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Challenging the secret "Israel Nuclear Weapons Gag Order" WNP-136

UPDATED: December 17, 2019

IRmep has filed a [39-page federal lawsuit](#) (PDF) challenging the secrecy of a gag order—[WNP-136](#) (PDF)—that forbids all U.S. government agency employees and contractors from discussing Israel's nuclear weapons program.

The classification bulletin, which took effect on September 6, 2012, forbids covered persons from making any comment on U.S. government information or information in the public domain about Israel's nuclear weapons program. The classification bulletin's first known use was against former Los Alamos National Laboratory nuclear policy specialist James Doyle after he wrote the following sentence in an article titled "Why Eliminate Nuclear Weapons?" which had been security cleared by his employer and published by the International Institute for Strategic Studies.

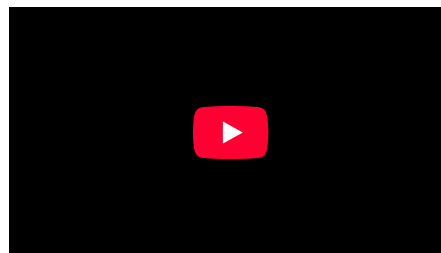
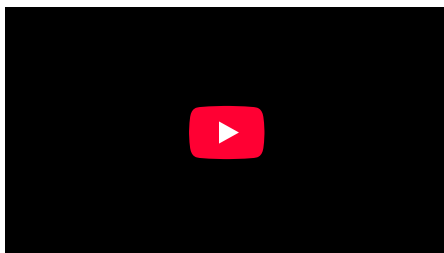
"Nuclear weapons did not deter Egypt and Syria from attacking Israel in 1973, Argentina from attacking British territory in the 1982 Falklands War or Iraq from attacking Israel during the 1991 Gulf War."

After an unknown congressional staffer read the article and demanded a review, it was referred to classification officials for a second review. Doyle's pay was then cut, his home computer searched, and he was fired.

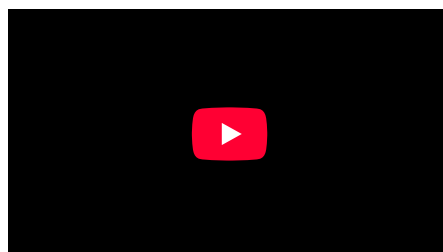
IRmep alleges in the lawsuit that the American public has been harmed by being kept in the dark about U.S. policy toward the Israeli nuclear weapons program. Important questions include:

1. Should Israel's nuclear weapons facilities be inspected by the International Atomic Energy Agency?
2. Where does Israel dispose of the toxic waste its program generates?
3. Is the U.S. still vigorously investigating (though not prosecuting) diversions of materials and technologies to Israel, as it did in the past over nuclear triggers (The [Milchan-Netanyahu krytron smuggling ring](#)), weapons grade uranium ([NUMEC](#)), oscilloscopes and other weapons development technology diversions ([Telogy LLC](#))?
4. Are Israel's nuclear weapons used to coerce the U.S. into making adverse policy decisions?
5. Besides [apartheid South Africa](#), has Israel offered any of its nuclear weapons for sale to other foreign countries?
6. Has Israel mounted nuclear weapons onto its German-supplied Dolphin-class submarines?

As documented in the lawsuit, WNP-136 is not really a classification guidance, but rather a legislative rule designed to prevent covered parties from commenting on information already in the public domain, while prohibiting the release of additional information about Israel's nuclear weapons program held by various government agencies. IRmep submits as evidence transcripts of reporter Sam Hussein's video documentaries of questions posed to executive agency and White House officials, as well as U.S. Department of State John Kirby's refusal to answer questions about former Secretary of State Colin Powell's statement that "Israel had over 200 nuclear weapons pointed at Tehran."



