

(e) That portion of section 3(a) (3) concerned with rules addressed to and served upon named persons is not applicable to NASA's activities.

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. NASA does not exercise quasi-judicial functions in the manner typical of the various regulatory agencies. However, the NASA Board of Contract Appeals is authorized to act for the Administrator in hearing considering, and deciding appeals by NASA contractors from the findings of fact and final decisions of NASA contracting officers or their authorized representatives pursuant to the "disputes" clause of a NASA contract. The decisions of the Board of Contract Appeals are made available to the public and are published by various legal and procurement publications.

Pursuant to 50 U.S.C. 1431-1435 and Executive Order 10789, NASA has established a Contract Adjustment Board to dispose of requests for extraordinary contractual adjustments by contractors. Relief granted by this Board is entirely discretionary and is based on the facts of each request. The Board prepares a memorandum of decision which, although not published, is available to the public. A report of cases so handled is forwarded to the Congress annually.

Pursuant to section 305 of the National Aeronautics and Space Act (42 U.S.C. 2457), an Inventions and Contributions Board has been established in order to pass upon requests for waiver of rights of the United States with respect to inventions made in the performance of NASA contracts. The Board also, pursuant to section 306 of the National Aeronautics and Space Act (42 U.S.C. 2458), considers the applications of persons for monetary awards for any scientific or technical contribution to NASA believed to have significant value in the conduct of aeronautical and space activities. Decisions of the Board are available to the public. Reports of waivers and awards are included in the semiannual reports of NASA to the Congress. Waivers of rights in inventions and awards have also been publicized through press releases. Data on waivers granted and awards have been published in congressional hearings and reports.

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. NASA does not refrain from publishing or making available for public inspection the decisions of various boards.

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 In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?

Answer. Unpublished opinions or orders, as used in the Administrative Procedure Act, are not used by NASA as precedents in other proceedings.

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. The records, files, and legal opinions of NASA are made available to persons properly and directly concerned except such information discussed in answer No. 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. NASA's official policy is that no limitations are placed upon the availability of records to the public except those which are imposed pursuant to Executive Order No. 10501, as amended, pertaining to the disclosure of information classified in the interest of the national security. In addition, however, limitations are placed upon the disclosure of information submitted by individuals and firms which is proprietary, or consists of trade secrets, or confidential financial information. In this latter connection, 18 U.S.C. 1905 imposes criminal penalties upon employees of the Government who disclose such information without authority of law. The availability of security and personnel records and reports is likewise limited in many instances in order to protect the sources of the Government's information as well as the legitimate right of privacy of the individuals concerned.

Question 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)?