

[Docket No. 9900]

**PART 185—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS**

**Miscellaneous Amendments**

The purpose of this amendment to the Federal Aviation Regulations is to revise Part 185, that has prescribed the rules of the FAA with respect to testimony of its employees and the release or disclosure of FAA materials and records, in legal proceedings, and the service of legal process and pleadings. On July 11, 1969, the Secretary of Transportation issued a revised Part 9 of the regulations of his Office, effective July 16, 1969 (34 F.R. 11972), that prescribes for the entire Department the policies and procedures with respect to testimony of its employees as witnesses in legal proceedings, the acceptance of service and pleadings in legal proceedings involving the Department, and the production of records of the Department pursuant to subpoena.

Part 9 authorizes the General Counsel or appropriate counsel of the operating administration concerned to take the same actions and make the same determinations, in legal proceedings concerning that administration, that have been prescribed in Part 185. "Appropriate counsel of the operating administration concerned" is defined in Part 9 to include the General Counsel or Chief Counsel of that administration and any person to whom he has delegated his authority under Part 9.

This amendment limits the scope of Part 185 to naming the General Counsel of the FAA, and the other officials designated by him, as the persons (1) upon whom legal process or pleadings may be served, and who have authority to acknowledge the service and take further action thereon, and (2) who otherwise take actions and make determinations, in legal proceedings concerning the FAA. The FAA officials in each case are those previously named in Part 185.

Since this amendment merely deletes obsolete regulatory material and relates to agency organization, management, and personnel, notice of rule making and public procedure thereon are not required and the action may be made effective less than 30 days after its publication.

In consideration of the foregoing, Part 185 of the Federal Aviation Regulations is amended effective October 17, 1969, to read as follows:

Sec.

185.1 Purpose.

185.3 Acceptance of service on behalf of the Secretary of Transportation or the Administrator.

185.5 Testimony by employees and production of records in legal proceedings.

**AUTHORITY:** The provisions of §§ 185.1, 185.3 and 185.5 are issued under secs. 303(d) and 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1344, 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); Part 9 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 9) as amended (34 F.R. 11972).

**§ 185.1 Purpose.**

(a) The purpose of this part is to name the FAA officials who, pursuant to Part 9 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 9) as amended (34 F.R. 11972, July 16, 1969), are those:

(1) Upon whom legal process or pleadings may be served in any legal proceeding concerning the FAA, and who have authority to acknowledge the service and take further action thereon; and

(2) Who otherwise perform the functions prescribed by Part 9 in legal proceedings concerning the FAA with respect to testimony by FAA employees and production of FAA records in legal proceedings.

(b) For purposes of this part, "legal proceeding" includes any proceeding before a court of law, administrative board or commission, hearing officer, or other body conducting a legal or administrative proceeding.

**§ 185.3 Acceptance of service on behalf of the Secretary of Transportation or the Administrator.**

Legal process or pleadings in any legal proceeding concerning the FAA may be served, at the option of the server, on the General Counsel, Deputy General Counsel, Associate General Counsel, Litigation Division, of the FAA, or any other FAA official designated by the General Counsel, with the same effect as if served upon the Secretary of Transportation or the Administrator. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

**§ 185.5 Testimony by employees and production of records in legal proceedings.**

The General Counsel, and each regional counsel, the Aeronautical Center counsel, and the NAFEC counsel, with respect to matters arising within his respective jurisdiction, and any other FAA official designated by the General Counsel, perform the functions in legal proceedings (other than one described in § 185.3 of this part) as prescribed by Part 9 of the regulations of the Office of the Secretary of Transportation, with respect to testimony by FAA employees and production of FAA records in legal proceedings.

Issued in Washington, D.C., on October 10, 1969.

J. H. SHAFFER,  
Administrator.

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