However, as stated in the lawsuit, one government employee, Senator Charles Schumer (D-NY) in a position to know, but not covered by WNP-136, was pressured into admitting that Israel has a nuclear weapons program last year at the National Press Club



IRmep alleges WNP-136 serves an even more damaging purpose than misinforming the American public: WNP-136 is used to subvert U.S. Arms Export Control Act statutes on the provision of U.S. foreign aid to a country that has long possessed nuclear weapons but never signed the Nuclear Non-proliferation Treaty. The IRmep lawsuit notes that:

"On March 23 the President signed a \$1.3 trillion spending bill into law, after Congress passed the Consolidated Appropriations Act, 2018 mandating that \$3.1 billion in foreign aid be

given to Israel. The authority cited for this \$3.1 billion transfer (out of a total of \$5.7 billion) in taxpayer funds is section 23 of the Arms Export Control Act. The American public in general, especially taxpayers, therefore have an immediate and overriding interest in knowing whether 54% of funds enabled under one section of the Arms Export Control Act (section 23) are being spent only because Defendants are proactively undermining enforcement of another section of the very same act (section 22) via the secret WNP-136."

LEGAL DOCUMENTS

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

04/05/2018	IRmep Complaint (PDF)
06/11/2018	DOJ Answer to Complaint (PDF)
07/26/2018	DOJ DOS Motion to Dismiss (PDF)
	Statement of Facts (PDF)
	Declaration of Edith Chalk, United States Department of Energy (PDF)
	Declaration of Eric Stein, United States Department of State (PDF)
08/16/2018	IRmep Cross Motion for Summary Judgement (PDF)
	Statement of Facts (PDF)
	Proposed Order (PDF)
09/12/2018	Defendants' Reply In Support Of Motion To Dismiss (PDF)
	Supplemental Declaration of Eric F. Stein (PDF)
	Defendant's Opposition to Plaintiff's Statement of Material Facts (PDF)
9/30/2019	Memorandum Opinion (PDF)

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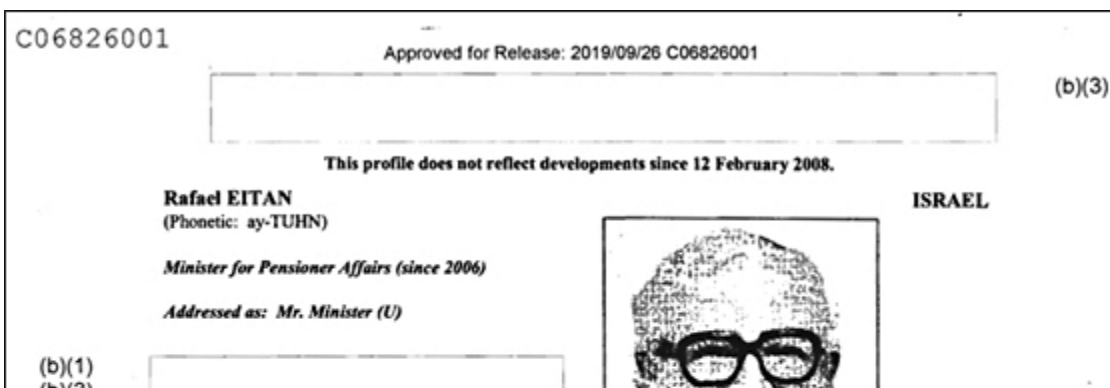
Israel's Nukes Make US Aid Illegal

