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Description of document: Council of the Inspectors General on Integrity and Efficiency (CIGIE) Undercover Review Committee (URC) Report, 2013

Appeal date: 24-November-2013

Released date: 26-March-2014

Posted date: 02-June-2014

Source of document: Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006
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Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

MAR 26 2014

Via email.

Re: Your Freedom of Information Act Request 6330-2013-0040; Appeal 6330-2014-12

This is in response to your Freedom of Information Act (FOIA) appeal to the Council of the Inspectors General on Integrity and Efficiency (CIGIE), dated November 24, 2013. On November 21, 2013, we responded to your FOIA request by informing you that 20 pages were being withheld in full. In your appeal, you ask that we release the segregable releasable portions of the CIGIE Undercover Review Committee report. You explain that the segregable portions should allow release of page numbers, table of contents, and the title page.

In our review of the documents necessitated by your appeal, we found the report consisted of only five pages. Segregable portions will be released as explained below. I found that the exemptions previously claimed were properly applied to the remaining documents. Furthermore, they were not responsive to your request. Two of the twenty pages were a letter from an Assistant United States Attorney providing his review and opinion of an undercover operation and were properly withheld under (b)(5) as privileged.

The remaining 13 pages were interagency memoranda documenting the cooperation and roles of the agencies in the undercover operations and were properly withheld in full under (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D) and (b)(7)(E). For these documents, there is no reasonably segregable nonexempt information. The information within these memoranda is inextricably intertwined with exempt information. After redaction, all that would remain of the documents contains no informational value. Please be aware that we made every effort to segregate out all responsive, non-exempt information for release.

Regarding the five page report, we are releasing the cover page, and information showing the activity of the Undercover Review Committee. The remaining information is being withheld under the exemptions cited above and in our initial response to you.

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Thus, I affirm the earlier decision to withhold 15 pages in their entirety on the basis cited above, and because these documents are not responsive to your request. I approve your appeal in part and release segregable portions of the five-page report.

This is the final agency decision per 5 C.F.R. § 9800.10(j). You may seek judicial review of this decision in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, pursuant to 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Phyllis K. Fong". The signature is written in a cursive style with some loops and flourishes.

Phyllis K. Fong
Chair

Enclosure

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UNITED STATES**



NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

OFFICE OF THE
INSPECTOR GENERAL

September 30, 2013

Carl W. Hoecker, Inspector General
Securities and Exchange Commission
Chair, Investigations Committee
Council of the Inspectors General on Integrity and Efficiency
100 F. Street, NE
Washington, DC 20549

Dear Mr. Hoecker:

On an annual basis, the Undercover Review Committee (URC) must submit a written report summarizing the following to the CIGIE Investigations Committee, the Attorney General, the Deputy Attorney General, and the Assistant Attorney General in charge of the Criminal Division:

- a. The types of undercover operations approved and disapproved together with the reasons for disapproval;
- b. Any major issues addressed by the URC in reviewing applications and how they were resolved; and,
- c. Any significant modifications to the operations recommended by the URC.

Consistent with these requirements I am providing the following information for Fiscal Year 2013:

Agency – (b) (7)(A) [REDACTED]

Date of Proposal: November 8, 2012

Date of URC Approval: November 29, 2012

Type of Authorization: Renewal Operation Request

Details:

(b) (7)(A), (b) (7)(C), (b) (7)(E) [REDACTED]

[REDACTED] The URC approval was granted for 6 months with an expiration date of May 28, 2013, with no stipulations or modifications.

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Agency – (b) (7)(A)
Date of Proposal: January 13, 2013
Date of URC Approval: February 14, 2013
Type of Authorization: Initial Operation Request

Details:

(b) (7)(A), (b) (7)(C), (b) (7)(E)

The URC approval was granted for (b) (7)(E) with an expiration date of (b) (7)(E) with no further stipulations or modifications.

Agency – (b) (7)(A)
Date of Proposal: February 14, 2013
Date of URC Approval: February 19, 2013
Type of Authorization: Initial Operation Request

Details:

(b) (7)(A), (b) (7)(E)

The URC approval was granted for (b) (7)(E) with an expiration date of (b) (7)(E), with no stipulations or modifications.

Agency – (b) (7)(A)
Date of Proposal: March 11, 2013
Date of URC Approval: March 20, 2013
Type of Authorization: Initial Operation Request

Details:

(b) (7)(A), (b) (7)(E)

The URC approval was granted for (b) (7)(E) with an expiration date of (b) (7)(E), with the stipulation that additional information be provided concerning the public corruption aspects of the operation.

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Agency – (b) (7)(A)

Date of Proposal: May 10, 2013 – (Note: There was a typographical error on the URC approval letter that inadvertently reflected the date March 10, 2013.)

Date of URC Approval: May 28, 2013

Type of Authorization: Renewal Operation Request

Details:

(b) (7)(A) (b) (7)(A), (b) (7)(C), (b) (7)(E)

The URC approval was granted for (b) (7)(E) with an expiration date of (b) (7)(E), with no stipulations.

Agency – (b) (7)(A)

Date of Proposal: June 10, 2013

Date of URC Approval: N/A

Type of Authorization: N/A

Details:

(b) (7)(A), (b) (7)(E)

On June 14, 2013, (b) (7)(A) canceled this request (b) (5)

Agency – (b) (7)(A)

Date of Proposal: July 12, 2013

Date of URC Approval: July 23, 2013

Type of Authorization: Initial Operation Request

Details:

(b) (7)(A), (b) (7)(E)

The URC approval was granted for (b) (7)(E) with an expiration date of (b) (7)(E), with no stipulations.

Agency – (b) (7)(A)

Date of Proposal: August 7, 2013

Date of URC Approval: August 14 and 16, 2013

Type of Authorization: Renewal Operation Request

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Details:

(b) (7)(A), (b) (7)(E) [REDACTED]

(b) (7)(A), (b) (7)(E) [REDACTED]

(b) (7)(A), (b) (7)(E) [REDACTED]

The proposal was subsequently approved for (b) (7)(A) by the URC with an expiration date of (b) (7)(A) [REDACTED], with no further stipulations or modifications.

Agency – (b) (7)(A) [REDACTED]
Date of Proposal: August 26, 2013
Date of URC Approval: September 12, 2013
Type of Authorization: Initial Operation Request

Details: (b) (7)(A), (b) (7)(E) [REDACTED]

The URC agreed to approve the proposal request with the following stipulation and no additional modifications:

(b) (7)(A), (b) (7)(E) [REDACTED]

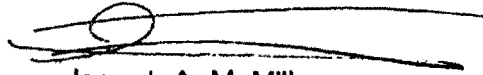
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The proposal was subsequently approved for (b) (7)(A) by the URC with an expiration date of (b) (7)(A), with no further stipulations or modifications.

If you have any questions regarding these matters, please do not hesitate to contact me at (301) 415-5929.

Regards,

Sincerely,



Joseph A. McMillan
Assistant Inspector General for Investigations
Nuclear Regulatory Commission
Chair, CIGIE Undercover Review Committee

cc: U.S. Attorney General
U.S. Deputy Attorney General
U.S. Assistant Attorney General, Criminal Division
File