



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



February 18, 2022

SENT VIA EMAIL

(b) (6)

Mr. David Charmichael

(b) (6)

Dear Mr. Charmichael:

This letter is the final response to your August 16, 2021, Freedom of Information Act (FOIA) request. You requested the following:

“Records pertaining to unidentified aerial phenomena, unknown aerial devices detected, sighted, recorded, over the nuclear weapon sites, and underground silos.”

Your request was transferred from the Department of Energy (DOE) and received in this office on September 10, 2021.

In an email exchange dated September 17, 2021, with (b) (6) you provided a timeframe of “October 2020 onwards.”

We contacted the National Nuclear Security Administration’s (NNSA) Kansas City Field Office (NA-KC), the Los Alamos Field Office (NA-LA), the Livermore Field Office (NA-LL), the Nevada Field Office (NA-NV), the Sandia Field Office (NA-SN), the Savannah Field Office (NA-SV), and the NNSA Production Office (NA-NPO), oversight for the Kansas City National Security Campus (KCNSC), the Los Alamos National Laboratory (LANL), the Lawrence Livermore National Laboratory (LLNL), the Nevada National Security Site (NNSS), the Sandia National Laboratories (SNL), the Savannah River Site (SRS), the Pantex Plant (NPO-30) and the Y-12 National Security Complex (NPO-40), respectively about your request.

NA-KC and KCNSC’s contractor, Honeywell Federal Manufacturing & Technologies, searched historical and electronic records in the record management system for “unidentified aerial phenomena,” “unknown aerial devices,” and “unidentified aerial,” and no responsive records were found.

The NA-LA and LANL's contractor, Triad National Security, LLC (Triad) searched for responsive records with their records personnel, the LANL's Defense Security Program (DFS), and NA-LA's Records Manager. DFS and the Records Manager searched through their Physical Security Incident report collections and the electronic systems of record (eDOCS and ePegasus) using the following search terms: "unidentified aerial phenomenon," "UAP," "unidentified aerial device," "UAD," "aerial phenomena," and "unknown aerial devices detected, sighted, recorded over the nuclear weapon sites, and underground silos, between October 2020 thru September 2021," and no responsive records were found.

The NA-NV and its Management and Operating (M&O) contractor, Mission Support and Test Services, LLC (MSTS), searched with their Nuclear Testing Archive (NTA), their Local Records Center (LRC) and the MSTS Emergency Services and Operations Support (ESOS) Department using the following terms: "unknown aerial device," "UAD," "underground silo," "unidentified aircraft," "drone," "unmanned aerial systems," "UAS," "unmanned aerial vehicle," and "UAV," and no records were found.

The NA-SN and the contractor, National Technology & Engineering Solutions of Sandia, LLC (NTESS) searched with their Programs Manager, Corporate Archives, Customer Funded Records Center, and their Technical Library personnel. The Programs Manager, Corporate Archives, Customer Funded Records Center, and their Technical Library personnel conducted a search in electronic files, an electronic metadata search on EIMS, Versatile/Inactive Storage, unclassified and classified Library Catalogs, and in bibliographic databases using the following search terms: "unidentified aerial phenomena," "UAP," "unknown aerial device," "aerial device," "aerial phenomena," "nuclear weapon sites," and "underground silos" with the timeframe of October 2020 thru September 2021, and no records were found.

The NA-SV and the SRS searched and stated that any documents responsive to the request are under the jurisdiction of the DOE Savannah River Operations Office (DOE-SR) contractor, Savannah River Nuclear Solutions. Therefore, by copy of this letter, we are transferring your request back to DOE. DOE-SR will respond directly to you on the outcome of their search.

NA-NPO, NPO-30 and NPO-40 asked the contractor, Consolidated Nuclear Security, LLC (CNS) to search for responsive records. NA-NPO and CNS searched electronic files using the following search terms: "unidentified fly objects (UFO)," "unidentified aerial Phenomena (UAP)," and "unidentified submerged object (USO)," and no records were found.

Lastly, NA-LL and LLNL's contractor, Lawrence Livermore National Security, LLC (LLNS) interpreted "records" to be documents that were official in some regard rather than informal documents (such as an email mentioning something related to the topic). NA-LL and LLNS searched its Security Organization, Archives, and the Public Affairs Departments considering the timeframe of the request to encompass LLNL's 69- year history, and used the following search terms: "UAP," "unknown aerial devices," and "unidentified aerial phenomena." One (1) document entitled "Doc 1 – Protective Force Division Operations Report," was located and is being provided with deletions pursuant to 5 USC § 552 (b)(6) (Exemption 6 of the FOIA).

Exemption 6 permits the withholding of personnel and medical files and similar files when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. 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 these contractor employees will cause inevitable harassment and unwarranted solicitation 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 individual 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, and duty stations. See 5 CFR § 293.311 (1994); 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 and private citizens, 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 under Exemption 6.

The Department of Energy (DOE) regulations 10 CFR § 1004.1 provide that documents exempt from mandatory disclosure under the FOIA shall be released regardless of their exempt status, unless the DOE determines that disclosure is contrary to public interest. For the reasons described above, NNSA has determined that release of the information is not in the public interest.

Pursuant to 10 CFR § 1004.7(b)(2), I am the individual responsible for the withholding of information pursuant to Exemption 6 of the FOIA.

You may appeal our withholding of information pursuant to 10 CFR §1004.8. Such an appeal must be made in writing within 90 calendar days from receipt of this letter, addressed to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue SW, L'Enfant building, Washington, DC 20585. Your appeal must contain a concise statement of the grounds for the appeal and a description of the relief sought. Please clearly mark both the envelope and the letter "Freedom of Information Appeal." You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). Thereafter, judicial review will be available to you in the District of Columbia or in the district where (1) you reside; 2) you have your principal place of business, or 3) the Department's records are situated.

You may also contact me, NNSA's FOIA Public Liaison, Christina H. Hamblen, Office of the General Counsel, at 1-866-747-5994, or by mail at Department of Energy, National Nuclear Security Administration, Office of the General Counsel, PO Box 5400, Albuquerque, NM, 87185, for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

There are no fees chargeable to you for processing this request. If you have questions, please contact (b) (6) by e mail at (b) (6) or write to the address on page one. Please reference Control Number FOIA 21-00312-M in your communication.

Sincerely,

**Christina H.
Hamblen**

Digitally signed by
Christina H. Hamblen
Date: 2022.02.18
13:39:33 -07'00'

Christina H. Hamblen
FOIA Officer

Enclosure

cc w/copy of FOIA request:
Department of Energy – HQ FOIA Office
(b) (6)
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Washington, DC 20585