



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548



IN REPLY  
REFER TO:

B-173761

OFFICE OF GENERAL COUNSEL

March 17, 1978

Anthony Z. Roisman, Esq.  
Natural Resources Defense  
Counsel, Inc.  
917 15th Street, N.W.  
Washington, D.C. 20005

Dear Mr. Roisman:

On November 17, 1977, Mr. H. E. Lyon, Director, Safeguards and Security, Department of Energy, referred to us the following GAO documents for our review.

1. December 2, 1966, letter to Dr. Zalman M. Shapiro from Richard W. Kelley with enclosure entitled "Statement of Facts and Issues to be Discussed Concerning GAO Review of NUMEC Controls Over Special Nuclear Materials at the Apollo, Pennsylvania, Facility."
- 2 - 6. Different "drafts" of report, "Review of Accountability Controls Over Special Nuclear Materials Nuclear Materials and Equipment Corporation." (One report includes with enclosure copies of Appendix B.)
7. Transmittal letter June 20, 1967, to Mr. Hollingsworth from the Comptroller General of the United States with final report enclosure.

Your initial request dated July 19, 1977, to the Energy Research and Development Administration cited the Freedom of Information Act (FOIA), 5 U.S.C. 552. As an agency responsible to the Congress, GAO is not subject to that act. It is our policy, however, to make our records available to the public to the extent disclosure is consistent with our function and responsibilities to the Congress and is not prohibited by law. We have issued regulations concerning the availability of GAO records to the public. The regulations are contained in Part 81 of title 4 of the Code of Federal Regulations.

B-173761

We have determined that the attachment to letter listed (item 1) is part of our workpapers. Both the workpapers and draft reports (items 2 - 6) form part of the deliberative process of this agency--internal communications and recommendations to the Comptroller General--and are exempt from release under 4 C.F.R. 81.6(a)(5). However, the draft reports were superseded and the final report was issued in June 1967 (item 7). We are enclosing a copy of the report (item 7) and a copy of the letter only (item 1). We have excluded with enclosure copies of Appendix B as we believe these 10 pages originated from ERDA documents and have already been released by DOE.

In accordance with 4 C.F.R. 81.4, you are advised that further consideration of your request may be obtained by a letter to the Comptroller General of the United States setting forth the basis for your belief that the partial denial of your request is unwarranted.

Sincerely yours,



Henry R. Wray  
Assistant General Counsel

Enclosures - 2