commission complaints.

<sup>16</sup> Compare the statement of Commissioner Joseph B. Eastman of the Interstate Commerce Commission before a committee of the House of Representatives in 1933: "Sound principles of organization demand that those at the top be able to concentrate their attention upon the larger and more important questions of policy and practice, and that their time be freed, so far as possible, from the consideration of the smaller and less important matters of detail." Hearing on H. R. 7432, before House Committee on Interstate and Foreign Commerce (72d Cong., 2d Sess.) at p. 7.

to initiate action. Thus, the National Labor Relations Board permits each of its Regional Directors to issue complaints alleging unfair labor practices after receiving the consent of the Secretary and under the general supervision of the Board. So, too, the Federal Trade Commission should vest in its Chief Examiner and in its Director of the Radio and Periodical Division power to institute formal action within their respective spheres.

The delegation should, of course, be kept within proper bounds. The Committee recognizes not only that public initiation of action may sometimes be crucial insofar as the affected individual is concerned, but also that the choice of cases in which to proceed may constitute the very essence of policy making and development of the law in the field. But these elements can be recognized, and their importance preserved, without a rigid refusal of the agency heads to relax their hold upon all phases of proceedings. Cases of difficulty or novelty should continue to have the attention of the agency heads. But where the matter falls into an established pattern, and where the agency's policies have become crystallized so that little question arises concerning whether a complaint should or should not be issued, the agency heads should be relieved of the duty of making the decision to proceed or not to proceed in each case.

Supervision and control by the agency heads should be retained by three methods: (1) stating for the guidance of agency officials those policies which have been crystallized, and which the responsible officers need only apply to the particular case at hand; (2) consideration by the agency heads of cases for which no such policies have been crystallized or in which application of the policies is difficult; and (3) requirement that the officers in whom is vested the power to issue, or refuse to issue, a complaint, submit a periodic report (either weekly or daily) to the agency heads. If these three devices are utilized, the Committee believes that the agency heads will be able to guide the important work without devoting unnecessary time and attention to routine matters.

Similar delegation to high officers in the agency is perhaps even more desirable in respect of settlements and other negotiations looking toward the disposition of cases without hearings. As the Committee will discuss more fully in chapter III of this report, the bulk of administrative action is taken informally. Settlements and agreements close out the great majority of cases before hearing. The flexible and expeditious adjustment of controversies between the Government and individual citizens is a major objective of the administrative process. Yet the Committee has noted a tendency on the part of some agencies to hinder such adjustment by withholding from all but the agency heads power effectively to settle and negotiate cases. An individual seeking a definitive statement of an agency's position and exploring the possibilities of amicable adjustment may be frustrated because the subordinates with whom he deals are forced to disclaim responsibility or authority. Delays and red tape result, and settlement is discouraged.

The Committee believes that this situation, again, will be considerably relieved, and the agency heads themselves will be able to turn their energies to more difficult problems, if there is delegation of power to responsible officers to conduct and approve settlements. And, as

in the case of issuance of complaints, effective supervision by the agency heads can be maintained, as many an agency has demonstrated, by requiring that difficult and novel cases be submitted to them, and that, in any event, periodic reports to the agency heads be prepared by the officers.

Closely related to the problem of delegation is that of decentralization. Some agencies have been decentralized to a large extent: The administration of the Longshoremen's and Harbor Workers' Compensation Act by the United States Employees' Compensation Commission, and of the Unemployment Insurance Act by the Railroad Retirement Board, are examples. Decentralization avoids delay and enables the individual citizen to deal with responsible persons in his home locality without the expense of traveling to Washington. The Securities and Exchange Commission has recently made significant experiments in this direction in respect of its registration procedures; so has the Bureau of Internal Revenue. Important factors may militate against complete decentralization: One is the need for uniformity, more important in some agencies than in others; a second is the novelty of an agency's work; a third may be a limited staff. But the Committee is convinced that the convenience of the public may be served and administration improved if those agencies which are in a position to do so will vest in field officers greater powers to deal with the persons whom they regulate. Proper supervision may be retained by careful selection of personnel, by spot checks of field work, by requiring the transmission of files to Washington, and by the preparation of periodic summary reports to the agency heads.

4. *Necessity for Delegation of Authority and Function in Formal Proceedings.*—In very few agencies can the heads of the agency sit, individually or together, to hear the testimony of witnesses in formal proceedings. The press of their many duties is too great. As a result, the practice, common in equity courts, of appointing a special master to hear the evidence and report his findings and conclusions has been widely adopted in administrative procedure.

