

security records of any individual; unclassified patent applications not yet released; information concerning bills of material, time schedules, anticipated requirements, possible new sites, and selection of contractors in advance of formal announcement, or any other information which, while not affecting the common defense, might assist an individual or contractors to benefit improperly from a Commission program; lists of disqualified bidders and ineligible contractors; information obtained in the course of a privileged relationship, such as details of the financial position of a contractor; and public announcements which are in the process of preparation.

The Commission conforms to the provisions of 18 U.S.C. 1905, which prohibit the disclosure, to any extent not authorized by law, of information received relating "to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures" of private parties.

"8. In what circumstances are private parties dealing with your agency required in any manner to resort to organization or procedure not published in the Federal Register (see sec. 3(a) of the Administrative Procedure Act)?"

No private party is required to resort to organization or procedure not published in the Federal Register.

"9. In what types of cases has your agency refrained from publishing rules where there is involved any function of the United States requiring secrecy in the public interest, pursuant to section 3(1) of the Administrative Procedure Act or other authority?"

Except to the extent specified in this letter, the Commission has not refrained from publishing rules on the ground that there was involved any function of the United States requiring secrecy in the public interest. Certain of the Commission's classification guides which identify restricted data and defense information, are not made available to the public, except in accordance with access permits issued under part 25, because they contain restricted data and defense information.

A document prepared for the assistance of AEC officials negotiating contracts, and dealing with criteria for negotiating fees in certain cost-type contracts, is designated as "official use only."

The standards for the selection of contractors have been published in the Commission's procurement regulations (41 CFR Pt. 9-56). Certain very limited special instructions concerning criteria for the selection of contractors to operate Commission-owned facilities have been designated "official use only."

"10. In what circumstances has your agency refrained from publishing rules where there is involved any matter relating solely to internal agency management, pursuant to section 3(2) of the Administrative Procedure Act or other authority?"

The Commission has not refrained from publishing rules on the ground that there was involved matters relating solely to internal agency management.

"11. What is your agency's definition of "official record" as used in section 3(c) of the Administrative Procedure Act?"

The Commission has no official definition of "official record."

Under 10 CFR section 9.3, the "public records" of the Commission are defined to include, subject to the exceptions in section 9.4 noted in the answer to question No. 7:

- (a) All filings in proceedings;
- (b) All correspondence or portions of correspondence to and from the AEC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, or revocation of a license or permit or regarding a rulemaking proceeding subject to part 2;
- (c) All correspondence or portions of correspondence to and from the AEC as to the interpretation or applicability of any statute, rule, regulation, order, license, or permit; and letters of opinion as to such matters signed by the General Counsel;
- (d) All filings in court proceedings to which the AEC is a party and all correspondence with the courts or clerks of the court;
- (e) Documents received or prepared as a result of prohibited *ex parte* communications relating to proceedings on the record before the AEC;
- (f) All reports required by licenses, regulations or orders and filed by a licensee after September 1, 1963, with the regulatory staff and correspondence between licensees and the regulatory staff concerning these reports;