

Notices embodying certain specific statements of Commission policy, dealing almost entirely with proprietary and other nonregulatory functions of the Commission, have been published in the Federal Register and are compiled under the heading "Miscellaneous Notices" in the Commission's published "Rules and regulations."

A few interpretations of the Atomic Energy Act by the General Counsel are compiled as part 8 of the Commission's regulations, "Interpretations."

Other statements of Commission policies and practices are set forth in the AEC manual, which is maintained for public access at the public document room in Washington.

The facilities of the public document room are utilized by the publishers of a number of periodicals which disseminate to the industry information available there, as well as by the general news media.

Documents concerning hearings for the licensing of nuclear facilities on the west coast are kept on file at the Commission's offices at Los Angeles and San Francisco as well as at the public document room.

"(e) Rules addressed to and served upon named persons in accordance with law (see sec. 3(a)(3) of statute)."

The Commission has promulgated no rules addressed to and served upon named persons.

"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."

The Commission publishes immediately opinions and orders in the adjudication of cases by service on the parties of record, by distribution to the press, and by making them available in the public document room. Copies are furnished to the public on request.

The Commission publishes "Opinions and Decisions of the Atomic Energy Commission." Volume 1 covers the period from October 8, 1956, to December 31, 1961. Volume 2 is now in preparation, and will cover the period from January 1, 1962, to December 31, 1964.

"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?"

The Commission publishes no orders or opinions in adverse employee personnel actions such as those involving removal, demotion or suspension without pay, or in procedures involving the suspension, denial, or revocation of security clearance. The individual involved in any such action is of course permitted to divulge the disposition or any other matter involved, subject to restrictions on the communication of restricted data and defense information. It will be noted that section 5 of the Administrative Procedure Act (5 U.S.C. 1004) does not apply to the selection or tenure of an officer or employee of the United States, or the conduct of military or foreign affairs functions, among other things.

The Commission has never had occasion to use the exception provided in section 3(b) of the Administrative Procedure Act with respect to opinions and orders "required for good cause to be held confidential and not cited as precedents."

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

There are no unpublished opinions and orders which are used as precedents in other proceedings.

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

Records, files, interpretations, and legal opinions of the Commission available to the general public may be examined in the public document room on request, and copies may be obtained on the payment of prescribed reproduction fees. (See also the answers to questions Nos. 1 and 7.)

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

In any proceedings subject to part 2, "Rules of Practice," or part 25, "Permits for Access to Restricted Data," of the Commission's rules and regulations, section 9.4 exempts from inclusion in the public records of the Commission:

(a) Documents withheld, as a result of timely application by the submitting party, for good reason as determined according to section 2.790(b) (see below);