

4. The Board conducts only one type of case. All of its cases are proceedings to determine and eliminate excessive profits, if any, under the Renegotiation Act of 1951, as amended. Its practice with respect to the publication of interim and final opinions or orders is described in paragraph 3 above.

5. Opinions and orders of the Board are not cited, nor are they used, as controlling precedents in any renegotiation proceedings (see RBR 1480.8, quoted in paragraph 3 above, and RBR 1460.2(d)).

6. RBR 1480.4(d) provides that persons properly and directly concerned with any renegotiation proceeding, or their duly authorized representatives, may apply in writing to the Secretary to the Renegotiation Board for access to records of such proceeding, and that access will be granted at times and places which are convenient in the light of the physical location of the records to which access is sought. The procedure for obtaining access to actions of the Board granting exemptions of contracts from renegotiation is described in paragraph 3 above. Interpretations and legal opinions of the Board on particular matters are made available to the general public by the issuance of renegotiation rulings and renegotiation bulletins.

7. Part 1480 of the Renegotiation Board Regulations provides that renegotiation agreements, reports, records, files, correspondence, memorandums, and all other data, documents, and material which have been transferred to, or have been prepared by, the Board in connection with any renegotiation proceeding are not to be distributed, nor are their contents to be revealed, to any person other than as provided in such regulation or as may be prescribed by the Board in any specific instance. Limitations are imposed by the regulation upon the availability of the Board's records and files to the general public as follows:

(a) Pursuant to section 55(f)(1) of the Internal Revenue Code, access is not afforded to copies of Federal tax returns, revenue agents' reports, or other Federal tax data in the custody of the Board.

(b) Access is not afforded by the Board to any information or material classified as "Top Secret," or "Secret" or "Confidential" within the meanings assigned to those terms in Executive Order 10501 dated November 5, 1953 (18 F.R. 7049), or to any "restricted data" as that term is defined in the Atomic Energy Act of 1946, as amended.

(c) Pursuant to 18 U.S.C. 1905, access is not afforded to information which concerns or relates 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 any contractor.

(d) When access is granted to "persons properly and directly concerned" in any renegotiation proceedings, pursuant to RBR 1480.4(d) (referred to in paragraph 6 above), this does not include access to "memoranda and reports prepared by Government employees for use within the Government or to any other material which, in the opinion of the Board, should be held confidential for good cause."

8. Private parties dealing with this agency are not required to resort to organization or procedure not published in the Federal Register.

9. Section 106(d)(4) of the Renegotiation Act of 1951 authorizes the Board to exempt from some or all of the provisions of the act, any contract or subcontract the renegotiation of which would jeopardize secrecy required in the public interest. Contracts and subcontracts exempted pursuant to this provision are not available for inspection under RBR 1480.4(a), quoted in paragraph 3 above.

10. Internal management instructions and directives of the Board are not available to the general public. These are of three types, as follows:

(a) *General orders*.—These are directives of the Board with respect to internal procedures relating to the operation of the renegotiation process.

(b) *Operational bulletins*.—These contain technical instructions by staff units of the Board to their own personnel.

(c) *Administrative orders*.—These provide instructions and procedures on matters not related to the renegotiation process, such as personnel, property, and funds.

11. The term "official record," as used in section 3(c) of the Administrative Procedure Act, in relation to this agency, is considered to mean all agreements, orders, reports, records, files, correspondence, memoranda and other data, documents or material relating to any renegotiation proceeding.

Two copies of the Board's regulations, as amended to date, are furnished herewith.

Sincerely yours,

LAWRENCE E. HARTWIG, *Chairman.*