The need for improving and regularizing this practice and its attendant procedures is great. Chapter IV of this report is devoted to this subject and to the Committee's recommendations. It is mentioned here in order to stress the fact that the problem is merely one of the many which arise from the nature of the tasks which administrative agencies must perform and from the necessities of delegation.

## CHAPTER II

### ADMINISTRATIVE INFORMATION

An important and far-reaching defect in the field of administrative law has been a simple lack of adequate public information concerning its substance and procedure. The staff of the Committee has had to labor industriously for a year or more in order to describe the procedures of a selected group of agencies, without attempting to analyze the substantive principles upon which the agencies act. There are comparatively few works on "administrative law," and even fewer which deal with administrative procedure as such. The publications of the agencies themselves are in a number of instances found to be out of date or of too generalized a character. To all but a few specialists, such a situation leads to a feeling of frustration. Laymen and lawyers alike, accustomed to the traditional processes of legislation and adjudication, are baffled by a lack of published information to which they can turn when confronted with an administrative problem.

Such a state of affairs will at least partially explain a number of types of criticisms of the administrative process. Where necessary information must be secured through oral discussion or inquiry, it is natural that parties should complain of "a government of men." Where public regulation is not adequately expressed in rules, complaints regarding "unrestrained delegation of legislative authority" are aggravated. Where the process of decision is not clearly outlined, charges of "star-chamber proceedings" may be anticipated. Where the basic outlines of a fair hearing are not affirmatively set forth in procedural rules, parties are less likely to feel assured that opportunity for such a hearing is afforded. Much has been done in recent years to alleviate these difficulties. But much more can readily be done by the agencies themselves.

#### A. RULES, REGULATIONS, AND STATEMENTS

After thorough studies had been undertaken in 1933 at the direction of the President, provision was made, for the first time in the history of the United States, for the publication of administrative regulations in the manner of other laws.<sup>1</sup> As a result the Federal Register now provides for the daily publication of new "rules, regulations, and orders" having "general applicability and legal effect."<sup>2</sup> The Code of Federal Regulations is a codification of the same documents. While this important step made it possible for the citizens to discover what rules, if any, had been made, it did not provide affirmatively for the making of needed types of rules or for the

<sup>1</sup> See Code of Federal Regulations, v. 1, pp. iv ff.

<sup>2</sup> 1 Fed. Reg. 2269 *et seq.*

issuance of other forms of information. Rules and regulations are not the only materials of administrative law. There are, in addition, the statutes, which are often general in their substantive provisions and sketchy in their procedural directions; the decisions of each agency, only some of which are accompanied by reasoned opinions and only some of which are published; the agencies' reports to Congress, which contain a variety of useful information but which are not always readily available to the public at large; the interpretative rulings made by the agencies or their general counsel, which frequently are not published; press releases, notices, speeches, and other statements of policy which are easily lost and obviously cannot be distributed to or kept by all who might some day have use for them; and the decisions of the courts upon review, enforcement, or restraint of administrative action, which are few in number and deal for the most part either with purely formal matters or with the details of a particular case. All these types of information should be made available, in orderly and readily accessible form, to the public. To bring such scattered materials together, to know which are superseded, and to fill in missing chapters is a task that only the agency involved can perform.

A primary legislative need, therefore, is a definite recognition, first, of the various kinds or forms of information which ought to be available and, second, of the authority and duty of agencies to issue such information.<sup>3</sup> Rules and regulations are of many kinds, each of which should be recognized in any attempt to deal with the problem. Moreover, instead of diverse methods of issuing information, as far as practicable all standard information regarding a given agency should be brought together. Without attempting to exhaust the subject, it is possible to list at least seven forms of vital administrative information:

1. *Agency organization*.—Few Federal agencies issue comprehensive or usable statements of their own internal organization—their principal offices, officers, and agents, their divisions and subdivisions; or their duties, functions, authority, and places of business. The United States Government Manual is not sufficiently detailed to fill this gap. Yet without such information, simply compiled and readily at hand, the individual is met at the threshold by the troublesome problem of discovering whom to see or where to go—a problem sometimes difficult to solve without irksome correspondence or unproductive personal consultations.

