

employees) with only a handful of employees directly concerned with matters that might fall within the terms of 5 U.S.C. 1002. Those employees are, of course, fully aware of the requirements imposed by that statute.

Before issuance, all rules of the Agency are checked to determine whether publication in the Federal Register is required. In addition, periodic reviews of the Agency's activities and rules are undertaken to insure that the requirements of 5 U.S.C. 1002 are being met.

As the subcommittee's staff has already been informed by telephone, liaison with respect to the questions in the letter may be maintained with Mr. Alan Washburn, code 182, extension 7788.

Sincerely,

WILLIAM C. FOSTER.

1. The provisions of 5 U.S.C. 1002 apply to all functions of the U.S. Arms Control and Disarmament Agency (hereafter referred to as the Agency). There are no divisions, bureaus, branches, or other constituent units to which that section does not apply.

2. (a) and (b). The Agency annually publishes in the United States Government Organization Manual a description of its organization and a statement of the general course and methods by which its functions are channeled and determined. Comparable information, along with a statement of the means by which the public can obtain information, has been submitted to the Federal Register. Changes will be published in the Federal Register when they are made.

2 (c). The Agency has not yet published any substantive rules. Except as indicated below with respect to its contracts, the Agency has adopted no substantive rules applicable to the public. The Agency operates under the extensively detailed Federal Procurement Regulations, which have been published (41 CFR subtitle A). A few special Agency rules appropriate for publication and implementing or supplementing the Federal Procurement Regulations are in the process of formulation. Such Agency rules will be published in the Federal Register when ready in definitive form.

Under an agreement with the Agency, the Atomic Energy Commission is responsible for screening the results of security investigations of contractors' personnel. AEC actions on behalf of the Agency are taken in accordance with the established AEC procedures published in 10 CFR part 10. By contract provision and by other means, the Agency's contractors are informed of the applicability of the procedures in 10 CFR part 10. It has, therefore, not been deemed necessary for the Agency to republish those procedures.

2. (d) and (e) The Agency has not had any occasion to formulate and adopt statements of general policy or interpretations for the guidance of the public or to issue rules addressed to and served upon named persons. Consequently, no such documents have been published.

3, 4, and 5. The Agency has not adjudicated any cases and therefore, has not issued interim or final opinions or orders or used any such documents in other proceedings.

6 and 7. The Agency has not issued any interpretations or legal opinions. The following statements thus apply to the Agency's records and files.

The only statutes limiting the availability of the Agency's records and files to the public relate to security classification (18 U.S.C. 37, 42 U.S.C. 2274, 2277, and implementing Executive orders). Because the Agency functions in a highly sensitive area of foreign affairs and national defense, an appreciable portion of the Agency's records is classified because of security requirements.

There are no rules limiting the availability to the public of those portions of the Agency's records and files not controlled in the interest of the national defense or foreign policy. The practice is to make those portions freely available to persons properly and directly concerned. Except as described below, there are no formal procedures by which the Agency's records and files are made available. Since the Agency has barely 200 employees and only a single office in the United States, no such procedures are deemed necessary. Persons seeking information or documents are easily referred to the appropriate official.

Pursuant to section 2 of the Arms Control and Disarmament Act (22 U.S.C. 2551), the Agency is charged with ensuring "the dissemination \* \* \* of public information concerning arms control and disarmament." To discharge this duty, as well as to provide maximum availability of information in conformity with the spirit of the Administrative Procedure Act, several procedures have been established for giving the public access to those portions of the Agency's