



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



May 30, 2024

SENT VIA EMAIL

Dustin Slaughter
MuckRock News

(b) (6)

Dear Mr. Slaughter:

This letter is an amended final response to your January 18, 2022, Freedom of Information Act (FOIA) request. In our initial response to you dated July 11, 2022, the agency stated that we had no responsive records. On September 15, 2022, you filed an appeal with the U.S. Department of Energy (DOE) Office of Hearing and Appeals regarding our determination. Therefore, on September 30, 2022, we contacted the OHA and informed them of our agency's decision to reopen FOIA 22-00098-R and conduct a supplementary search for records. On October 3, 2022, OHA dismissed your appeal regarding Case No.: FIA-22-0029 in lieu of the agreement. On September 14, 2023, you agreed to the acceptance of responsive records outside the "December 1, 2017, up to and including January 2, 2022" date range as well as any responsive record derived from other NNSA UFO/UAP FOIA record searches. This letter is our revised final response regarding the supplementary search conducted.

Your initial request stated the following:

"Any and all records pertaining to Unidentified Aerial Phenomenon (UAP), also known as Unidentified Flying Objects (UFO). This request seeks all responsive records, including but not limited to, emails, photographs, slide presentations, digital images, and any and all other responsive documents. The time frame for this request should include all responsive records dated from December 1, 2017, up to and including January 2, 2022."

The agency conducted a supplemental search for records regarding Unidentified Aerial Phenomenon (UAP), also known as Unidentified Flying Objects (UFO) spanning different date ranges beyond the scope of your original request. Record searches pertaining to (FOIA 22-00006-LB: Documents 1-4, FOIA 21-00156-LB: Documents 5-24, & FOIA 21-00287-AG: Documents 25-27 were utilized to fulfill your amended request. Additionally, the NNSA FOIA Reading Room (<https://www.energy.gov/nnsa/uapufu-resources-and-documents>) is provided for your convenience and contains responsive records relevant to your request.

The following responsive records were located:

Document 1: Protective Force Division Operations Report 180319-2, March 19, 2018, 2 pgs.
Document 2: Protective Force Division Operations Report 190430-13, April 30, 2019, 3 pgs.
Document 3: Protective Force Division Operations Report 191018-2, October 18, 2019, 3 pgs.
Document 4: Protective Force Division Operations Report 210401-1, April 1, 2021, 2 pgs.
Document 5: Pantex Unidentified Object Incident Report, September 2, 2015, 7 pgs.
Document 6: 19701123-A-83-001_2-1, November 23, 1970, 4 pgs.
Document 7: NPO Night Note, January 22, 2021, 1 pg.
Document 8: NPO Night Note, February 1, 2021, 1 pg.
Document 9: NPO Night Note, April 6, 2021, 1 pg.
Document 10: NPO Night Note, July 1, 2021, 4 pgs.
Document 11: NPO Night Note, October 12, 2021, 2 pgs.
Document 12: Pantex Night Note, October 6, 2022, 2 pgs.
Document 13: Incident of Security Concern Report PX23-002, October 5, 2022, 5 pgs.
Document 14: Investigative Plan, Y18-127, April 28, 2018, 14 pgs.
Document 15: Investigative Plan, Y18-137, May 11, 2018, 10 pgs.
Document 16: Investigative Plan, Y18-169, June 23, 2018, 9 pgs.
Document 17: Investigative Plan, Y18-223, August 7, 2018, 10 pgs.
Document 18: Investigative Plan, Y18-279, September 30, 2018, 11 pgs.
Document 19: Investigative Plan, Y20-025, October 28, 2019, 46 pgs.
Document 20: Investigative Plan, Y21-055, January 20, 2021, 12 pgs.
Document 21: Investigative Plan, Y21-061, January 28, 2021, 11 pgs.
Document 22: Investigative Plan, Y21-098, April 2, 2021, 8 pgs.
Document 23: Investigative Plan, Y21-165, June 30, 2021, 13 pgs.
Document 24: Investigative Plan, Y22-002, October 8, 2021, 8 pgs.
Document 25: Protective Force Division Operations Report 200722-5, Jul 22, 2020, 3 pgs.
Document 26: Protective Force Division Operations Report 190703-7, Jul 3, 2019, 2 pgs.
Document 27: Protective Force Division Operations Report 190624-1, Jun 24, 2019, 3 pgs.

