



official notice of technical or scientific facts within the knowledge of an agency, as an expert body, is at least implicit in the authority of other administrative agencies.

The provision on official notice in the AEC's regulations parallels those in the preliminary drafts of the Administrative Procedure Act.^{23/} In the State Judiciary Committee Print of June, 1945 on the final version, it is stated that the rule of official notice is that recommended by the Attorney General's Committee, particularly the provision on notice and rebuttal.^{24/} The recommendation of the Attorney General's Committee pointed out

...that the process of official notice should not be limited to the traditional matters of judicial notice but extends properly to all matters, as to which the agency by reason of its functions is presumed to be expert, such as technical and scientific facts within its specialized knowledge.^{25/}

Most agencies' regulations, like the APA itself, do not indicate when official notice is appropriate. However, some agencies have provisions similar to the AEC's rule. The Federal Maritime regulation states:

Official notice may be taken of such matters as might be judicially noticed by the courts, or of technical and scientific facts within the general knowledge of the Commission as an expert body...^{26/}

The FPC regulation formerly provided that official notice may be taken of "...technical or scientific facts of established character peculiarly within the general knowledge of the Commission..."^{27/}

^{23/} Legislative History: Administrative Procedure Act, Appendix, Sen. Doc. No. 248, p. 131, 79th Cong., 2nd Sess. (1946).

^{24/} Id at p. 32.

^{25/} See Attorney General's Manual on the Administrative Procedure Act, pp. 79-80 (1947).

^{26/} 46 CFR 502.226(a).

^{27/} The provision was changed to "...or any matters as to which the Commission by reason of its functions is an expert." (18 CFR 1.26(d)).

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