



NATIONAL CREDIT UNION ADMINISTRATION
Washington, D.C. 20456

Office of General Counsel

GC/Hmd/ice
3212
5/19/86

Mr. Ed Hartman
2016 Acker Drive
Albany, GA 31707

Dear Mr. Hartman:

This is in response to your Freedom of Information Act (FOIA) appeal dated April 30, 1986, and received by this Office on May 8, 1986.

Your original FOIA request was dated April 18, 1986, and was sent to Region III of NCUA in Atlanta. Region III responded to your request on April 24, 1986. You have appealed paragraphs 1, 2 and 4 of Region III's response. Our response to those numbered paragraphs follows.

1. You request an updated copy of AGE Federal Credit Union's bylaws. As stated in Region III's response, the NCUA does not maintain each FCU's bylaws. FCU's may adopt the standard FCU bylaws and various standard amendments to the bylaws which are provided by us. They may also adopt nonstandard amendments to the bylaws if approved by the Regional Office. Hence, we cannot provide you with a copy of a particular FCU's bylaws under the FOIA. Each FCU maintains its own bylaws. According to Article XIX, Section 6 of the standard FCU Bylaws, a member has a right to inspect its FCU's bylaws at the credit union office.
2. You request a copy of all applicable rules and operating procedures that govern Federal credit unions. As noted in Region III's response, you may order copies of the FCU Act and the NCUA's Rules and Regulations from the Government Printing Office. You may order copies of the standard FCU Bylaws from CUNA. In addition, all of these documents may be ordered from NCUA's Administrative Office. Enclosed with, and incorporated into, this letter is NCUA's Publications List which gives prices of each document and instructions for ordering.
4. You request a copy of NCUA's most current Examination Report of AGE FCU. As stated in Region III's letter to you, disclosure of an examination report is exempt from disclosure pursuant to 5 U.S.C. §552(b)(8) of the FOIA. This exemption relates to any information "contained in or related to examination, operating or

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condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions." This exemption has been interpreted quite expansively by the courts. A broad and all-inclusive scope has been given to the exemption. (See McCullough v. FDIC, 1 GDS ¶80,184, D.D.C. 1980) The annual examination report is clearly exempt pursuant to exemption (b)(8) and your appeal for it is hereby denied.

Pursuant to 5 U.S.C. §552(a)(4)(B), you may seek judicial review of this appeal determination by filing suit to enjoin NCUA from withholding the records and to order production of these records. Such suit may be filed in the District Court of the United States in the district where you reside, in the district in which your principal place of business is located, in the district in which the records are located (Atlanta, GA), or in the District of Columbia.

Sincerely,

RS/
ROBERT M. FENNER
General Counsel

HMU:cch

Enclosure

cc: RD, Region III (Atlanta)
Ben Henson, Director, Administrative Office

(As of April 1986)

NCUA PUBLICATIONS LIST

202/357-1055

Where prices are listed, the following publications may be ordered from the National Credit Union Administration, Administrative Office, 1776 G Street, N.W., Washington, D.C. 20456. Prepayment is required for all priced publications, therefore, a check or money order for the cost of publications should be included with each request. Single copies of unpriced publications (marked*) will be forwarded upon request.

The NCUA Publications List will be updated as publications are added or revised. A copy of the list will be forwarded on a flow basis to federal credit unions, federally insured credit unions, trades organizations, credit union leagues, and editors of credit union related publications.

<u>NCUA Title</u>	<u>Publication No. and Issue Date</u>	<u>Sales Price</u>
GENERAL INFORMATION:		
Annual Report of the National Credit Union Administration	8000 (1985)	\$2.00
Annual Report of National Credit Union Share Insurance Fund	(1985)	\$2.00
Annual Report of the Central Liquidity Fund	(1985)	\$2.00
NCUA-Credit Union Directory	(1985)	\$12.00
Federal Credit Unions	8005 (1984)	\$7.25/100
Your Insured Funds	8046 (1985)	\$14.00/50
Credit Unions for College Students	(1986)	*
Credit Unions for Members of Labor Unions	(1983)	*
TECHNICAL:		
Accounting Manual for Federal Credit Unions w/change 1	8022 (1981)	\$25.00
Chartering and Organizing of Federal Credit Unions	8007 (1985)	\$2.25/10

Federal Credit Union Bylaws	8001	(1970)	\$4.25
Change 4 (Includes Changes 1-3)		(1977)	
Change 5		(1978)	
Change 6		(1980)	
Change 7		(1981)	
Change 8		(1981)	

Federal Credit Union Standard Bylaw Amendments and Guidelines	8001A	(1981)	\$1.00
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NCUA Rules and Regulations w/change 1	8006	(1985)	\$20.00
change 2		(1986)	

The Federal Credit Union Act	8002	(1985)	\$2.00
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Supervisory Committee Manual for Federal Credit Unions	8023	(1976)	\$2.00
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Volunteer Organizers' Guide

NATIONAL CREDIT UNION SHARE INSURANCE:

Decal - Adhesive (7"x3")	1075	\$1.00/2
Sign (7"x3") with stand	1076	\$1.00

The following NCUA publications are being revised and will not be available until revision is completed.

- o Manual of Laws Affecting Federal Credit Unions
- o Credit Manual for Federal Credit Unions
- o Board of Directors Manual for Federal Credit Unions

A single copy of each revised NCUA publication and published change will be forwarded to each federal credit union, federally insured state chartered credit unions (when affected) and credit union leagues and trade organizations.