

REPLY FROM ATOMIC ENERGY COMMISSION

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 15, 1965.

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

DEAR MR. MOSS: Your letter of February 12, 1965, presents 11 questions as to the activities of the Atomic Energy Commission and its compliance with section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002). Section 3 requires that, except for functions requiring secrecy in the public interest or matters relating solely to the internal management of an agency, every agency publish in the Federal Register (1) descriptions of its organization and the methods by which the public may secure information or make submittals and requests; (2) statements of the general course and method by which its functions are channeled and determined; and (3) substantive rules, statements of general policy, and interpretations. The section also requires that every agency publish or make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential) and all rules, and make available to persons concerned matters of official record except as required by statute and except for information held confidential for good cause found.

The Atomic Energy Commission was established by the Atomic Energy Act of 1946 (60 Stat. 755; 42 U.S.C. 1801 et seq.) as amended by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

The programs authorized by the 1954 act with respect to atomic energy are programs to conduct and assist research and development; to disseminate unclassified scientific and technical information, and to control the dissemination and declassification of restricted data as defined in the act; to control the possession, use and production of atomic energy and special nuclear material; to encourage widespread use of atomic energy for peaceful purposes; to engage in international cooperation in order to promote the common defense and make available to cooperating nations the benefits of peaceful applications of atomic energy; and to conduct a program of administration consistent with the foregoing policies and programs which will enable the Congress to be currently informed so as to take further appropriate legislative action. A considerable portion of the Commission's activities is concerned with the development and production of atomic weapons.

In addition to administrative and executive functions of the Commission conducted under the General Manager, and licensing and other regulatory functions under the Director of Regulation, the Commission conducts the following types of adjudication. Each of these is subject to review by the Commission, except for decisions of the Board of Contract Appeals and for security clearance determinations.

(a) Licensing of production and utilization facilities (principally reactors), including construction permits and operating licenses, under 42 U.S.C. 2131-2140, 2231-2239; the hearings usually being conducted by atomic safety and licensing boards.

(b) Licensing of source, byproduct, and special nuclear material, under 42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2112, 2231, and 2239, in proceedings usually heard by hearing examiners.

(c) Modification, suspension, or revocation of licenses, under 42 U.S.C. 2231, 2236, and 2239; the proceedings usually being conducted by hearing examiners.

(d) Applications for just compensation for inventions or discoveries useful in nuclear weapons, or for awards for inventions or discoveries useful in producing or utilizing atomic energy, under 42 U.S.C. 2181-2188, 2223, and 2239, and 35 U.S.C. 183 and 188, in proceedings heard by the Patent Compensation Board.

(e) Personnel security hearings under 42 U.S.C. 2201, conducted by personnel security boards which make recommendations to the General Manager.

(f) Appeals from decisions of contracting officers under the disputes articles of contracts, in proceedings conducted by the Board of Contract Appeals or in certain cases by hearing examiners.

(g) Hearings held upon termination of, or refusal to grant or to continue, Federal financial assistance pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).