



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JAN 21 2004

Mr. Steven Aftergood
Federation of American Scientists
1717 K Street NW., No. 209
Washington, DC 20036

Re: Appeal No. 03-2578
RLH:KMF:FPM

Dear Mr. Aftergood:

You appealed from the action of the Office of Professional Responsibility on your request for access to a copy of its report concerning the investigation of the Wen Ho Lee.

With respect to the classified portions of the report, after carefully considering your appeal, I have decided to affirm the OPR's withholding of that information because it is protected from disclosure under the Freedom of Information Act pursuant to 5 U.S.C. § 552(b)(1). I am, however, referring the classified portions of the report to the Department Review Committee so that it may determine if they should remain classified under Executive Order No. 12958, as amended by Executive Order 13292. You will be informed if any of the classified portions of the report are declassified.

With respect to the unclassified portions of the report, as a result of discussions between OPR personnel and a member of my staff, I have decided to remand those portions to the OPR for further processing. The OPR will send the releasable information contained in the unclassified portions of the report to you directly. If you are dissatisfied with the OPR's further action on the unclassified portions of the report, you may appeal again to this Office.

If you consider my response to be a denial of your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Richard L. Huff
Co-Director