



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



February 13, 2025

**SENT VIA EMAIL**

Mr. Tom Clements  
Savannah River Site Watch  
1112 Florence Street  
Columbia, SC 29202  
[tomclements329@cs.com](mailto:tomclements329@cs.com)

Dear Mr. Clements,

This letter is the National Nuclear Security Administration's response to your December 20, 2024, Freedom of Information Act (FOIA) request.

**Your request stated the following:**

1. All National Nuclear Security Administration (NNSA) Fiscal Year 2024 Performance Evaluation Reports (PERs), full and complete, including attachments, and
2. All NNSA Fiscal Year 2024 Performance Evaluation Report Summaries, Fee Determination Letters and any attachments.

This request is for all documents associated with NNSA's FY 2024 Performance Evaluation Reports (PERs). This would include, but not be limited to, FY 2024 PERs on contractor performance at the Los Alamos National Laboratory, Sandia National Laboratories, Lawrence Livermore National Laboratory, the Pantex and Y-12 Plants, the Savannah River Site (including contractor performance on the proposed "repurposing" of the SRS MOX building into a Plutonium Bomb Plant (PBP), the Kansas City National Security Campus, the Nevada National Security Site, the Office of Secure Transportation.

We received your request on December 20, 2024. Upon receipt, we contacted the NNSA's Los Alamos Field Office (NA-LA), Sandia Field Office (NA-SN), Livermore Field Office (NA-LL), NNSA Production Office (NA-NPO), Savannah River Field Office (NA-SV), Kansas City Field Office (NA-KC), and Nevada Field Office (NA-NV) which provide oversight for the Los Alamos National Laboratory (LANL), the Sandia National Laboratories (SNL), the Lawrence Livermore National Laboratory (LLNL), the Pantex Nuclear Weapons Plant/Y-12 National Security Complex (NPO, Pantex/Y-12), the Savannah River Site (SRS), the Kansas City National Security Campus (KCNSC), and the Nevada National Security Site (NNSS) respectively, about your request. These sites searched and located twenty (20) documents identified below as responsive to your request. 2024 Performance Evaluation Summaries were not created and therefore no responsive records exist for that portion of your request.

The Office of Secure Transportation does not issue PERs, Fee Determination Letters or Performance Evaluation Report Summaries, therefore no responsive records exist for that portion of your request.

**The following responsive records were located:**

The following nine (9) documents, responsive to Items 1 and 2 your request, are fully releasable and provided to you in their entirety.

1. LANL FY 2024 Fee Determination Letter
2. SNL FY 2024 Fee Determination Letter
3. LLNL FY 2024 Fee Determination Letter
4. Pantex and Y-12 FY 2024 Fee Determination Letter
5. SRS FY 2024 Fee Determination Letter
6. KCNSC FY 2024 Fee Determination Letter
7. NNSS FY 2024 Fee Determination Letter
8. NNSS FY 2024 Performance Evaluation Report
9. NNSS FY 2024 Performance Evaluation Report (Rev 1)

The following six (6) documents, responsive to your request are provided with deletions pursuant to 5 USC § 552(b)(6) (Exemption 6 of the FOIA).

1. LLNL FY 2024 Performance Evaluation Report
2. LLNL FY 2024 Performance Evaluation Report (Rev 1)
3. Pantex and Y-12 FY 2024 Performance Evaluation Report
4. Pantex and Y-12 FY 2024 Performance Evaluation Report (Rev 1)
5. SRS FY 2024 Performance Evaluation Report
6. SRS FY 2024 Performance Evaluation Report (Rev 1)

The following two (2) documents, responsive to your request are provided with deletions pursuant to 5 USC § 552(b)(4), (b)(6), and (b)(7)(F) (Exemptions 4, 6, and 7F of the FOIA).

