

REPLY FROM INTERSTATE COMMERCE COMMISSION

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., March 15, 1965.

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

DEAR CHAIRMAN MOSS: This letter responds to your letter of February 12, 1965, requesting answers to the questions contained therein no later than March 15, 1965. The answers are attached to this letter. In addition, I am including two copies each of the description of central and field organization of the Commission revised as of January 1, 1964, the Commission's General Rules of Practice, and the organization minutes of the Commission. I assume that the above attachments are the documents which you are interested in rather than the mass of substantive rules which have been published in title 49 of the Code of Federal Regulations.

If there is any further information which you desire from the Commission, please let me know.

Sincerely yours,

CHARLES A. WEBB, *Chairman.*

Question 1(a). Generally, to what functions of your agency does 5 U.S.C. 1002 apply?

Answer. In the administration of the Interstate Commerce Act and related acts, the Commission performs rulemaking, adjudicatory, and administrative functions. The provisions of 5 U.S.C. section 1002 apply to each of these functions in varying degree depending upon the subject matter, the applicable substantive law and the type of proceeding in which the subject matter is developed before the Commission. In this connection it must be observed that the Commission in keeping with its organic act, more specifically section 17(3) 49 U.S.C. section 17(3) which requires that every vote and official act of the Commission be made a matter of record and available to the public on request, traditionally has favored disclosure of information to the public except in those instances where specific statutory requirements or national security inhibit disclosure. Examples of the former are the accident reports filed by motor carriers (sec. 220(f) of the Interstate Commerce Act 49 U.S.C. sec. 320(f)), and by rail carriers (sec. 4 of the Accident Reports Act 45 U.S.C. sec. 41). (See answer to No. 7 below.)

Additionally there are several sections of the Interstate Commerce Act relating to inspection of records and accounts of carriers which specifically prohibit any employee of the Commission from disclosing information gained in such inspections except as directed by the Commission or by a court. See sections 20(7) (f), 322(d), 317(e), and 421(e) of the Interstate Commerce Act 49 U.S.C. sections 20(7) (f), 322(d), 317(e) and 1021(e). (See also answer to No. 7 below.) On rare occasion and when specifically requested by the Department of Defense in the interest of national security temporary motor carrier authority has been issued without publication to permit the performance of highly classified transportation.

Question 1(b). Are there any divisions, bureaus, branches, or other constituent units of your agency to which the section does not apply?

Answer. There are no areas of the Commission to which the provisions of 5 U.S.C. section 1002 do not apply.

Question 2. In what official or unofficial publication, and at what intervals, does your agency publish:

(a) Descriptions of its central and field organization (see sec. 3(a) (1) of the APA).

Answer. The Commission's description of its central and field organization is published in the Federal Register. Amendments to the description are published in the Federal Register from time to time as changes are made. After the issuance of a number of amendments, then the Commission republishes the entire description incorporating the amendments. The last complete revision occurred January 1, 1964, and superseded the 1962 description.

(b) Statements of the general course and method by which its functions are channeled and determined (see sec. 3(a) (2) of statute).

Answer. Statements of the general course and method by which the Commission's functions are channeled and determined may be found in its descrip-