

FOI/PA REQUEST

Case No.: 2011-0131
 Date Rec'd: 3-21-11
 Specialist: Christian
 Re Case: _____

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 Calvert Station
 P.O. Box 32041
 Washington, DC 20007

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 Fax: 202-318-8009



3/15/2011

U.S. Nuclear Regulatory Commission
 Mail Stop T-5 F09
 Washington, DC 20555-0001

RE: "Inquiry into Testimony of Executive Director for Operations" Interview of CIA Director for Operations Carl Duckett, NRC Offices of General Counsel and Inspector and Auditor, NRC Document Room, February, 1978, Vol. III and related documents (Item IDs 011510864, 005176360, 005176385, 005176395, Accession #7811200289, Item IDs 011495020, 0114952950, 11495400, 011495407, 011495412, 011498408, see attachment A highlights) – **full, unredacted, public release**

Dear Freedom of Information and Privacy Act Officer,

This is a request under the Freedom of Information Act. I request a copy of the above referenced Nuclear Regulatory Commission documents. According to the *Bulletin of Atomic Scientists* article "Revisiting the NUMEC Affair" published in March/April of 2010, NRC Chairman William Anders invited CIA Deputy Director for Operations Carl Duckett to brief senior NRC officials who were concerned about the potential for nuclear diversion in the US. **Duckett told the NRC that "the CIA believed Israel had illegally obtained HEU from a fuel-processing plant run by the Nuclear Materials and Equipment Corporation (NUMEC) in Apollo, PA, and that Israel had used this HEU for its first bombs."**

On 8/9/1978 reporter John Fialka of the now defunct *Washington Star* requested the full, unredacted release of the document under Executive Order 12065. (Attachment A) This request was denied. However, we believe the original report on Duckett and related correspondence and reports are now releasable under the new guidance of Executive Order 13526 issued December 29, 2009¹ because:

1. **Under Section 1.5 Duration of Classification provisions** no document may remain classified indefinitely. Documents must usually be marked for declassification within 10 or 25 years of the original classification decision. Under these new standards, the document is 8-23 years overdue for public release.
2. **Under Section 1.7 Classification Prohibitions and Limitations it is no longer permissible to maintain classifications to "conceal violations of law, inefficiency, or administrative error" or "prevent embarrassment."** Outside experts believe that the document is classified mainly because it would reveal US taxpayer funded uranium ended up in a foreign nuclear weapons program. While many US government agencies continue to cover up information about material and technology diversions the Israeli nuclear weapons program, the standard FOIA exemptions applied no longer withstand challenge.² Aver Cohen, in his book "Israel and

¹ <http://www.fas.org/irp/offdocs/eo/eo-13526.htm>

² Exemption 1: All national security information concerning the national defense or foreign policy that has been properly classified in accordance with the substantive and procedural requirements of the current such order

- * Information pertaining to security of fuel cycle facilities possessing strategic quantities of special nuclear material
- * Information about security systems (e.g., guards, alarms, duress codes, etc.) of certain facilities or activities that would aid an adversary in attacking a facility or mode of transportation
- * Foreign government information provided with an understanding or agreement that information is considered classified by the supplying foreign government

the Bomb" documents that LBJ associate and fundraiser Abraham Feinberg was also the funding coordinator for the clandestine Israeli nuclear weapons program. Keeping related documents classified that confirm embarrassing (but already public) findings such as those mentioned above is no longer permissible since it has been revealed to be done primarily to protect politician access to domestic campaign contributions from various Israel lobbying groups (or politician legacy issues at National Archives run presidential document repositories). IRmep has successfully argued this very point in FOIA denial appeals—submitting documentary evidence—to gain document release of other sensitive documents retained only for domestic political purposes rather than any legitimate national security consideration.

- 3. Under Section 3.3 "the Secretary of Energy shall determine when information concerning foreign nuclear programs that was removed from the Restricted Data category in order to carry out provisions of the National Security Act of 1947, as amended, may be declassified. Unless otherwise determined, such information shall be declassified when comparable information concerning the United States nuclear program is declassified."** The US has recently begun to declassify other reports about HEU diversion such as the GAO report "Nuclear Diversion in the US? 13 Years of Controversy and Confusion"³ and the DOE's "Highly Enriched Uranium: Striking a Balance" that contain information we believe to be somewhat similar to what we are seeking.

