

<b>NRC FORM 464 Part I</b> (03-2017)	<b>U.S. NUCLEAR REGULATORY COMMISSION</b>  <b>RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST</b>	<b>FOIA</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">2017-0485</div>	<b>RESPONSE NUMBER</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>
		<b>RESPONSE TYPE</b> <input type="checkbox"/> INTERIM	<input checked="" type="checkbox"/> FINAL
<b>REQUESTER:</b> Julian Tarver		<b>DATE:</b> 11/29/2017	
<b>DESCRIPTION OF REQUESTED RECORDS:</b> June 2, 1978 memorandum to L.V. Gossick regarding commission review of OGC & OIA report			
<b>PART I. – INFORMATION RELEASED</b>			
You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <a href="https://www.nrc.gov/reading-rm/foia/contact-foia.html">https://www.nrc.gov/reading-rm/foia/contact-foia.html</a>			
<input type="checkbox"/> Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.			
<input checked="" type="checkbox"/> Agency records subject to the request are enclosed.			
<input type="checkbox"/> Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.			
<input type="checkbox"/> We are continuing to process your request.			
<input type="checkbox"/> See Comments.			
<b>PART I.A -- FEES</b>			
AMOUNT* <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div> <small>*See Comments for details</small>	<input type="checkbox"/> You will be billed by NRC for the amount listed. <input type="checkbox"/> You will receive a refund for the amount listed. <input type="checkbox"/> Fees waived.		
<b>NO FEES</b>			
<input checked="" type="checkbox"/> Minimum fee threshold not met. <input type="checkbox"/> Due to our delayed response, you will not be charged fees.			
<b>PART I.B – INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE</b>			
<input type="checkbox"/> We did not locate any agency records responsive to your request. <i>Note:</i> Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.			
<input type="checkbox"/> We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.			
<input type="checkbox"/> Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.			
<input type="checkbox"/> You may appeal this final determination within 90 calendar days of the date of this response by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or <a href="mailto:FOIA.Resource@nrc.gov">FOIA.Resource@nrc.gov</a> . Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <a href="https://ogis.archives.gov/about-ogis/contact-information.htm">https://ogis.archives.gov/about-ogis/contact-information.htm</a>			
<b>PART I.C COMMENTS ( Use attached Comments continuation page if required)</b>			
<b>Signature - Freedom of Information Act Officer or Designee</b> <div style="display: flex; justify-content: space-between;"> <span>Stephanie A. Blaney</span> <span>Digitally signed by Stephanie A. Blaney Date: 2017.11.29 12:16:33 -05'00'</span> </div>			



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

June 2, 1978

OFFICE OF THE  
SECRETARY

MEMORANDUM FOR: Lee V. Gossick, Executive Director for Operations  
FROM: Samuel J. Chilk, Secretary  
SUBJECT: COMMISSION REVIEW OF OGC REPORT, "INQUIRY  
INTO TESTIMONY OF THE EDO"

The following memorandum from the Chairman is quoted for your information and necessary action:

"As a result of its first meeting to review the subject report (May 11, 1978), the Commission decided to implement in substance the recommendations made therein (p. 47-48, Vol. I).

"With regard to Recommendation 1., the Commission wishes to be briefed separately by the Federal Bureau of Investigation and the General Accounting Office on the progress and results to date of their investigations of the NUMEC matter. Mr. Pedersen and Mr. Kelley should attend, as should the EDO, Mr. Dircks, Dr. Volgenau, Mr. Davis, Mr. Smith, Mr. Burnett, and perhaps one or two other officers of Mr. Burnett's Division, as he and Mr. Smith may think appropriate. The EDO should be asked to arrange the briefings.

"With regard to Recommendations 2. and 3., the Commission wishes to clarify its position on the 'no evidence' statement as it pertains to NUMEC and related matters, and to make this position widely known to the staff. First, the statement 'NRC has no evidence that any significant amount of strategic SNM has ever been stolen or diverted,' on page 2 of the first inventory difference report, NUREG-0350, must be understood to apply only to the post-1968 period to which the report applies. Second, with regard to the NUMEC matter itself, an appropriate characterization is that based on information available to the Commission at the present time, there is no conclusive evidence that a diversion of a significant amount of strategic SNM either did or did not take place. Third, the Commission believes that unqualified 'no evidence' statements should be avoided in characterizing inventory difference matters, since even a zero inventory difference does not conclusively demonstrate that material has not been diverted. Qualified 'no evidence' statements should not imply a higher degree of confidence

than the situation warrants. The staff judgments as to the possibility of theft or diversion of SNM are based on a combination of factors, including physical security measures at a facility and material accounting and control measures, and should be characterized as judgments rather than proof. Fourth, in dealing with the pre-1968 safeguards data, staff statements should note that such data predate any regulatory staff activity and derive from a period in which safeguards measures were far less stringent than at present.

"The staff should develop, for Commission consideration, a general statement concerning the conclusions that can be made about theft and diversion of significant amounts of strategic SNM, based on the above.

"With regard to Recommendation 4., the Commission wishes the staff to identify instances of alleged successful thefts or diversions of strategic special nuclear material. The list of such instances should include, to the extent possible, those mentioned by Mr. Conran in his July 29, 1977, testimony. The list should be in a form suitable for filing in the Public Document Room, except that classified information should be segregated in a suitable classified supplement. The Commission believes a comprehensive tabulation of such matters, along the lines of the recently prepared 'threats list' is desirable.

"Commission discussions on other matters in connection with the Inquiry Report, including its findings and conclusions, will take place at future meetings."

Please take the action requested by the Commission and advise me of the proposed briefing dates for scheduling purposes.

cc: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Kennedy  
Commissioner Bradford  
Acting General Counsel  
Director, Office of Inspector  
and Auditor