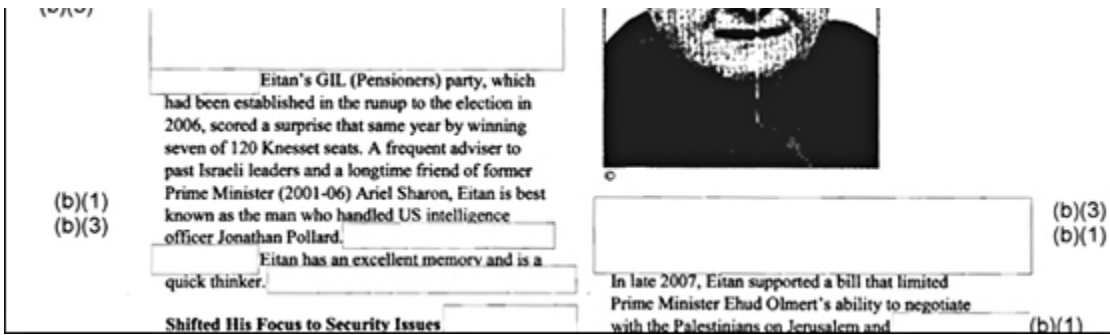
But the lies and coverups continue

by Grant Smith / August 24, 2021

Peter Beinart's *New York Times* [essay](#) "America Needs to Start Telling the Truth About Israel's Nukes" earlier this month caused a firestorm. In it, Beinart noted how the prevalence of US "lies of omission" allow policymakers and politicians to pretend Israel does not have nuclear weapons. This in turn generates the false narrative that Iran's nuclear program could initiate a Middle East nuclear arms race. Beinart laments how US deceptions about Israel's nuclear arsenal undermine America's self-proclaimed status as a champion of non-proliferation.

What Beinart did not appear to know – until [educated](#) by Twitter users – is what machinery keeps the US in lockstep with Israeli so-called "nuclear ambiguity" and why it exists.





CIA redacted US nuclear materials theft from Israel spymaster Rafi "Rafi"

Eitan's released profile. ([PDF](#))

Much has happened in the decades since President Richard Nixon first [promised](#) Israeli Prime Minister Golda Meier never to publicly discuss Israel's nuclear weapons. US Senators Stuart Symington and John Glenn [learned](#) that Israel (with help from some proxies in the US) in the 1960s diverted enough US weapons grade uranium from the government contractor NUMEC to build a dozen bombs. Outraged that nothing was being done about it, the senators [complicated](#) presidential "strategic ambiguity" by amending US foreign assistance laws to condition aid to nuclear weapons countries that were not signatories to the treaty on the non-proliferation of nuclear weapons.

Israel and its US surrogates responded by [lobbying incoming presidencies](#) to ignore the law and commit in writing to upholding nuclear ambiguity.

In 2012 the Obama administration passed a [gag regulation](#) forbidding any US federal agency employee or contractor from discussing Israel's nuclear weapons.

The regulation severely restricts agency responses to Freedom of Information Act requests about Israel's nuclear weapons activities. For example, Israeli spymaster Rafi "Rafi" Eitan's covert operations team penetrated the NUMEC facility in [1968](#), the year of some of its [most stunning losses](#). In closed briefings to top agency officials, CIA has never wavered in its conclusion that Israel – with the help of chemist Zalman Shapiro who ran the plant – diverted material to fuel Israel's nuclear weapons development.

After Eitan died in March of 2019, a great deal of formerly classified information about his exploits against America, which included running Jonathan Pollard, should have become available since privacy claims no longer prevailed. However, the CIA's internal profile of Eitan, while mentioning his 1960 operation to kidnap Adolf Eichmann from Argentina and Jonathan Pollard, carefully redacts his NUMEC operation in the 1960s chronology. ([PDF](#))

Why is such information continuing to receive protection? If multiple US government agencies reveal that the US has long known Israel has a nuclear weapons program, it raises uncomfortable questions about amount of foreign aid illegally delivered to Israel. Since Symington and Glenn became law, the US has transferred nearly a quarter of a trillion dollars in publicly known foreign assistance to Israel, and additional billions in covert assistance.

One of the principal tasks of Israel's US lobby is delivering enough campaign contributions to US politicians that upholding the law remains unthinkable. This has been a winning strategy but also makes the power of Israel's surrogates in the US increasingly visible and the subject of scorn and derision. However, not even the continually lobby-maligned members of the squad have dared to uphold Symington & Glenn to block US aid to Israel, [which they could easily do](#).

