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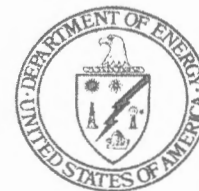


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Department of Energy
National Nuclear Security Administration
Office of the General Counsel
P. O. Box 5400
Albuquerque, NM 87185



SEP 15 2016

CERTIFIED MAIL –RETURN RECEIPT REQUESTED

Mr. John Greenwald, Jr.



Dear Mr. Greenwald:

This letter is the final response to your July 22, 2015 Freedom of Information Act (FOIA) request for a copy of the following documents:

1. Title: Summary of Nuclear Accidents
Sandia Corporation Control Number: RS 1651/079
Date: March 2, 1971
2. Title: Summary of Nuclear Accidents
Sandia Corporation Control Number: RS 3415/48065
Date: May 25, 1966
3. Title: Summary of Air Force Nuclear Accidents
Sandia Corporation Control Number: RS 1544/11106
Date: February 6, 1968

We contacted the Sandia Field Office (SFO), which has oversight responsibility for the Sandia National Laboratories (SNL), about your request. SFO and SNL searched and located the documents you requested. The Office of Classification, Office of Environment, Health, Safety and Security, in the Department of Energy (DOE) has completed its review of the documents. These documents have been reviewed and are being provided to you with deletions made pursuant to 5 USC § 552(b)(3), (b)(6) and (b)(7)(f) (Exemptions 3, 6 and 7(f) of the FOIA).

Title 5, United States Code, section 552(b)(3) (5 USC § 552(b)(3)) (Exemption 3), exempts from disclosure information specifically exempted from disclosure by statute (other than section 552(b) of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. The Atomic Energy Act (AEA) of 1954, as amended, 42 USC § 2011 et seq., is an Exemption 3 statute. Sections 141-146 of this Act (42 USC §§ 2161-2166) prohibit the disclosure of information concerning atomic energy defense programs that is classified as either Restricted Data (RD) or Formerly Restricted Data (FRD) pursuant to the AEA, as amended. The portions deleted from the subject documents pursuant to Exemption 3 contain information about nuclear weapon that has been classified as

FRD and information about weapon design that has been classified as RD and/or stockpile quantities that has been classified as FRD. Disclosure of the exempt data could jeopardize the common defense and the security of the nation.

To the extent permitted by law, the DOE, pursuant to 10 CFR § 1004.1, will make available records it is authorized to withhold under the Freedom of Information Act (FOIA) whenever it determines that such disclosure is in the public interest. With respect to the information withheld from disclosure pursuant to Exemption 3, the DOE has no further discretion under the FOIA or DOE regulations to release information currently and properly classified pursuant to the AEA, as amended.

The purpose of Exemption 6 is to protect individuals from the injury and embarrassment that can result from the unnecessary disclosure of personal information. To determine whether disclosure would constitute a clearly unwarranted invasion of personal privacy, the public interest in disclosure, if any, must be balanced against the privacy interests that would be invaded by disclosure of the information. In this case, the names of contractor employees have been withheld. Release of this information pertaining to those contractor employees will cause inevitable harassment and unwarranted invasion of personal privacy for those individuals. In addition, release of this information would not shed light on the operations of the federal government. Since its release will not reveal anything of significance to the public, the interest in protecting against the invasion of privacy that would result to the individuals in question far outweighs the public interest in such disclosure.

It is widely held that federal employees have no expectation of privacy regarding their names, titles, grades, salaries, and duty stations. See 5 CFR § 293.311; Core v. United States Postal Serv., 730 F.2d 946, 948 (4th Cir. 1984); National W. Life Ins. Co. v. United States, 512 F. Supp. 454, 461 (N.D. Tex. 1980). Therefore, the disclosure of such information about federal employees would involve little or no invasion of privacy. Contractor employees, however, are not federal employees. Rather, they are private individuals. The Supreme Court has long found a privacy interest in the names of private individuals significant enough to warrant protection from disclosure.

Pursuant to Exemption 7(f), the portions of this document withheld are about protection and security measures used to protect Federal buildings and personnel. Exemption 7(f) of the FOIA protects law enforcement information that could reasonably be expected to endanger the life or physical safety of any individual. The ordinary meaning of law enforcement includes not just the investigation and prosecution of offenses already committed but also proactive steps designed to maintain security.

The disclosure of information pertaining the security measures of Federal buildings could enable anyone, including terrorists, to more easily plan operations that would target these facilities. Without question, uncontrolled release or access to this information by an unauthorized

person could endanger the life or physical safety of security police officers and employees as well as the general public.

Pursuant to 10 CFR § 1004.6(d), Dr. Andrew P. Weston-Dawkes, Director, Office of Classification, Office of Environment, Health, Safety and Security, is the official responsible for the denial of the information pursuant to Exemption 3.

Pursuant to 10 CFR § 1004.7(b)(2), I am the individual responsible for the withholding of the information mentioned above pursuant to Exemptions 6 and 7(f) of the FOIA.

This decision, as well as the adequacy of the search, may be appealed within 30 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to OHA_filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE's records are situated; or 4) in the District of Columbia.

There are no charges to you for processing your FOIA request.

If you have questions, please contact Damon Ivy by e-mail at Damon.Ivy@nnsa.doe.gov or write to the address at the top of the first page. Please reference Control Number FOIA 15-00254-SL.

Sincerely,



Jane R. Summerson
Authorizing and Denying Official

Enclosures