

the Peace Corps annual report transmitted to the Congress by the President pursuant to section 11 of the Peace Corps Act; the "Peace Corps Facts" book (in continuous publication); Peace Corps program descriptions (describing particular projects); and Peace Corps informational brochures (describing specific opportunities for service by persons with certain skills or backgrounds).

Question 2. 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? (See sec. 3(a) (3) of statute.)

Answer. The Peace Corps does not address rules to or serve them upon any persons.

Question 3. 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.

Answer. First, it should be noted that question 3, as well as questions 4 and 5, appear to be primarily applicable to agencies with broad domestic regulatory functions. The Peace Corps, of course, does not exercise any such functions.

As to question 3, the exact meaning of "adjudication of cases" is not at all clear. In our best judgment, the Peace Corps does not engage in the "adjudication of cases" as that term is discussed in the Attorney General's Manual on the Administrative Procedure Act (1947) and the Administrative Procedure Act, legislative history (S. Doc. No. 248, 79th Cong., 2d sess. (1946)). Certainly, the Administrative Procedure Act, section 5 is generally inapplicable to the Peace Corps either because few statutes require its adjudications to be determined on a record or because of the foreign affairs functions exception.

Question 4. 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?

Answer. The Peace Corps has made no determination as to any types of cases in which it should refrain from publishing interim and final opinions or orders where good cause requires that they be held confidential. (See answer to question 3.)

Question 5. In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?

Answer. As we understand this question, it derives from the parenthetical phrase in the Administrative Procedure Act section 3(b). Therefore, see answer to questions 3 and 4. In any case, the Office of the General Counsel of the Peace Corps does from time to time cite its prior opinions. All of its opinions are unpublished, but almost all are unclassified and hence available on request to persons properly and directly concerned. Most of these opinions, however, relate to the internal management of the Peace Corps.

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

Answer. A request from a member of the general public to see Peace Corps records and files should be addressed to the Director of the Division of Public Information, Office of Public Affairs. A request to see legal opinions should be addressed to the General Counsel of the Peace Corps. (See answer to question 7.)

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

Answer. Section IV(4) of the "Standards of Conduct for Peace Corps Employees," issued by the Director of the Peace Corps on October 19, 1961, states:

"Employees must not withhold unclassified information from the press or public. Employees should be certain that information given to the press or public is accurate and complete. The Chief of Public Information should, however, be consulted before any release of Peace Corps information."

This standard appears to be more liberal than that required by section 3(c) of the Administrative Procedure Act which states that "matters of official record" shall be made available to "persons properly and directly concerned except information held confidential for good cause shown." The Peace Corps is, of course, restricted from disclosing classified information to members of the general public by Executive Order No. 10501, as amended. In addition, the Peace Corps limits to official use certain matters of a type that departments traditionally protect and must continue to protect. See section 3 of Foreign Affairs Manual Circular No. 117 of April 9, 1963. In making information available to the public, consideration is sometimes given to the requester's