

April 11, 2005

Mr. Lorenzo Suttles  
(b)(6)

Re: FOIA Appeal  
Your March 8, 2005 letter

Dear Mr. Suttles:

This is in response to your appeal under the Freedom of Information Act (FOIA), dated March 8, 2005. Your appeal was received in the Office of General Counsel at the National Credit Union Administration (NCUA) on March 14, 2005. You have made several FOIA requests over the last several months concerning NCUA insurance coverage and the Allied Printers/IBEW 846 Credit Union. The FOIA request that you are now appealing was dated January 18, 2005. You requested the specific sections of NCUA's regulations and policies permitting two individual, privately insured, state chartered credit unions to obtain federal insurance from NCUA, and to receive a single insurance certificate and charter number. You also requested a copy of subpart A of part 745 of NCUA's Regulations. Dianne Salva, NCUA's FOIA Officer, responded to your request in a letter dated January 26<sup>th</sup> 2005. She enclosed a copy of part 745 of the NCUA's Regulations in its entirety. Ms. Salva could not determine what, if any other records, were responsive to your request. Unfortunately, Ms. Salva's response was incorrectly addressed and was returned to NCUA in mid-February. We corrected the address and remailed Ms. Salva's response to you. On February 13, 2005, you appealed the fact that you had not received a timely response to your January 18<sup>th</sup> request. We responded to your February 13<sup>th</sup> appeal on March 3, 2005, enclosing a second copy of Ms. Salva's January 26<sup>th</sup> response.

In your March 8<sup>th</sup> appeal you indicate your belief that responsive documents exist (e.g. NCUA rules, regulations and policies) that we have not sent you. NCUA does issue a Chartering and Field of Membership Manual (Chartering Manual) that may contain

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information of interest. NCUA Form 9600 is contained within the Chartering Manual and consists of the insurance application for state chartered credit unions wishing to obtain federal share insurance. This Manual, as well as all of NCUA's Regulations, is available in our public reading room and on our website at [www.ncua.gov](http://www.ncua.gov). Such materials are made available pursuant to Section (a)(1) of the FOIA, 5 U.S.C. §552(a)(1). Since Form 9600 is included within the Chartering Manual and is available in our public reading room and on the website, NCUA is not required to make copies available pursuant to a written FOIA request. See 5 U.S.C. §552(a)(3)(A) and United States Department of Justice v. Tax Analysts, 492 U.S. 136, 152 (1989). Other than the Chartering Manual, we cannot identify any further documents responsive to your FOIA request. Hence, your FOIA appeal is denied. We have, however, included a copy of Form 9600 as a courtesy.

Pursuant to 5 U.S.C. §552(a)(4)(B), you may seek judicial review of this determination by filing suit against the NCUA. Such a suit may be filed in the United States District Court in the district where you reside, where your principal place of business is located, or the District of Columbia.

Sincerely,

Robert M. Fenner  
General Counsel

Enclosure

GC/HMU:bhs  
05-0341  
05-APP-00004