

As requested in the last paragraph of your letter, implementing documents have been included in the attached volume containing our response. If we can be of further assistance, please let us know.

Sincerely yours,

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

DEPARTMENTAL SUMMARY

(Information in reply to questions concerning public information set forth in letter of February 12, 1965, from the Honorable John E. Moss, chairman, Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations.)

Each program bureau or office of the Department developed detailed replies to questions specifically applicable to its programs. A copy of these replies is being furnished the subcommittee along with this departmental summary. The information below comprises the Department's answer to those questions which apply to the Department as a whole.

Question 1. Generally, to what functions of your agency does 5 U.S.C. 1002 apply? Are there any divisions, bureaus, branches, or other constituent units of your agency to which the section does not apply?

Generally, except to the extent exempted by 5 U.S.C. 1002 itself, the provisions of 5 U.S.C. 1002 apply to all functions and organization units of the Department of Commerce.

Question 2. In what official or unofficial publication, and at what intervals, does your agency publish (a) descriptions of its central and field organization; (b) statements of the general course and method by which its functions are channeled and determined; (c) substantive rules adopted as authorized by law; and (d) statements of general policy or interpretation formulated and adopted by the agency for the guidance of the public?

All items referred to in the question are published in the Federal Register upon issuance.

Question 2(e). In what official or unofficial publication, and at what intervals does your agency publish (e) rules addressed to and served upon named persons in accordance with law?

The Department does not centrally issue rules addressed to and served upon named persons in accordance with law.

Questions 3, 4, and 5. Please describe the manner in which your agency publishes, or, in accordance with published rule, makes available to public inspection, all final and interim opinions or orders in the adjudication of cases, pursuant to section 3(b) of the Administrative Procedure Act or other authority? In what types of cases does your agency refrain from publishing interim and final opinions or orders where, in the opinion of your agency, good cause requires they be held confidential, pursuant to section 3(b) of the Administrative Procedure Act or other authority? In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?

The Department's practices regarding the availability to the public of opinions and orders in the adjudication of cases, which is the subject of these questions, are explained in the separate responses of the Department's program bureaus and offices.

Question 6. What is the procedure for making available to the general public the records and files, interpretations and legal opinions of your agency?

There is no formal procedure imposed on the public for obtaining information from the records and files, interpretations, etc. Persons making individual requests are furnished all available information as warranted, taking into consideration the nature of the information requested and the concern of the requesting party. Individual offices and bureaus make available their records under Department Order No. 64, as explained in the individual responses from offices and bureaus.

Question 7. What limitations are placed upon the availability of records and files to the general public, either by statute, rule, or practice?

All information is made generally available to the public except to the extent of—

(a) Matters of national defense security; e.g., Executive Order 10501, as amended;