2. *Statements of general policy*.—Most agencies develop approaches to particular types of problems, which, as they become established, are generally determinative of decisions. Even when their reflection in the actual determinations of an agency has lifted them to the stature of "principles of decision," they are rarely published as rules or regulations, though sometimes they are noted in annual reports or speeches or press releases, as well as in the opinions disposing of particular

<sup>3</sup> It may not be wholly amiss to add here the thought that no agency can know in advance the identity of every affected interest or every attorney who may at some time be involved in its proceedings. Hence, those who may be interested must themselves bear the major responsibility for securing the information an agency may make available. It is no doubt true even today that accessible documentary material is often not consulted because of failure to seek it from one or another of the agencies. Many law libraries, both those of professional organizations and those connected with educational or public institutions, neglect to index or to maintain current files of administrative materials which may be obtained from the agencies at little or no cost.



controversies. As soon as the "policies" of an agency become sufficiently articulated to serve as real guides to agency officials in their treatment of concrete problems, that fact may advantageously be brought to public attention by publication in a precise and regularized form.<sup>4</sup>

3. *Interpretations.*—Most agencies find it useful from time to time to issue interpretations of the statutes under which they operate. These interpretations are ordinarily of an advisory character, indicating merely the agency's present belief concerning the meaning of applicable statutory language. They are not binding upon those affected, for, if there is disagreement with the agency's view, the question may be presented for determination by a court. But the agency's interpretations are in any event of considerable importance; customarily they are accepted as determinative by the public at large, and even if they are challenged in judicial proceedings, the courts will be influenced though not concluded by the administrative opinion. An agency's interpretations may take the form of "interpretative rules." More often they are made as a consequence of individual requests for rulings upon particular questions; but as "rulings" they are often scattered and not easily accessible.

4. *Substantive regulations.*—Many statutes contain provisions which become fully operative only after exercise of an agency's rule-making function. Sometimes the enjoyment of a privilege is made conditional upon regulations, as, for example, where Congress permits the importation of an article "upon such rules and regulations as the Secretary of the Treasury may prescribe," or allows utilization of public forests in accord with regulations to be laid down by administrative officers. Sometimes the extent of an affirmative duty is to be fixed by regulations, as, for example, where employers are commanded to pay wages not less than those prescribed in administrative regulations. Sometimes a prohibition is made precise by regulations, as, for example, where the sale of dangerous drugs is forbidden and the determination of what drugs are dangerous is left to administrative rules. In such instances the striking characteristic of the legislation is that it attaches sanctions to compel observance of the regulations, by imposing penalties upon or withholding benefits from those who disregard their terms. Thus these substantive regulations have many of the attributes of statutes themselves and are well described as subordinate legislation.

5. *Practice and procedure.*—Most agencies issue in some form directions as to practice and procedure, but generally these are severely limited to forms of application and the bare requirements of practice. They rarely outline the whole process or indicate alternative procedures. They tend to touch upon the high spots of formality without disclosing the essential patterns of the procedures utilized by a given agency in a given type of case.

6. *Forms.*—A most useful type of information is found in forms for complaints, applications, reports, and the like. Most agencies issue these in connection with their rules of practice. They are helpful to the individual because they simplify his task and make it

<sup>4</sup> It remains true, however, as was observed in *Chicago, Burlington and Quincy Ry. Co. v. Babcock*, 204 U. S. 585, 598 (1907), that many administrative judgments "express an intuition of experience which outruns analysis and sums up many unnamed and tangled impressions; impressions which may lie beneath consciousness without losing their worth."

unnecessary for him to speculate concerning the desired contents of various official papers.

7. *Instructions*.—Some agencies operate wholly, or for the most part, through examinations, statements, or reports. In such agencies, instructions for such examinations, statements, or reports are the important form of administrative information and are, to all intents and purposes, an essential type of rule-making.

These various sources of administrative information should be recognized. As far as practicable, agencies should be authorized and directed to make and issue, from time to time, such of them as are appropriate to the agency's functions. In compiling information of this sort, the private individual would be materially helped if each agency would take care that its information is constantly improved in form and completeness; kept current as far as possible; promptly published in the Federal Register as well as in pamphlet form; separated as to (a) agency organization, (b) procedure, and (c) substance, interpretation, or policy; and distinguished from statutory provisions with which it may be published.

Omissions in the publication of regulations having statutory effect are no longer worthy of note. Some agencies, such as the Post Office Department, however, have formulated no rules of practice, while the rules of others, by reason of obsolescence or thoughtless adoption of the rules of older agencies, are badly in need of revision to make them conform to actual practice. Where such revision is needed, it should of course be undertaken without delay. The commingling of procedural and substantive regulations is occasionally found, to the detriment of clarity and ease of use. Treasury Regulations under a particular income or estate tax law, for example, typically contain, without separation or demarcation, rules of procedure, substantive provisions supplementing specific sections, and advisory interpretations construing doubtful sections of the Act.<sup>5</sup> Regulations of the Bureau of Marine Inspection and Navigation on a specific subject include provisions dealing variously with procedure and substance. For example, the proposed ocean and coastwise regulations now awaiting promulgation range from specifications of the ingredients of rivet steel to the requirement that license blanks be filled out by the inspectors in pen and black ink. Other agencies, such as the Veterans' Administration, make the distinction between procedure and substance with only partial success. Improvements in this respect should be made.