Under specific NRC criteria, we ask for a fee waiver since it will provide a public benefit under NRC criteria:

- **Describe the purpose for which you intend to use the requested information.** IRmep is publishing a book about the NUMEC incident, utilizing a broad range of newly declassified and unredacted government documents from varied agencies. We also plan to make the released documents easily available to other researchers, as we've done with "Nuclear Diversion in the US?" and countless other documents.
- **Explain the extent to which you will extract and analyze the substantive content of the requested records.** We plan to extract the most relevant portions of the report which have never been released, for comparison to DOE, FBI, CIA, GAO, and other public research.
- **Describe the nature of the specific activity or research in which you will use the requested records and the specific qualifications you possess to utilize information for the intended purpose in such a way that it will contribute to public understanding.** IRmep is an educational, noncommercial research institution, and this request is made for a scholarly purpose. The Internal Revenue Service has categorized IRmep as a tax exempt 501 (c) (3) in recognition of IRmep's nonprofit mandate to produce survey based and historical research about the intersection of foreign policy and law enforcement. IRmep has over the last half decade published 10 social science and history books, including "Target Saudi Arabia", "Neocon Middle East Policy", "Foreign Agents", "Visa Denied", "America's Defense Line," and the book "Spy Trade" as well as scores of research papers. IRmep has provided expert media interviewees and data to news organizations as diverse as C-SPAN, Voice of America, the *Financial Times of London*, Reuters, the *Washington Post*, *Inc. Magazine*, Radio France Internationale, *Kiplinger's*, the US State Department's *Washington File* and many others.

Jeff Stein of the *Washington Post* calls Smith "a Washington D.C. author who has made a career out of writing critical books." James Petras, Bartle Professor (Emeritus) of Sociology at Binghamton University, New York claims "Grant F. Smith is without peer as an archival scholar." Blogger Philip Weiss claims "the best investigative work is being done by Grant Smith..." Nathan Guttman of *The Jewish Daily Forward* recognizes Smith as leading a public effort to "call attention of the authorities... and demands public scrutiny." John J. Mearsheimer, the R. Wendell Harrison Distinguished Service Professor of Political Science at the University of

³ Obtained by IRmep in May of 2010

Chicago claims "Grant Smith's new book (4) is a major step forward in correcting that problem." We have provided these books and press clippings to FOIA officers on request during previous fee waiver appeals.

- **Describe the likely impact on the public's understanding of the subject, compared to the level of public understanding of the subject before disclosure of the requested information.** Because of undue government secrecy, the public is almost entirely unaware of this chapter of the Israeli nuclear weapons program and US nuclear history. It would provide vast understanding and informed public debate that the NCR, GAO, Congress, and educators at various times once tried to facilitate.
- **Describe the size and nature of the public segment whose understanding will be increased by disclosing the requested information.** The audience of the academic press, general news readers, global nonproliferation, NGOs, and general interest world news recipients numbers in the millions, if not billions.
- **Describe the means by which you intend to disseminate the requested information to the general public.** News release, online archive, essays, books, and integration into our conference program.
- **Indicate whether you will provide public access to the requested information free of charge or in return for an access or publication fee.** We will provide public access free of charge.
- **Describe any commercial or private interest that you or any other party may have in the requested records.** None. IRmep publishing operates at a loss as a public interest publishing house under a nonprofit umbrella.

We also request waiver of all fees for this request because disclosure of the requested information to IRmep is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. Also, the US Department of Energy has recently granted us fee waiver status on requests on similar materials release. (Attachment B)

Although we do not formally request expedited processing, we do hope to be processed as a high priority. Based on review of other researcher attempts and recent email correspondence to obtain actual document IDs with the NRC Public Document Room (Attachment A) – locating the relevant document should not be an issue.

Thank you for your consideration of this request.

Sincerely,



Grant F. Smith
Director of Research

Enclosures: Attachment A – FOIA IDs, accessions, Attachment B – DOE Fee Waiver

*Donations are tax deductible charitable contributions.
IRmep is an IRS recognized tax exempt organization via ruling 13470 of May*

⁴ *America's Defense Line*, ISBN 978-0976443728

A

Grant F. Smith

From: PDR Resource [PDR.Resource@nrc.gov]
Sent: Friday, March 04, 2011 6:15 PM
To: info@irmep.org
Subject: RE: Document request from Grant Smith

Grant Smith,

I am responding to your follow-up inquiry, which was recently received by the Nuclear Regulatory Commission's Public Document Room (NRC/PDR).

