



U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

Washington, D.C. 20530

JAN 27 1986

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Re: Appeal No. 85-1444
RLH:FLP:PAK

Dear Mr. Weisberg:

You appealed from the action of the Federal Bureau of Investigation on your request for access to records pertaining to Yuri Ivanovich Nosenko and to any records released by the FBI to Edward J. Epstein.

After careful consideration of your appeal, I have decided to affirm the initial action in this case. Yuri Ivanovich Nosenko is the subject of one Bureau main file -- Espionage. Certain of the material pertaining to Mr. Nosenko is classified and I am affirming the denial of access to it on the basis of 5 U.S.C. 552(b)(1). This material is being referred to the Department Review Committee for review and determination whether it warrants continued classification under Executive Order 12356. You will be notified if the Committee's final decision results in the declassification of any information. Other materials were properly withheld from you pursuant to 5 U.S.C. 552(b)(2), (7)(C) and (7)(D). These provisions pertain to purely internal agency practices (file numbers), and to investigatory records compiled for law enforcement purposes, the release of which would, respectively, constitute an unwarranted invasion of the personal privacy of third parties, in some instances by revealing an investigative interest in them on the part of the FBI, and disclose confidential information furnished only by a confidential source. Names of Bureau agents and government personnel were among the items excised on the basis of 5 U.S.C. 552(b)(7)(C). None of the information being withheld is appropriate for discretionary release.

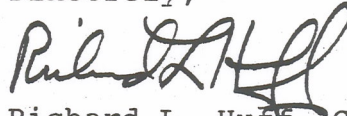
FBI Field Offices have not been checked for materials pertaining to Mr. Nosenko. You may, however, write directly to each Field Office you think appropriate and request the information you seek. I will consider individually appeals from each response.

For your information, the FBI has assured a member of my staff that Mr. Edward J. Epstein has never made a request for

information pertaining to Mr. Nosenko, nor have any documents ever been processed or released to him by the FBI on that subject. Additionally, please note that the Bureau is currently processing your request for any "see" references pertaining to Mr. Nosenko, as well as your request for an elsur search on that subject, and will respond to you shortly in that regard. Finally, please be advised that the Central Intelligence Agency has been advised of your appeal to this Office; and will correspond with you directly concerning its administrative appeal review of information from the CIA.

Judicial review of my action on this appeal is available to you in the United States District Court for the judicial in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard L. Huff". The signature is stylized with a large, looped initial "R" and "H".

Richard L. Huff, Co-Director
Office of Information and Privacy