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## DEFENSE NUCLEAR FACILITIES

### SAFETY BOARD

Washington, DC 20004-2001

April 16, 2019

Mr. John Greenewald, Jr.  
The Black Vault  
27305 West Live Oak Road  
Suite 1203  
Castaic, California 91384  
[Via E-Mail: [john@greenewald.com](mailto:john@greenewald.com)]

Re: Freedom of Information Act Request: Tracking Number DNFSB FY 19-07

Dear Mr. Greenewald:

This letter is the final response to the Freedom of Information Act request you submitted to the Defense Nuclear Facilities Safety Board by e-mail sent through the National FOIA Portal dated March 1, 2019 (DNFSB tracking number FY 19-07).

With regard to the first part of your request, we located data about the FOIA requests this agency received for fiscal year 2018 in the files maintained to satisfy our annual reporting obligations to the Department of Justice. While the FOIA does not generally require an agency to create a new record to respond to a request, it does allow existing records to be used as sources for responsive information under certain circumstances. In this case, we have extracted the information you seek from a spreadsheet in our 2018 annual report file and, subject to two redactions made pursuant to FOIA Exemption 6, are providing it to you under cover of this letter.

FOIA Exemption 6 applies to “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy....” 5 U.S.C. § 552(b)(6). The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. *See, United States Dep’t of State v. Washington Post Co.*, 456 U.S. 595, 602 (1982). To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the individual privacy interests that would be affected by disclosure against the public interest in the information (viewed in terms of the insight it would provide into the activities of the government). *See United States Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-75 (1989).

We have redacted the name of person who is the subject of request for personal information and other information that could be useful in identifying that individual. That person has a substantial privacy interest in protecting his or her identity from public release, and you have not proffered any information indicating the existence of a public interest in the information that is recognizable under the FOIA. We have determined, therefore, that disclosing the information would shed little or no light on governmental operations whereas the individual to whom it pertains has a substantial privacy interest in protecting it.

You also asked for, a copy of the DNFSB's Mandatory Declassification Review log for 2018. There are no records that are responsive to this part of your request.

You have the right to file an administrative appeal within ninety (90) days of your receipt of this letter. Your appeal must be in writing, be clearly marked with the words, "Freedom of Information Act Appeal," and be addressed as follows:

General Counsel  
Defense Nuclear Facilities Safety Board  
625 Indiana Avenue, N.W., Suite 700  
Washington, DC 20004

By filing an appeal, you preserve your rights under FOIA and provide the Board an opportunity to review and reconsider both your request and its decision.

If you would like to discuss the Board's decision in an attempt to resolve your dispute without going through the appeals process, feel free to contact our FOIA Public Liaison, Paul Wilson. He can be reached by phone at 202-694-7000, toll-free at 800-788-4016, or by e-mail at [PaulW@dnfsb.gov](mailto:PaulW@dnfsb.gov). If you are unable to resolve your dispute, the Office of Government Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, Maryland 20740-6001  
202-741-5770  
877-684-6448  
[ogis@nara.gov](mailto:ogis@nara.gov)  
[ogis.archives.com](http://ogis.archives.com)

The Board's response to your request is now completed, and there are no fees associated with your request. If you have questions, you may get in touch with Paul Wilson, as noted above. Please provide the assigned tracking number, FY 19-07, in any future communications with us about your request.

Very truly yours,



Glenn Sklar  
Chief FOIA Officer

Attachment

Request #	Requester	Received	Subject of Request	Disposition	Closed	Appeal Received	Appeal Closed	Disposition	Reason(s)	Other Reasons	Exemptions Applied
FY 18-01	R. Kick	10/16/2017	Reports prepared using FY 2017 Federal Employee Viewpoint Survey Results	Referred to OPM	10/17/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-02	American Oversight	11/28/2017	Records related to former DNFSB official awaiting Senate Confirmation for senior position at Department of Energy	Withdrawn	1/20/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-03	S. Mintz	12/18/2017	Personnel files of former DNFSB official awaiting Senate Confirmation for senior position at Department of Energy	Full Denial	1/19/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-04	B. Cawley	12/20/2017	Records indicating illegal actions by enumerated heads of state, members of royal families, national legislatures, etc.	Unperfected. Administrative Closure	2/9/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-05	(b) (6)	12/24/2017	Records related to (b) (6)	Unperfected. Administrative Closure	2/9/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-06	J. Greenewald	2/20/2018	Copies of DNFSB intranet home page and each page connected to the home page one level down	Partial grant	2/20/2019	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-07	S. Reilly	2/23/2018	Copy of DNFSB Agency Reform Plan submitted to OMB in September 2017 per OMB Memorandum M-17-22	No Records	3/5/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-08	M. Ravnitzky	4/7/2018	Records created by DNFSB in responding to FOIA Request 17-13	Partial Grant	5/4/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-09	T. Blanton	4/13/2018	Records created by DNFSB in responding to FOIA Request 17-17	Partial Grant.	7/11/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-10	R. Shapiro	4/30/2018	Copies of résumés and position descriptions of four DNFSB Board Members	Full Grant (position descriptions). No records (résumés)	6/1/2018	6/19/2018	7/9/2018	Granted in part; denied in part	Search was adequate	N/A	N/A
FY 18-11	Federal Employees Benefit Association	5/3/2018	List of DNFSB employees containing e-mail addresses, job titles, and salary	Partial Grant.	6/28/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY 18-12	E. Lombardi	5/21/2018	Copy of October 23, 2007 letter from J. Shapira to G. Friedman	Full Grant	6/5/2018	N/A	N/A	N/A	N/A	N/A	N/A
FY18-13	C. Flavelle	6/4/2018	Documents relating to DNFSB's preparation for or response to the risks associated with climate change	No records	9/4/2018	N/A	N/A	N/A	N/A	N/A	N/A
18-14	R. Moss	7/6/2018	Copies of e-mail from DNFSB Board members and staff relating to DOE Order 140.1	Partial Grant	8/31/2018	N/A	N/A	N/A	N/A	N/A	N/A
18-15	E. Lombardi	8/3/2018	Copy of November 14, 2007, letter from R. Azzaro to safety allegor	Partial Grant	8/9/2018	N/A	N/A	N/A	N/A	N/A	N/A
18-16	Los Alamos Study Group	8/20/2018	Copies of Board agendas, votes, and correspondence from 1/1/2017- 8/20/2018 regarding DNFSB organization; records showing agency staffing levels from 1/1/2017 to 8/20/2018	Partial Grant	9/28/2018	N/A	N/A	N/A	N/A	N/A	N/A
18-17	D. Moniak	8/30/2018	Copy of report "Review of the Safety of Storing Plutonium Pits at the Pantex Plant"	Partial Grant	9/24/2018	N/A	N/A	N/A	N/A	N/A	N/A
18-18	P. Malone	9/4/2018	Copies of communications between Board Chairman and Vice-Chairman with five specified congressional staff members	Partial Grant.	10/18/2018	N/A	N/A	N/A	N/A	N/A	N/A