The following documents should be available on microfiche in the PDR:

Item ID	011510864
Accession Number	7912180109
Estimated Page Count	1
Document Date	3/2/1978
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE PUBLIC ENTITY/CITIZEN/ORGANIZATION/MEDIA TO NRC
Availability	Publicly Available
Title	FOIA request for records not released to press & Congress re Commission inquiry into Ofc of Inspector & Auditory Ofc of General Counsel rept on Apollo testimony of executive Director for Operations.
Author Name	KRANISH A
Author Affiliation	TRENDS PUBLISHING, INC.
Author Affiliation Class	CI
Addressee Name	
Addressee Affiliation	NRC OFFICE OF ADMINISTRATION (ADM)
Addressee Affiliation Class	N
Docket Number	
License Number	
Case/Reference Number	FOIA-78-60
Document/Report Number	
Keyword	AUDITORS CONGRESSIONAL HEARINGS CONGRESSIONAL RELATIONS FOIA REQUESTS GENERAL COUNSEL INSPECTORS OPERABILITY RECORDKEEPING RELEASES TESTIMONY
Package Number	7912180109
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:FOIA--KRANISH78-60-780302,PDR:FOIA//KRANISH78-60 780302
Microform Addresses	01613:245-01613:245
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	005176360
Accession Number	8003030015
Estimated Page Count	1
Document Date	8/9/1978
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE PUBLIC ENTITY/CITIZEN/ORGANIZATION/MEDIA TO NRC
Availability	Publicly Available
Title	Appeals denial of FOIA request for deleted portions from Vol III of NRC rept, "Inquiry into Testimony of Executive Director for Operations." Requests that stds in Executive Order 12065 be used in review.
Author Name	FIALKA J J
Author Affiliation	WASHINGTON STAR
Author Affiliation Class	CI
Addressee Name	
Addressee Affiliation	NRC COMMISSION (OCM)
Addressee Affiliation Class	N
Docket Number	
License Number	
Case/Reference Number	FOIA-78-143 FOIA-78-A-21
Document/Report Number	
Keyword	APPEALS CODES AND STANDARDS DENIALS FOIA REQUESTS OPERABILITY ORDERS REVIEWS STANDARDS TESTIMONY
Package Number	8003030015
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:FOIA--FIALKA78-143-780809,PDR:FOIA//FIALKA78-143 780809
Microform Addresses	04102:023-04102:023
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	005176385
Accession Number	8003030029
Estimated Page Count	1
Document Date	8/7/1978
Document Type	CORRESPONDENCE-LETTERS NRC TO PUBLIC ENTITY/CITIZEN/ORGANIZATION/MEDIA OUTGOING CORRESPONDENCE
Availability	Publicly Available
Title	Responds to FOIA request for deleted portions from Vol III of rept, "Inquiry into Testimony of Executive Director for Operations." Info partially withheld:classified portions (ref FOIA Exemption 1).CIA is reviewing classified info.
Author Name	FELTON J M
Author Affiliation	NRC OFFICE OF ADMINISTRATION (ADM)
Author Affiliation Class	N
Addressee Name	FIALKA J J
Addressee Affiliation	WASHINGTON STAR
Addressee Affiliation Class	CI
Docket Number	
License Number	

Case/Reference Number	FOIA-78-143
Document/Report Number	
Keyword	CLASSIFIED INFORMATION EXEMPTIONS FOIA FOIA REQUESTS INFORMATION OPERABILITY REVIEWS TESTIMONY
Package Number	8003030029
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:FOIA--FIALKA78-143-780807,PDR:FOIA/FIALKA78-143 780807,CF:FOIA/WPDEX1/780807
Microform Addresses	04102:024-04102:024
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	005176395
Accession Number	8003030034
Estimated Page Count	1
Document Date	5/12/1978
Document Type	CORRESPONDENCE-LETTERS INCOMING CORRESPONDENCE PUBLIC ENTITY/CITIZEN/ORGANIZATION/MEDIA TO NRC
Availability	Publicly Available
Title	FOIA request for deleted portions from Vol III of rept, "Inquiry Into Testimony of Executive Director for Operations," released in Feb 1978.
Author Name	FIALKA J J
Author Affiliation	WASHINGTON STAR
Author Affiliation Class	CI
Addressee Name	FELTON J M
Addressee Affiliation	NRC OFFICE OF ADMINISTRATION (ADM)
Addressee Affiliation Class	N
Docket Number	
License Number	
Case/Reference Number	FOIA-78-143
Document/Report Number	
Keyword	FOIA REQUESTS OPERABILITY RELEASES TESTIMONY
Package Number	8003030034
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:FOIA--FIALKA78-143-780512,PDR:FOIA/FIALKA78-143 780512
Microform Addresses	04102:025-04102:025
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

