



Department of Energy
Washington, DC 20585

August 20, 2015

Mr. Grant F. Smith
IRmep
PO Box 32041
Washington, DC 20007

Via email: gsmith@irmep.org

Re: HQ-2015-00699-F

Dear Mr. Smith:

This is in final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested "DOE Classification Bulletin WPN-136 on Foreign Nuclear Capabilities."

Your request was assigned to DOE's Office of Environment, Health, Safety and Security (AU) to conduct a search of its files for responsive records. AU began its search for responsive documents on March 12, 2015, which is the cutoff date for responsive records, and located one (1) document responsive to your request. The document is being released to you as described in the accompanying index.

DOE has determined that certain information should be withheld in this document pursuant to Exemption 7(E) of the FOIA, 5 U.S.C. § 552(b)(7)(E). In addition, please be advised that the U.S. Department of State (DOS) has also withheld information in the document pursuant to Exemption 1 of the FOIA, 5 U.S.C. § 552 (b)(1).

Exemption 1 of the FOIA protects from disclosure information that has been deemed classified "under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy" and is "in fact properly classified pursuant to such Executive order." 5 U.S.C. § 552 (b)(1).

Exemption 7(E) of the FOIA provides that an agency may exempt from disclosure records compiled or recompiled for law enforcement (including national or homeland security) purposes if they could reasonably be expected to "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." 5 U.S.C. § 552(b)(7)(E).

Information withheld pursuant to Exemption 7(E) contains information that would provide insight into the types of documents the Government considers classified. If this information were to be released, it would materially assist efforts to discern classified or sensitive information through comparison of de-classified information. Release would reduce and/or nullify the effectiveness of the still-in-use classification procedure and would impair the DOE's ability to enforce laws related to the protection of classified information from public release.

This satisfies the standard set forth in the Attorney General's March 19, 2009, memorandum that the agency is justified in not releasing material that the agency reasonably foresees would harm an interest protected by



one of the statutory exemptions. This also satisfies DOE's regulations at 10 C.F.R. § 1004.1 to make records available which it is authorized to withhold under 5 U.S.C. § 552 when it determines that such disclosure is in the public interest. Accordingly, we will not disclose this information.

Pursuant to 10 C.F.R. §1004.7(b)(2), I am the individual responsible for the determination to withhold the information described above. The FOIA requires that "any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt." 5 U.S.C. § 552(b). As a result, a redacted version of the document is being released to you in accordance with 10 C.F.R. § 1004.7(b)(3).

This decision, as well as the adequacy of the search, may be appealed within 30 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. 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. The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our February 23, 2015, letter, you were advised that your request was placed in the "news media" category for fee purposes. Requesters in this category are charged fees for duplication only and are provided 100 pages at no cost. In that letter, we informed you that the information you provided satisfied your request for a fee waiver. As such, you will not be charged any fees for processing this FOIA request.

If you have any questions about the processing of your request, or this letter, you may contact Mr. Aykut Ozger or me at:

MA-90/ Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585
(202) 586-5955

I appreciate the opportunity to assist you with this matter.

Sincerely,


Alexander C. Morris
FOIA Officer
Office of Information Resources

Enclosures

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Request #: HQ-2015-00699-F

Final response to the request from Mr. Grant Smith for:

“DOE Classification Bulletin WPN-136 on Foreign Nuclear Capabilities.”

The Office of Environment, Health, Safety and Security (AU) conducted a search of its files and located one (1) document responsive to your request.

- One (1) document *is being released in part, pursuant to Exemptions (b)(1) and (b)(7)(E)*. Information withheld by DOE pursuant to Exemption 7(E) contains information that would provide insight into the types of documents the Government considers classified.

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U.S. Department of Energy
Office of Classification
Washington, DC 20585

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September 6, 2012

CLASSIFICATION BULLETIN

WNP-136

**(U) Guidance on Release of Information Relating to the
Potential for an Israeli Nuclear Capability**

(OUO) DOE (b)(7)(E)

DOE (b)(7)(E)

(OUO) DOE (b)(7)(E)
DOE (b)(7)(E)

~~(OUO)~~ DOE (b)(7)(E)

DOS (b)(1)

DOE (b)(7)(E)

Derivative Declassifier review
required prior to declassification

Department of Energy Declassification Review	
1 st Review Date: 7/23/15	Determination: [Circle Number(s)]
2 nd Review Date: 7/23/15	1. Classification Required
Authority: <input type="checkbox"/> DC <input checked="" type="checkbox"/> O	2. Classification Changed To:
Derived From:	3. Contains DOE Classified Info
Declassify On:	4. Associate With:
2 nd Review Date: 2/2/16	5. []
AU-80	6. []
Priority: DD	7. []
	8. []
	9. []
	10. []
	11. []
	12. []
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Classified By: Glen D. Krc, General Engineer, DOE/HS-62
Derived From: Dept. of State Class. Guide 03-1, D: January 2005

DOE (b)(7)(E)

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DOE (b)(7)(E)

(U) Classifiers should cite Department of State Classification Guide 05-1, D, dated January 2005, as the derivative classification source.

(OUO) **DOE (b)(7)(E)**

DOE (b)(7)(E)

(OUO) **DOE (b)(7)(E)**

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(OUO) **DOE (b)(7)(E)**

DOE (b)(7)(E)

(U) This bulletin will be incorporated into future changes or revisions to CG-NP-3.

Andrew P. Weston-Dawkes
Director
Office of Classification
Office of Health, Safety and Security

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