

Roger J. Mattson, Ph.D.
2511 Fossil Trace Court
Golden, CO 80401
Phone: 303-278-1406
E-mail: rdmattson@comcast.net

August 23, 2011

James T. Wiggins, Director
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Wiggins:

This is an appeal of your August 9, 2011 denial of my April 4, 2010 request for a mandatory declassification review (MDR) of the February, 1978 report *Inquiry into the Testimony of the Executive Director for Operations*, Volumes I, II, and III.

Section 3.5 of Executive Order 13526 provides for an administrative appeal with the agency denying a MDR if this request is filed within 60 days of receipt of the MDR denial.

Section 2001.33(a)(2)(i) of the implementing directive for the Order (Federal Register Volume 75, No. 123, June 28, 2010) states that the agency should normally make a determination within 60 days of the receipt of the administrative appeal or notify the requestor of a need for additional time. Further, Article VIII section A(3) of the Bylaws of the Interagency Security Classification Appeals Panel (ISCAP) indicates that failure by the agency to make a final decision within 180 days will permit the requestor to appeal directly to ISCAP, a multi-agency review panel.

My understanding is that if the agency denies the administrative appeal, it must notify the requestor in writing of the final determination and the reasons for the denial. I also understand that that the agency must notify the requestor that they may, within 60 days of the receipt of the notification, file an appeal with the ISCAP.

Thank you in advance for your timely response to this appeal.

Sincerely,


Roger J. Mattson