



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-173761

JAN 5 1978

Mr. Marty W. K. Taylor
Attorney at Law
P. O. Box 827
Saipan, Northern Mariana Islands 96950

Dear Mr. Taylor:

This is in reply to your letter of December 9, 1977, requesting copies of "all documents, records, letters, notes, and reports" concerning our audit relating to the Micronesian Claims Commission.

Your letter cites the Freedom of Information Act (FOIA), 5 U.S.C. §552. As an agency responsible to the Congress, the General Accounting Office (GAO) is not subject to the provisions of 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. These regulations are contained in Part 81 of title 4 of the Code of Federal Regulations. We have considered your request as having been made under these regulations.

GAO's International Division has in process a report tentatively titled "Compensating Micronesian War Claims," Number ID-77-62. That report is still in draft form, and will not be issued in final until early 1978. We will be happy to furnish you a copy of the final report, once published, should you desire. I understand from our International Division auditors that the report does not name or identify you, or discuss your past employment with the Micronesian Claims Commission.

The workpapers underlying the draft report are exempt from disclosure under section 81.6(a)(5) of our regulations, which provides the following exception to disclosure of GAO records:

"Records containing interagency or intragency memorandums or letters which would not be available by law to a private party in litigation with the agency. This exemption covers internal communications which would not routinely be available to a party in litigation with the agency, such as

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internal drafts, workpapers, memorandums between officials or agencies, opinions, and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups. The exemption seeks to avoid the inhibiting of internal communications, and the premature disclosure of documents which would be detrimental to an agency function."

Accordingly, your request is denied.

In accordance with section 51.4(e) of our regulations, you are informed that you may appeal denial of your request by writing a letter to the Comptroller General of the United States, Washington, D.C. 20548, setting forth the basis for any belief you might have that the denial of your request was unwarranted.

With respect to your question as to the name of the person authorized to accept service of process (on behalf of the United States) in the Northern Mariana Islands, we suggest that you address your inquiry to Mr. David T. Wood, the U.S. Attorney for Guam, P. O. Box 2, Agaña, Guam, 96910.

Sincerely yours,

ROBERT A. FUEES

for
Richard E. Pierson
Associate General Counsel