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Orders can be submitted for customers who wish to pay by check. The PDR staff will inform the customer of the total charges for the order and a check may be submitted to Best Copy and Printing Incorporated (BCPI). Upon receipt of the check, the customer's order will be delivered as requested.

Documents may be mailed by Federal Express, USPS, UPS, or regular mail. Please indicate the method of mailing when placing your order. Each shipping method incurs a different cost, which is calculated by our copy service. If you have a Federal Express or UPS number and wish to use that number please indicate this in your reply or BCPI will add the charges to your bill.

The copy service picks up orders from the PDR once in the morning. There is a cut-off time of 10:30am Eastern Time. All non-rush orders taken by the PDR staff between 10:30am and 4:00pm Eastern Time will be picked up by the copy service the next business day.

If you are interested in ordering one or more documents, please provide the PDR staff with your billing and shipping information. We can be contacted at (301) 415-4737, (800) 397-4209, (301) 415-3548 (FAX) or at PDR.Resource@nrc.gov. Our phone reference hours are from 8:00am - 4:00pm, Eastern Time, Monday - Friday (excluding Federal holidays).

The following documents are not available from the PDR and will require a FOIA request:

Accession Number	7811200289
Document Date	11/1/1978
Estimated Page Count	91
Document Type	COMMISSION PAPER TEXT-SAFETY REPORT
Title	Response to recommendation from the OIA/OGC "Inquiry into the Testimony of the Executive Director for Operations," vol 1, Summary Rept, Feb 1978 providing analysis of allegations by JH Conran re thefts of nuc matl.
Availability	Non-Publicly Available
Microfiche Address	94251:041-94251:131
Sensitivity	Non-Sensitive
Package Number	7811200289

Item ID	011495020
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Accession Number	7811030238
Estimated Page Count	62
Document Date	5/25/1978
Document Type	LEGAL TRANSCRIPTS & ORDERS & PLEADINGS TRANSCRIPTS, DEPOSITIONS, NARRATIVE TESTIMONY
Availability	Publicly Available
Title	Transcript of Discussion of OIA/OGC Inquiry In Testimony of The Executive Director For Operations.Pp 1-61.
Author Name	
Author Affiliation	NRC COMMISSION (OCM)
Author Affiliation Class	N
Addressee Name	
Addressee Affiliation	
Addressee Affiliation Class	
Docket Number	
License Number	
Case/Reference Number	REF-10CFR9.7
Document/Report Number	
Keyword	OPERABILITY TESTIMONY TRANSCRIPTS
Package Number	7811030238
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:10CFR--PT9.7-780525,PDR:10CFR//PT9.7 780525
Microform Addresses	02724:285-02724:346
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	011495295
Accession Number	7811060005
Estimated Page Count	1
Document Date	10/13/1978
Document Type	INTERNAL OR EXTERNAL MEMORANDUM MEMORANDUMS-CORRESPONDENCE
Availability	Publicly Available
Title	Forwards transcript of Discussion of OIA/OGC Inquiry In Testimony of the Executive Director For Operations.
Author Name	CHILK S J
Author Affiliation	NRC OFFICE OF THE SECRETARY (SECY)
Author Affiliation Class	N
Addressee Name	
Addressee Affiliation	NRC COMMISSION (OCM)
Addressee Affiliation Class	N
Docket Number	
License Number	
Case/Reference Number	REF-10CFR9.7
Document/Report Number	
Keyword	OPERABILITY TESTIMONY TRANSCRIPTS
Package Number	7811060005*
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:10CFR--PT9.7-781013,PDR:10CFR//PT9.7 781013

