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**DOCUMENT RESUME**

**06221 - [B1666696] (Restricted)**

**[Availability of GAC Records to the Public]. B-173761; B-178780.  
June 12, 1978. 4 pp.**

**Letter to Richard D. Neumann, Air United States; by Henry R.  
Wray, Assistant General Counsel.**

**Contact: Office of the General Counsel: Special Studies and  
Analysis.**

**Organization Concerned: Department of the Air Force; Saturn  
Airways, Inc.**

**Authority: Freedom of Information Act (5 U.S.C. 552). =4 C.F.R.  
81.**



6696

*N. Caserio*

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



B-173761

BY REPLY B-178780

OFFICE OF GENERAL COUNSEL

June 12, 1978

Mr. Richard D. Neumann  
Attn: United States  
c/o California Air Charter, Inc.  
18616 Saticoy Street  
Reseda, California

*Do not make available to public reading room*

Dear Mr. Neumann:

This replies to your letter dated March 30, 1978, requesting access to GAO documents relating to a bid protest filed by Saturn Airways involving Southern Air Transport's bid on a U.S. Air Force contract called LOGAIR-QUICKTRANS.

Your letter cites the Freedom of Information Act, 5 U.S.C. §552. As an agency responsible to Congress, GAO is not subject to the Freedom of Information 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. We consider your request as having been made pursuant to these regulations.

We have reviewed our files (B-178780) concerning this bid protest case. Only two letters:

1. July 16, 1973, letter to Mr. Dembling, General Counsel, GAO, from Wilner & Scheiner; and
2. July 13, 1973, letter to Mr. Dembling, General Counsel, GAO from John W. Perry, U.S.A.F.

are classified "secret." Officially classified documents are exempt from disclosure under GAO regulations (4 C.F.R. 81.6 (a)(1)). GAO does not have the authority to declassify these documents. Generally, classified information can only be declassified by the originating agency.

The drafts of the Comptroller General decision and internal notes and memoranda included in the file are exempt from disclosure under 4 C.F.R. 81.6(a)(5).

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We have no objection to releasing the other documents listed below:

1. Western Union telefax dated 5/31/73 from Saturn Airways, Inc., H.K. Howard, President, to General Counsel, GAO.
2. 6/13/73 letter from Wilner & Scheiner, Paul Y. Seligson, to Mr. Dembling, General Counsel, GAO.
3. 6/1/73 letter from Mr. Dembling to the Acting Secretary of the Air Force, John L. McLucas.
4. 6/1/73 letter from Mr. Dembling to Saturn Airways, Inc.
5. 6/13/73 letter from Wilner & Scheiner, Paul Y. Seligson to Mr. Dembling.
6. 6/14/73 letter from Shaw, Pittman, Potts, & Towbridge; Stephen Potts to Mr. Dembling.
7. 6/18/73 letter from Mr. Dembling to the Acting Secretary of the Air Force Mr. John L. McLucas.
8. 6/18/73 letter from Mr. Dembling to Shaw, Pittman, Potts, & Towbridge.
9. 6/19/73 letter from Shaw, Pittman, Potts, & Towbridge signed by Stephen Potts and Paul Y. Seligson, Wilner & Scheiner.
10. 7/2/73 letter from Howard, Poe & Bastain, James H. Bastain, to Mr. Dembling.
11. 7/6/73 letter from Wilner & Scheiner, Paul Y. Seligson, to Mr. Dembling.
12. 7/6/73 letter, with enclosure, from the Honorable Robert L. Leggett to the Comptroller General of the United States.
13. 7/11/73 letter from LGPM, Department of the Air Force, to Office of General Counsel, GAO [ATTACH. MISSING].

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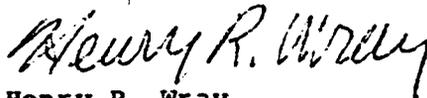
14. Copy of 7/13/73 letter to John K. Greeney, Esq., Office of General Counsel, CIA, from Paul Y. Seligson, Wilner & Scheiner and, Richard Kendall, Shaw, Pittman, Potts & Towbridge.
15. 7/23/73 letter from Wilner & Scheiner, signed Paul Y. Seligson, Paul M. Ruden, and Richard J. Kendall.
16. 7/25/73 letter from Wilner & Scheiner, Paul Y. Seligson to Office of General Counsel, GAO.
17. 7/24/73 letter to the Honorable Robert L. Leggett from Mr. Dembling.
18. 8/8/73 letter to Shaw, Pittman, Potts & Towbridge from the Comptroller General of the United States.
19. 8/8/73 letter to Howard, Poe and Bastain from the Comptroller General of the United States.
20. 8/8/73 letter to the Honorable F. Edward Hebert, Chairman, House Committee on Armed Services, from Comptroller General of the United States.
21. 8/8/73 letter to House Committee on Government Operations from the Comptroller General of the United States.
22. 8/8/73 letter to the Honorable William Proxmire from the Comptroller General of the United States.
23. 8/8/73 letter to the Honorable Robert L. Leggett from Comptroller General of the United States.
24. 8/8/73 letter to the Honorable John L. McLucas, Secretary of the Air Force, from the Comptroller General of the United States.
25. 8/8/73 decision letter to Wilner & Scheiner from the Comptroller General of the United States.
26. 8/29/73 Wall Street Journal clipping.
27. 9/1/73 Washington Post clipping.

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The minimum service charge is \$3 and fee for copying is 10 cents per page. Please identify any copies you may wish to receive.

In accordance with 4 C.F.R. 81.4 you are advised that further consideration of your request--to the extent we have partially denied disclosure--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