The enclosed twenty-seven (27) documents are responsive to your request and provided with deletions pursuant to 5 U.S.C. § 552 (b)(3), (b)(6), and (b)(7)(E) (Exemptions 3, 6, and 7 of the FOIA).

Exemption 3 exempts the disclosure of information that is specifically prohibited from release by statute 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. Section 148 of this Act (42 USC § 2161-2166) prohibit the disclosure of information concerning atomic energy defense programs that is determined to be Unclassified Controlled Nuclear Information (UCNI) pursuant to the AEA, as amended. The portions redacted pursuant to Exemption 3 contain information about security measures for the physical protection of nuclear materials contained in production or utilization facilities that have been safeguarded as UCNI.

Disclosure of the exempt data and documents would have a significant adverse effect on the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of nuclear materials.

Pursuant to 10 CFR, Part 1004.1, and to the extent permitted by law, DOE will make available records that it is authorized to withhold under the FOIA unless it determines that such disclosure is not in the public interest. With respect to the information withheld pursuant to Exemption 3, the DOE has no further discretion under the FOIA or DOE regulations to release information currently and properly classified and safeguarded as UCNI pursuant to the AEA as amended.

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 and contact information of employees and private citizens have been withheld. Release of the information pertaining to these individuals will cause inevitable harassment and unwarranted invasion of personal privacy for the private citizens and could cause unwarranted scrutiny for employees by persons or entities harboring political, philosophical, or other objections to the mission of the Nuclear Security Enterprise and our agency. NNSA has experienced a rise in phishing attempts as threat actors aim to obtain access to sensitive information as well as to Information Technology (IT) and Operational Technology (OT) networks, and release of employee names/email addresses will assist these threat actors in their efforts to gain access and exploit the agency's IT and OT systems. In addition, release of this information would not shed light on the operations of the federal government since the underlying information related to the agency's actions is being provided. 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.

Exemption (7E) of the FOIA provides protection for all information compiled for law enforcement purposes when release would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The term "law enforcement" can include activities associated with preventing breaches to national security. The portions redacted pursuant to Exemption 7(E) contain information that reveals security procedures, or vulnerability analyses and related detailed statistical input used to generate security procedures for critical nuclear facilities. Release of this information could cause harm by directly revealing law enforcement security procedures or by revealing the limiting parameters and processes used to generate the security procedures. If this information were released to the public, an individual wishing to cause harm could discern security procedures that would not otherwise be publicly released, and which are necessary to protect critical nuclear facilities.

Except as described above for Exemption 3 information, the Department of Energy (DOE) regulations 10 CFR § 1004.1 provides that documents exempt from mandatory disclosure under the FOIA shall be released regardless of their exempt status, unless DOE determines that disclosure is contrary to public interest. For the reasons described above, NNSA has determined that release of the information described above is not in the public interest.

Please note, this response rescinds your original Final Response Letter dated July 11, 2022.

Pursuant to 10 CFR § 1004.7(b)(2), I am the individual responsible for the withholding of the information mentioned above pursuant to Exemptions 3, 6, and 7(E) of the FOIA.

You may appeal the withholding of information pursuant to 10 CFR § 1004.8. Such an appeal must be made in writing within 90 calendar days after 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 submit a **copy of this letter with the appeal** and clearly mark both the envelope and the letter "Freedom of Information Appeal." You may also submit your appeal by email (preferred method) to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. 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, Office of the General Counsel, at 1-866-747-5994, or by mail to 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 above. Please reference Control Number FOIA 22-00098-R.

Sincerely,

CHRISTINA
HAMBLÉN

Christina H. Hamblen
FOIA Officer

Digitally signed by
CHRISTINA HAMBLÉN
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Enclosure