

1. Generally, section 3 of the Administrative Procedure Act (5 U.S.C. 1002) applies to all functions of the Office of Emergency Planning. There are no divisions, bureaus, branches, or other constituent units of OEP to which it does not apply. However, section 3(b), in part, does not apply to OEP inasmuch as this agency does not render any "final opinions or orders in the adjudication of cases. * * *"

2. (a) Federal Register, when added or revised. U.S. Government organization manual, annually.

(b) Federal Register, when added or revised.

(c) Federal Register, when added or revised.

(d) Federal Register, when added or revised.

(e) Not applicable since OEP does not issue rules "addressed to and served upon named persons in accordance with law."

3. Not applicable, inasmuch as OEP does not render any final opinions or orders in the adjudication of cases, pursuant to section 3(b) of the Administrative Procedure Act or other authority.

4. Not applicable. (See No. 3 above.)

5. Not applicable. (See No. 3 above.)

6. Since most of the programs administered by OEP have no direct effect upon the public the bulk of our records and files, interpretations and legal opinions relate solely to the internal operations of the agency, and would, therefore, not be made available to the general public in accordance with section 3(2) of the Administrative Procedure Act. In addition, classified information would not be made available pursuant to section 3(1) of the Administrative Procedure Act, and Executive Order 10501, 3 CFR 979 (1953). In those programs having a public concern, the procedures for making available connected materials, and also the limitations of availability, are contained in the published regulations applicable to such programs.

7. The limitations placed upon the availability of records and files to the general public are those contained in 5 U.S.C. 1002; 18 U.S.C. 1905; 50 U.S.C. app. 2155(e); Executive Order 10480 (3 CFR 966 (1953)); Executive Order 10501 (3 CFR 979 (1953)).

8. In no circumstances are private parties dealing with OEP required in any manner to resort to organization or procedure not published in the Federal Register.

9. Since OEP has issued no rules which involve any function of the United States requiring secrecy in the public interest, there has been no occasion to refrain from publishing such rules.

10. In no circumstances does OEP publish rules where there is involved any matter relating solely to internal agency management. Examples of matters relating solely to internal agency management are personnel rules, budget rules, travel regulations.

11. Because of the indirect concern to the public of the majority of OEP's functions, and also because of infrequency of requests, we have no formal definition of "official records." In the few cases where requests are made, therefore, the question of availability has been decided upon the grounds of legitimate interest on the part of the individual requesting the material and the limitations contained in section 3 of the Administrative Procedure Act.

REPLY FROM OFFICE OF SCIENCE AND TECHNOLOGY

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., March 15, 1965.

HON. JOHN E. MOSS,
*Chairman, Foreign Operations and Government Information Subcommittee,
House of Representatives.*

DEAR CONGRESSMAN MOSS: I am writing in response to your letters of February 12, 1965, to the Chairman of the President's Science Advisory Committee and the Executive Secretary of the Federal Council for Science and Technology, in connection with your inquiry into the practices of Federal agencies for implementing the provisions of 5 U.S.C. 1002.

Since I am Chairman of the President's Science Advisory Committee (PSAC) and the Federal Council for Science and Technology (FCST), and since the Office of Science and Technology (OST) of which I am the Director provides adminis-