Meanwhile, Israel and its surrogates have continued to feed Americans a rich banquet of justifications for attacking Iran on the pretext that it is on the verge of introducing the very weapons to the Middle East that Israel deployed long ago.

Grant F. Smith is the author of the book [Divert! NUMEC, Zalman Shapiro and the diversion of US weapons-grade uranium into the Israeli nuclear weapons program](#). He is director of the [Institute for Research: Middle Eastern Policy](#) in Washington, D.C.

Author: Grant Smith

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Despite differences over uranium enrichment

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Central Intelligence Agency



Washington, D.C. 20505

27 September 2019

Mr. Grant F. Smith
Director of Research
Institute for Research: Middle Eastern Policy
Calvert Station
P.O. Box 32041
Washington, DC 20007

Reference: F-2019-01414

Dear Mr. Smith:

This is a final response to your 30 March 2019 Freedom of Information Act (FOIA) request for **a copy of all documents held by [our] agency concerning Rafael Eitan, an Israeli spy engaged in numerous clandestine operations targeting the United States on behalf of Israel.** We processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 3141, as amended.

We completed a thorough search for records responsive to your request and located the enclosed document which we can release in segregable form with deletions made on the basis of FOIA exemptions (b)(1) and (b)(3). Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are Section 6 of the Central Intelligence Agency Act of 1949, as amended, and Section 102A(i)(1) of the National Security Act of 1947, as amended.

With respect to any other records, in accordance with Section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of such records is itself currently and properly classified and is intelligence sources and methods information protected from disclosure by Section 6 of the CIA Act of 1949, as amended, and Section 102A(i)(1) of the National Security Act of 1947, as amended. Therefore, your request is denied pursuant to FOIA exemptions (b)(1) and (b)(3).

As the CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 90 days from the date of this letter. Please include the basis of your appeal.

If you have any questions regarding our response, you may contact us at:

Central Intelligence Agency
Washington, DC 20505
Information and Privacy Coordinator

703-613-3007 (Fax)

Please be advised that you may seek dispute resolution services from the CIA's FOIA Public Liaison or from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. You may reach CIA's FOIA Public Liaison at:

703-613-1287 (FOIA Hotline)

The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
202-741-5770
877-864-6448
202-741-5769 (fax)
ogis@nara.gov

Contacting the CIA's FOIA Public Liaison or OGIS does not affect your right to pursue an administrative appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Lilly' with a stylized flourish at the end.

Mark Lilly
Information and Privacy Coordinator

Enclosure

(b)(3)

This profile does not reflect developments since 12 February 2008.

Rafael EITAN

(Phonetic: ay-TUHN)

ISRAEL

Minister for Pensioner Affairs (since 2006)

Addressed as: Mr. Minister (U)



(b)(1)
(b)(3)

Eitan's GIL (Pensioners) party, which had been established in the runup to the election in 2006, scored a surprise that same year by winning seven of 120 Knesset seats. A frequent adviser to past Israeli leaders and a longtime friend of former Prime Minister (2001-06) Ariel Sharon, Eitan is best known as the man who handled US intelligence officer Jonathan Pollard.

(b)(1)
(b)(3)

Eitan has an excellent memory and is a quick thinker.

Shifted His Focus to Security Issues

(b)(3)

Eitan campaigned for the Knesset on a pledge to improve the lives of Israelis over the age of 65, but since the election he has devoted more time to Israel's strategic security issues with the Palestinians. Eitan in 2006 said that he would act to expand medical support for the elderly, secure a pension for every person, and increase the allowances for needy older citizens; however, his attempts to increase social welfare funding to pensioners have failed. In late 2007, Eitan was unable to increase payments to Holocaust survivors—a group that forms approximately one third of pensioners in Israel. Eitan caused controversy when he suggested paying for this by reopening the reparations agreement Israel signed with Germany in the 1950s. He later backtracked, but one Israeli pundit characterized the incident as a publicity stunt to improve GIL's image.

