



April 10, 2023

Freedom of Information Act Officer
U.S. Embassy Madrid
Calle de Serrano, 75
28006 Madrid, Spain

FOIA Request for Documents on Palomares, Spain Nuclear Weapons Accident

To Whom it Concerns:

This is a request filed under the Freedom of Information Act, as amended. Per applicable law and regulations, I anticipate a response to this request within 20 days. If the requested documents are not provided within 20 days please provide the reason why and give an estimated date by which they will be provided to me.

The Freedom of Information Act states that “[e]ach agency, upon any request for records made under paragraph . . . (3) . . . shall determine within 20 [working] days . . . whether to comply with such request and shall immediately notify the person making such request of . . . such determination and the reasons therefor.” 5 U.S.C. § 552(a)(6)(A)(i). “[I]n order to make a determination,” an agency must, inter alia, “determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents.” *Citizens for Responsibility and Ethics in Washington v. Fed. Election Comm’n*, 711 F.3d 180, 188 (D.C. Cir. 2013).

In “unusual circumstances,” an agency may extend FOIA’s 20 working-day deadline by up to ten additional working days, but the agency must also provide written notice to the requester including “the date on which a determination is expected to be dispatched.” 5 U.S.C. § 552(a)(6)(B)(i). Similarly, FOIA requires agencies to “provide[] information about the status of a request,” “including . . . an estimated date on which the agency will complete action on the request.” *Id.* § 552(a)(7)(B). FOIA regulations recognize these requirements. See 10 C.F.R. § 1004.5(d)(1) (stating that DOE, with which I’m most familiar, will act “within 20 days of a request for DOE records being received”); *id.* § 1004.5(d)(1)(iii) (recognizing that if DOE invokes “unusual circumstances” it may “take an extension not to exceed ten days” and must provide “the date on which a determination is expected to be dispatched”). I assume similar regulations apply to the State Department.



This request is being filed on behalf of Savannah River Site Watch (SRS Watch), a corporation duly registered with the State of South Carolina and a registered 501(c)(3) non-profit organization. Our IRS tax-exempt determination letter is dated February 25, 2015. In addition to many FOIAs filed on behalf of SRS Watch, I have filed many FOIA requests with DOE on behalf of other non-profit organizations, including Friends of the Earth, the Alliance for Nuclear Accountability, Greenpeace and the Nuclear Control Institute.

I request that any fees that may be associated with this request be waived. The information obtained in response to this request will be used solely for non-profit purposes in South Carolina and the United States. The information will contribute to the public's understanding of the manner in which the United States Government, including the U.S. Embassy in Madrid, the U.S. Department of Energy and Nuclear Regulatory Commission, conducts its business and will specifically be used to inform the public and elected officials about the status of "clean up" of the Palomares nuclear weapons accident site and if any U.S. site, including the DOE's Savannah River Site and the Nevada Nuclear Security Site any other DOE site or private nuclear waste disposal site, might have a role in disposal of contaminated soil from Palomares. Over the years, I have demonstrated an ability to use information gathered via FOIA requests in a manner so as to educate the public about DOE and issues it is addressing. I request that the fee-waiver standard that has been applied to my requests in the past be applied to this request.

If any claim is made that any portion of any located documents are sensitive in nature or meet FOIA exclusions, I request that redacted copies of such documents be provided to me and that a full explanation be provided as to the reasons for any redactions. I request that documents be provided to me as they become available and that the documents not be withheld until all pertinent documents are obtained.

This FOIA request applies to documents concerning the crash of U.S. aircraft over Spain in 1966, with loss of four nuclear bombs, with three of those weapons impacting the earth near Palomares, Spain, with dispersal of the plutonium core on impact.

In the way of background about the matter at hand, I have attached an article in English entitled "Spain renews call for US to remove soil from nuclear accident site," which appeared in The Guardian on 6 March 2023. That article is available on line at:

<https://www.theguardian.com/world/2023/mar/06/spain-renews-call-us-remove-soil-nuclear-accident-site> Similar articles in Spanish are also available on line.

I have also included an article from The Guardian on 19 October 2015 entitled "US to clean up Spanish radioactive site 49 years after plane crash - A B-52 carrying four hydrogen bombs crashed in Palomares in 1966 but now the contaminated earth will be shipped to America" -

<https://www.theguardian.com/world/2015/oct/19/us-to-clean-up-spanish-radioactive-site-49-years-after-palomares-plane-crash>

I am aware that soil and contaminated equipment from the initial "clean up" after the 1966 Palomares accident was shipped to the DOE's Savannah River Plant (now Savannah River Site) located in South Carolina. I have viewed the low-level burial ground at SRS into which that material was dumped. I have also visited the waste disposal facility at the DOE's Nevada National Security Site (NNSS), a candidate site to receive any contaminated soil from Spain.

This request applies to the U.S. Embassy in Madrid and to the U.S. State Department, whether in Madrid or Washington, D.C., and to any private contractor enlisted by those entities.

I hereby request the following documents:

- A copy, in English and Spanish, of any 2015 agreement between the governments of the United States and Spain concerning the Palomares site;
- All documents from 2014 to 2023, in English and Spanish, including reports, memos, and emails, prepared by and/or held by the U.S. Embassy in Madrid and the U.S. State Department in Washington, concerning the Palomares site and nuclear waste from it and/or the remediation of the Palomares site;
- Copies of cables and communication from 2014-2023 between the U.S. Embassy in Madrid and the U.S. State Department in Washington, including the "Spain desk," about the Palomares nuclear accident and resulting contamination and remediation.

Please get in touch if you have questions about this request. Please use this email for communication with me: tomclements329@cs.com and telephone 1-803-834-3084. I thank you for your prompt response.

Sincerely,



Tom Clements
Director, Savannah River Site Watch