Microform Addresses	94422:174-94422:208
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	011495400
Accession Number	7811060027
Estimated Page Count	34
Document Date	6/12/1978
Document Type	LEGAL TRANSCRIPTS & ORDERS & PLEADINGS TRANSCRIPTS, DEPOSITIONS, NARRATIVE TESTIMONY
Availability	Publicly Available
Title	Transcript of Discussion of OIA/OGC Inquiry In Testimony of the Executive Director For Operations.
Author Name	
Author Affiliation	NRC COMMISSION (OCM)
Author Affiliation Class	N
Addressee Name	
Addressee Affiliation	
Addressee Affiliation Class	
Docket Number	
License Number	
Case/Reference Number	REF-10CFR9.7
Document/Report Number	
Keyword	OPERABILITY TESTIMONY TRANSCRIPTS
Package Number	7811060005A
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:10CFR--PT9.7-781013,PDR:10CFR/PT9.7 781013
Microform Addresses	94422:175-94422:208
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	011495407
Accession Number	7811060028
Estimated Page Count	1
Document Date	10/24/1978
Document Type	INTERNAL OR EXTERNAL MEMORANDUM MEMORANDUMS-CORRESPONDENCE
Availability	Publicly Available
Title	Forwards transcript of Discussion of OIA/OGC Inquiry In Testimony of the Executive Director For Operations.
Author Name	CHILK S J
Author Affiliation	NRC OFFICE OF THE SECRETARY (SECY)
Author Affiliation Class	N
Addressee Name	
Addressee Affiliation	NRC COMMISSION (OCM)
Addressee Affiliation Class	N
Docket Number	
License Number	
Case/Reference Number	REF-10CFR9.7
Document/Report Number	
Keyword	OPERABILITY TESTIMONY TRANSCRIPTS

Package Number	7811060028*
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:10CFR--PT9.7-781024,PDR:10CFR/PT9.7 781024
Microform Addresses	94423:001-94423:071
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	011495412
Accession Number	7811060029
Estimated Page Count	70
Document Date	7/13/1978
Document Type	LEGAL TRANSCRIPTS & ORDERS & PLEADINGS TRANSCRIPTS, DEPOSITIONS, NARRATIVE TESTIMONY
Availability	Publicly Available
Title	Transcript of Discussions of OIA/OGC Inquiry In Testimony of the Executive Director For Operations.
Author Name	
Author Affiliation	NRC COMMISSION (OCM)
Author Affiliation Class	N
Addressee Name	
Addressee Affiliation	
Addressee Affiliation Class	
Docket Number	
License Number	
Case/Reference Number	REF-10CFR9.7
Document/Report Number	
Keyword	OPERABILITY TESTIMONY TRANSCRIPTS
Package Number	7811060028A
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:10CFR--PT9.7-781024,PDR:10CFR/PT9.7 781024
Microform Addresses	94423:002-94423:071
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

Item ID	011498408
Accession Number	7811070280
Estimated Page Count	60
Document Date	7/25/1978
Document Type	LEGAL TRANSCRIPTS & ORDERS & PLEADINGS TRANSCRIPTS, DEPOSITIONS, NARRATIVE TESTIMONY
Availability	Publicly Available
Title	Discussion of OIA/OGC Inquiry in Testimony of the Executive Director for Operations in Washington,DC on 780725.Pp1-60.
Author Name	
Author Affiliation	NRC COMMISSION (OCM)
Author Affiliation Class	N
Addressee Name	
Addressee Affiliation	

Addressee Affiliation Class	
Docket Number	
License Number	
Case/Reference Number	REF-10CFR9.7
Document/Report Number	
Keyword	OPERABILITY TESTIMONY
Package Number	7811070278A
Date Docketed	
Related Date	
Comment	
Document Status	
Media Type	Microform
Physical File Location	PDR:10CFR--PT9.7-781024,PDR:10CFR//PT9.7 781024
Microform Addresses	94041:032-94041:091
Distribution List Codes	
Text Source Flag	
Document Sensitivity	Non-Sensitive

You can submit a Freedom of Information Act (FOIA) request to NRC's FOIA office to ask that the document be made available. You may want to browse NRC's Freedom of Information Act Guide at <http://www.nrc.gov/reading-rm/foia/foia-request.html>. Contact information for NRC's FOIA office follows:

Nuclear Regulatory Commission
FOIA/Privacy Officer
Mail Stop: TWFN-5 F11
Washington, DC 20555-0001
(301) 415-7169
(301) 415-5130 (FAX)
FOIA.Resource@nrc.gov

More information about FOIA is available from the Department of Justice at http://www.justice.gov/oip/04_7.html.

I hope you will find this information to be useful.