(b)(3)
(b)(1)

(b)(3)

(b)(1)
(b)(3)

Eitan described himself as pragmatic and realistic on diplomatic and security issues, but by early 2007 he appeared more hawkish.

(b)(3)
(b)(1)

In late 2007, Eitan supported a bill that limited Prime Minister Ehud Olmert's ability to negotiate with the Palestinians on Jerusalem and Israel had not promised to halt settlement construction within the municipal borders of Jerusalem.

(b)(1)
(b)(3)

Scoring a Surprise Victory

(b)(3)

Eitan in 2006 stunned Israeli political commentators when GIL won seven Knesset seats in the national election.

(b)(1)
(b)(3)

By focusing on social issues, Eitan demonstrated that GIL could ignore diplomatic and security issues and still succeed.

(b)(3)

Engaging in Risky Business

(b)(3)

Eitan's private business activities at times have attracted public criticism, especially in the case of his controversial business ties to Cuba. His dealings in that country's agricultural sector made him wealthy but brought him unflattering publicity for

(continued)
LP 08-100213
12 February 2008

(b)(3)

(b)(3)

working with Havana against competing Israeli businesses. In 1997, Eitan told an interviewer that a colleague and a Cuban official prevailed on him to invest in Cuba's citrus industry. Eitan visited Cuba in 1992 and helped form the BM Group to develop the country's agricultural infrastructure. Eitan received an award from Cuban President Fidel Castro for his contributions to the country's citrus industry. Eitan maintained close relations with Castro until Eitan became a minister and cut off his business activities in Cuba.

(b)(1)

(b)(3)

(b)(3)

(b)(3)

A Legendary Career

Eitan achieved media acclaim and notoriety as a result of his career with Israeli intelligence. He joined the Shin Bet domestic security service in 1950 after completing his military service, turning away from a prospective career in farming at the urging of then Shin Bet chief Isser Harel.

(b)(1)

(b)(3)

Eitan later joined Mossad, and in 1960 he commanded and participated in the operation that captured Adolf Eichmann.

(b)(1)

(b)(3)

Eitan left Mossad in 1972 after realizing that he would not achieve his goal of heading the organization.

(b)(1)

(b)(3)

Eitan's retirement in 1972 was brief, and his close ties to Sharon paved the way for his appointment to a series of government posts. In 1974, Sharon—then Prime Minister (1974-77) Yitzhak Rabin's security adviser—made Eitan his assistant and in 1978 recommended that then Prime Minister (1977-83) Menachem Begin appoint Eitan as his counterterrorism adviser. In this position, Eitan angered many Israelis with his statement to the Knesset that Israel could expect 100 years of terrorism. In 1981, Sharon appointed Eitan to head the Bureau of Scientific Liaison (LAKAM), a former unit of the Defense Ministry devoted to

scientific and technological espionage. From LAKAM, Eitan handled Pollard, saying in March 2006 that the unit had received such high-quality information that Eitan was reluctant to end the operation. In late 2006 he told an interviewer in the Israeli press that he regretted having Pollard spy on the United States because Israel could have obtained the same information through legal means. Once implicated in the Pollard affair, Eitan in 1986 was named chairman of the board of directors of the state-owned Israel Chemicals with Sharon's backing, a posting described as a reward for Eitan's espionage in the United States. He returned to private business five years later after quarreling with Sharon over the management of the company.

(b)(1)

(b)(3)

(b)(3)

Personal Data (U)

Eitan was born in the British Mandate of Palestine in Kibbutz Eyn Herod in 1926, but he later moved with his parents to Ramat Hasharon. At the age of 12, Eitan joined the Haganah, a forerunner to the modern Israeli army, and entered the elite Palmach commando unit on completion of high school in 1944. While in the Palmach, he engaged in clandestine operations to assist the illegal immigration of Jewish refugees who were fleeing Nazism from Europe into Palestine. During this time, Eitan earned the nickname "Stinking Rafi" after falling into a cesspit during an operation. He holds a degree in economics from the University of London.