1. SNL FY 2024 Performance Evaluation Report
2. SNL FY 2024 Performance Evaluation Report (Rev 1)

The following two (2) documents, responsive to your request are provided with deletions pursuant to 5 USC § 552(b)(6), (b)(7)(E), and (b)(7)(F) (Exemptions 6, 7E and 7F of the FOIA).

1. KCNSC FY 2024 Performance Evaluation Report
2. KCNSC FY 2024 Performance Evaluation Report (Rev 1)

The following document, responsive to your request is provided with deletions pursuant to 5 USC § 552(b)(4), (b)(6), (b)(7)(E) and (b)(7)(F) (Exemptions 4, 6, 7E and 7F of the FOIA).

1. LANL FY 2024 Performance Evaluation Report

All the above documents are now publicly available at this link: <https://www.energy.gov/nnsa/nnsa-frequently-requested-documents>.

**Exemption 4** of FOIA protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. The exemption covers two distinct categories of information in federal records: (1) trade secrets; and (2) information that is (a) commercial or financial, and (b) obtained from a person, and (c) privileged or confidential.

The information being withheld pursuant to Exemption 4 is National Technology & Engineering Solutions of Sandia, LLC (NTESS) and Triad National Security, LLC (Triad) contractor-owned procurement action and personnel hiring information, specifically commercial and proprietary procurement performance data, metrics, goals, and hiring and retention information. Release of this information could provide current and future competitors with insight into NTESS or Triad procurement and hiring activities and harm competitive position with vendors. NTESS and Triad do not release this information to the public and customarily keep the information confidential. Since NTESS and Triad customarily and actually treat the information as private, it is considered confidential information for purposes of Exemption 4.

**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 email addresses of federal employees have been withheld. Release of the information pertaining to these individuals will cause inevitable harassment and unwarranted invasion of personal privacy for this individual and could cause unwarranted scrutiny 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 or 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 about LANL and KCNSC national security missions, including details of programmatic and mission-critical vulnerabilities with respect to national security missions. Revealing the scope and potential vulnerabilities, or even strengths, of such activities at LANL or KCNSC may be valuable information for parties adverse to United States' interests. Public disclosure of this information could also aid adversaries in taking actions to sabotage or hinder ability to complete vital programs and missions, potentially enabling circumvention of law and negatively impacting national security and raising the risk of harm to the public.

**Exemption 7F** of the FOIA protects from disclosure records or information compiled for law enforcement purposes to the extent that disclosure 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 portions redacted pursuant to Exemption 7(F) contain information about protection and security measures used to protect federal buildings and personnel. Specifically, the information redacted includes information about national security programs and intelligence programs where hazardous materials are used. This information could enable anyone, including terrorists, to potentially undermine or replicate programs, creating a threat to national security and the potential for illegal activity. Without question, uncontrolled release or access to this information by an unauthorized person could endanger the life or physical safety of employees as well as the general public as they could be used to cripple both cyber defenses of U.S. institutions and the U.S. nuclear defenses, enabling those who wish to evade U.S. enforcement of national and international systems to better allocate their resources and target weaknesses and avoid strengths, i.e., circumvent U.S. national and international law and weaken U.S. national security.

The Department of Energy (DOE) regulations 10 CFR § 1004.1 provide that the 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.

Pursuant to 10 CFR § 1004.7(b)(2), I am the individual responsible for the withholding of information pursuant to Exemptions 4, 6, and 7 of the FOIA.

You may appeal our withholding of information pursuant to 10 CFR § 1004.8(a). 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. Please 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](mailto: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 at Department of Energy, National Nuclear Security Administration, Office of the General Counsel, PO Box 5400, Albuquerque, NM 87185. 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](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-41-5769.

There are no fees chargeable to you for processing this request. If you have questions, please contact Ms. Lora Bright by e-mail at [lora.bright@nnsa.doe.gov](mailto:lora.bright@nnsa.doe.gov), or write to the address above. Please reference Control Number FOIA 25-00161-LB in your communication.

Sincerely,

Christina H. Hamblen  
FOIA Officer

Enclosures