Adam Glazer
Technical Librarian
Public Document Room
Nuclear Regulatory Commission
(301) 415-4737
(800) 397-4209
(301) 415-3548 (FAX)
PDR.Resource@nrc.gov
<http://www.nrc.gov/reading-rm/pdr.html>
[8:00am - 4:00pm, Eastern Time, Monday - Friday]

The new Web-based ADAMS (WBA) made its debut on October 20, 2010. Among the enhancements is the ability of WBA users to search the ADAMS Public Library and ADAMS Legacy Library simultaneously. More information about ADAMS is available from the NRC Web site.

<http://www.nrc.gov/reading-rm/adams/web-based.html>

The PDR uses a private contractor, Best Copy and Printing Incorporated (BCPI), to reproduce documents. On October 1, 2010, BCPI increased its prices. Reproductions from microfiche to paper increased from \$0.40 per page to \$0.45 per page; reproductions from microfiche to PDF increased from \$0.45 per page to \$0.50 per page. Additional information about fees and turnaround times is available from the NRC Web site.

<http://www.nrc.gov/reading-rm/pdr/fee-schedule.html>

ADAMS PUBLIC made its debut on February 1, 2010, replacing Citrix-based ADAMS. ADAMS PUBLIC users can now search the ADAMS Legacy Library via a Web-based interface. More information about ADAMS is available from the NRC Web site.

<http://www.nrc.gov/reading-rm/adams/adams-public.html>

From: info [mailto:info@irmep.org]
Sent: Thursday, March 03, 2011 12:58 PM
To: PDR.Resource@nrc.gov'
Subject: FW: Document request from Grant Smith

Dear Adam,

Can you confirm receipt of this email? (been having some tech problems).

Thanks!

Grant

From: info [mailto:info@irmep.org]
Sent: Thursday, February 17, 2011 10:30 AM
To: 'PDR.Resource@nrc.gov'
Subject: FW: Document request from Grant Smith

Adam Glazer
Technical Librarian
Public Document Room
Nuclear Regulatory Commission
(301) 415-4737
(800) 397-4209
(301) 415-3548 (FAX)
PDR.Resource@nrc.gov
<http://www.nrc.gov/reading-rm/pdr.html>

Dear Adam Glazer,

I am seeking another NRC document titled "Inquiry into the Testimony of the Executive Director for Operations" – NCR Offices of General Counsel and Inspector and Auditor, February 1978.

I have searched for this document on ADAMS but could not locate it. An article by a couple of former NRC employees published in the Bulletin of Atomic Scientists titled "Revisiting the NUMEC affair" March/April 2010 says it is available in the document room, but I was hoping to have a PDF of the full document (which I assume is not classified).

Do I need to file a FOIA request for this?

Thanks!

Grant

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1204 / Virus Database: 1435/3481 - Release Date: 03/04/11

(B)



Department of Energy

Washington, DC 20585

March 2, 2011

Mr. Grant F. Smith
Director of Research
Institute for Research: Middle Eastern Policy (IRMEP)
P.O. Box 32041
Washington, DC 20007

Re: HQ-2011-00700-F

Dear Mr. Smith:

This is in response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for unredacted contents from the DOE report Highly Enriched Uranium: Striking a Balance.

The request has been assigned to the Office of Health, Safety and Security to conduct a search of its files for documents responsive to the request. Upon completion of the search, a response will be provided to you.

In your letter you asked for a waiver of all fees incurred to process the request. For purposes of assessment of any fees, you were categorized under the DOE's regulation that implements the FOIA at Title 10, Code of Federal Regulations (CFR), Section 1004.9(b)(3), as an "educational" requester. Requesters in this category are charged fees for duplication only and are provided 100 pages at no cost.

We have reviewed the information that you have provided and determined that it satisfies the criteria for a waiver. For this reason, there will be no fees incurred to process the request.

The above referenced number has been assigned to the request and you should refer to it in correspondence with the DOE about this matter. If you have any questions about the processing of the request in the Office of HS, you may contact Ms. Robyne Johnston, HS-1.23, 1000 Independence Avenue, SW, Washington, DC 20585. She also can be reached on (202) 586-5385.

I appreciate the opportunity to assist you. Please contact Ms. Sheila Jeter of my staff on (202) 586-5061 with any questions about this letter.

Sincerely,

Joan Ogbozchi
for

Alexander C. Morris
FOIA Officer

Office of Information Resources