(b)(3)

Eitan is a talented sculptor, and he frequently exhibits his work in Israeli galleries. He and his wife, Miriam, have three children and several grandchildren.

(b)(1)

(b)(3)

Eitan has trouble walking and poor vision, and he wears hearing aids in both ears.

(b)(1)

(b)(3)

(b)(3)

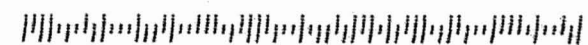
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December 22, 2010 12:06 PM Eastern Time

Obama Asked to Delay NUMEC Founder Award over Nuclear Weapons Material Diversions to Israel - IRmep

WASHINGTON--([BUSINESS WIRE](#))--The Obama administration has been asked to delay a 2010 National Medal of Technology and Innovation award to Zalman Shapiro over lingering questions about the theft and diversion of US weapons grade uranium to Israel. Shapiro, a talented inventor, was the former president of the Nuclear Materials and Equipment Corporation. Shapiro and NUMEC were investigated over the diversion of weapons grade uranium to Israel from the plant at Apollo, Pennsylvania. A March/April 2010 Bulletin of Atomic Scientists analysis estimates that 741 pounds of highly enriched uranium suitable for weapons production disappeared from NUMEC while Shapiro was president and was likely diverted into the Israeli nuclear weapons program.

Israel's top economic espionage case officer Rafael Eitan, who handled spy Jonathan Pollard in the 1980s, infiltrated NUMEC to meet with Shapiro in 1968. According to Anthony Cordesman, "there is no conceivable reason for Eitan to have gone [to the Apollo plant] but for the nuclear material." Former Deputy of the CIA's Directorate of Science and Technology Carl Duckett went on record verifying the agency came to the conclusion by 1968 that "NUMEC material had been diverted by the Israelis and used in fabricating weapons." NUMEC's venture capitalist had close ties to Israeli intelligence. CIA Tel Aviv station chief John Hadden went on record calling NUMEC "an Israeli operation from the beginning."

"there is no conceivable reason for Eitan to have gone [to the Apollo plant] but for the nuclear material."

An 80 page filing submitted by the IRmep Center for Policy and Law Enforcement argues that until all classified government files on NUMEC are released, honoring the plant's former president with the nation's highest honor to scientists, engineers, and inventors could be tantamount to rewarding theft and nuclear proliferation. According to Council on Foreign Relations scholar Sasha Polakow-Suransky, Israel attempted to sell nuclear-tipped Jericho missiles to South Africa. This occurred after the NUMEC incident but before the Apartheid regime left power.

Both the CIA and FBI have refused to release all unredacted NUMEC case files. NUMEC is now undergoing a \$170 million taxpayer funded toxic cleanup. According to the recently declassified GAO report "Nuclear Diversion in the US? Thirteen Years of Contradiction and Confusion" responsible US agencies failed to properly investigate the NUMEC diversion as required by the Atomic Energy Act.

Shapiro's application for the NMTI award obtained under the Freedom of Information Act includes testimonials from representatives of Covington & Burling, Arnold and Porter LLP, Westinghouse, the University of Pittsburgh, University of Maryland and Senator Kristen Gillibrand. It is now available at the Israel Lobby Archive <http://www.irmep.org/ila/nukes/specter> Documents also include the Nuclear Regulatory Commission's 2009 denial of requests that it "issue a formal public statement confirming that he [Zalman Shapiro] was not involved in any activities related to the diversion of uranium to Israel."

The Center for Policy and Law Enforcement and Israel Lobby Archive are units of the Institute for Research: Middle Eastern Policy in Washington.

Contacts

Institute for Research: Middle Eastern Policy (IRmep)

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info@irmep.org

Permalink: <http://www.businesswire.com/news/home/20101222005875/en/Obama-Asked-Delay-NUMEC-Founder-Award-Nuclear>



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WNP-136

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Reviewer: [Signature]	1. Classification Retained
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