Interpretations and policy instructions to the staffs of administrative agencies are now available to the public to a limited extent, especially where interpretative regulations are formally adopted and promulgated. In addition, some agencies have expressed their instructions to their agents in available printed form.<sup>6</sup> To some ex-

<sup>5</sup> It must be recognized that some of the existing commingling of procedural, interpretative, and legislative regulations may result from the form of the pertinent statute. The Internal Revenue Code, for example, combines procedure and substance without discrimination, and a set of regulations which proceeds paragraph by paragraph through the Code will necessarily confuse substance and procedure in like manner. But even if the procedural and administrative provisions of the Code are not separately stated, it would seem nonetheless feasible and desirable to draw a set of procedural rules that would be separately stated and separately published.

<sup>6</sup> Regulations of the Home Owners' Loan Corporation, for example, read as follows under the caption "General policy": "The necessity of treating each case of delinquency as an individual problem is recognized, as is the Corporation's duty to collect indebtedness from borrower, and where clearly established that the default is wilful, steps are to be taken

tent, however, the officers of some of the agencies are controlled in their dealings with outsiders by instructions or memoranda which they are not at liberty to disclose. Rarely, if at all, is there justification for such a practice. Not only does it seem unfair to the individual to compel him to meet unseen regulations, but it is inefficient to encourage representations to an agency which might be stilled if the adoption of a definite policy were known. The Committee is strongly of the opinion that, with possible rare exceptions, whenever a policy has crystallized within an agency sufficiently to be embodied in a memorandum or instruction to the staff, the interests of fairness, clarity, and efficiency suggest that it be put into the form of a definite opinion or instruction and published as such. The extent to which the publication should be separate from that of statutory regulations will vary from agency to agency, but in general it would be wise to distinguish the two. In any event, the publication of the settled policies of each agency which affect outsiders should be complete.<sup>7</sup>

## B. OPINIONS AND PRECEDENTS

In the preceding section of this chapter the Committee has recommended the fuller, better organized, and more frequent publication of the guiding principles of administrative behavior. It is recognized, however, that administrative agencies, like the courts, must often develop their jurisprudence in a piecemeal manner, through case-by-case consideration of particularized controversies. This is so partly because the full variety of circumstance can infrequently be perceived in advance. Partly, too, it is necessitated by the circumstances of the agencies' creation. Often an agency has been entrusted with responsible duties in an area in which experience is yet to be won, and where premature rigidifying of policies may prove to be harmful in the extreme. Sometimes, moreover, it is the very justification of an administrative agency's existence that it may exercise discretion in dealing with individual problems which are difficult to fit within the two inflexible boundaries of rules.

Even in these instances, however, there may be no impediment to the agency's stating what it has in fact done in the particular case before it, even though it may be unprepared to state its judgment in a generalized form. As a broad proposition the Committee believes that written opinions are highly desirable attributes of administrative decisions in individual cases; and in fact many of the agencies do now prepare and publish opinions in much the manner of trial and appel-

immediately to protect the Corporation's interest." 24 C. F. R. 402.00a. It is also stated that "It is the policy of the Corporation to endeavor to have its mortgagors regularly remit their payments by mail to the Regional Offices \* \* \* (24 C. F. R. 402.08) ; "It is the fixed policy of the Corporation to discourage the personal collection of mortgagors' payments by its own representatives \* \* \* (24 C. F. R. 402.09).

<sup>7</sup> A word should be added in commendation of the excellent monthly bulletins or journals which are published by a number of the Federal agencies. Outstanding are the Federal Reserve Bulletin and the Civil Aeronautics Journal. Somewhat narrower in their scope but still extremely useful are the Internal Revenue Bulletin and the monthly supplements to the biennial Postal Guide. Those first mentioned are valuable contributions to the knowledge and development of the subjects with which the Board of Governors of the Federal Reserve System and the Civil Aeronautics Administration deal. In addition, they and the others mentioned furnish a means of imparting new regulations and other information regarding the work of the agency to those affected. Since all of these publications are specialized and relatively inexpensive, they are superior for this purpose to the Federal Register. The establishment of similar publications by other agencies might prove to be feasible if thought were given to their development.