



U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

Washington, D.C. 20530

JUN 12 1984

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

Dear Mr. Weisberg:

This is in response to your letters dated January 23, 1984, and February 25, 1984, concerning your requests for access to records pertaining to Nosenko and to referrals from the Central Intelligence Agency to the Federal Bureau of Investigation.

A member of my staff has discussed your letters with Bureau personnel. With regard to the Nosenko documents, the Bureau has advised me that it is unable to give you an estimate as to the time it will take to complete the processing of your request as it is still waiting for referrals from the CIA to be sent over with its recommendations and for the Document Classification Unit to complete its classification review. An interim release is not appropriate because of the small number of releaseable documents involved.

With regard to the CIA referrals, the Bureau now believes that it understands which documents you are referencing and has recently made an interim release to you of most of the documents referred to it by the CIA. The Bureau is still processing several additional referrals received from the CIA.

Although the Act authorizes you to treat the failure of the Bureau to act on your request within the specified time limit as a denial thereof, this Office, because it lacks the personnel resources to conduct the record reviews that are necessary to make initial determinations on requests for records, cannot act until there has been an initial determination by the component. Our function is limited to the review of those records to which access is in fact denied. For your information, this Office does not have an open appeal concerning your request for Nosenko records because the Bureau has not yet completed the initial processing of those documents. If you are dissatisfied with the substantive action of the Bureau on your requests, simply advise this Office of that fact, and we will then open appeals on the merits.

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If, as appears likely, the Bureau still has not responded to your requests at the time you receive this letter, you may, as you are aware, treat our letter as a denial of your appeals and bring action in an appropriate federal court.

Finally, the recent activity on a number of your appeals has been a result of an increased focus in this Office on resolving some of the older, more complex appeals still pending in this Office.

Sincerely,



Richard L. Huff, ~~is~~ Director
Office of Information and Privacy

RLH:TJM:PLH