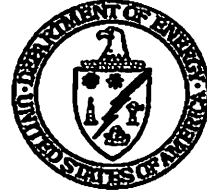


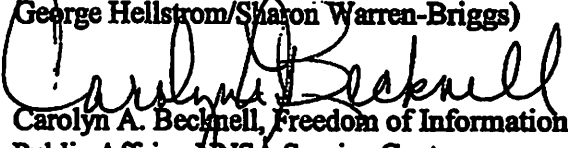


Department of Energy
National Nuclear Security Administration
Service Center
P. O. Box 5400
Albuquerque, NM 87185



December 10, 2009

MEMORANDUM FOR: Patty Wagner, Manager, SSO (ATTENTION: Wanda Peigler)
Donald L. Winchell, Jr., Manager, LASO (ATTENTION: Geraldine Vigil)
Stephen A. Mellington, Manager, NSO (ATTENTION: Darwin Morgan)
Mark Holecek, Acting Manager, KCSO (ATTENTION: Sherry Kinsey-Cannon)
Winnie B. Lehman, Manager, TSD, NNSA SC
Dave Moody, Manager, Carlsbad Field Office (ATTENTION: George Hellstrom/Sharon Warren-Briggs)

FROM: 
Carolyn A. Becknell, Freedom of Information Act Officer, Office of Public Affairs, NNSA Service Center

SUBJECT: Documents from Office of Inspector General for Review for Release;
FOIA Control Number 09-00200-C

The Office of Inspector General (OIG) received a Freedom of Information Act (FOIA) request from Mr. Mark S. Ludwig for all records, to include all communications held by the OIG to include its Office of Investigation, Office of Counsel, and all other subdivisions, which include any information associated with his name, in part or whole, and/or any of his identifying information and that of Mr. Patrick Daniel O'Neill. This also includes any records pertaining to reports or other information issued or received by the DOE OIG, DOE and NNSA in regards to information pertaining to the Bay Report, the Wood Wisdom Report and any correspondence, reports or other information the DOE OIG provided to any congressional inquiries. A copy of the FOIA request is attached. I am also attaching a copy of the OIG letter for your information.

The OIG located many responsive documents to this request and several have been sent to NNSA for review for release. I went through all of the documents and identified which records have to be reviewed by each location. OIG identified each document with a specific number. I will use these numbers to identify the documents for each of you to have reviewed. The documents for the Sandia Site Office (SSO) to review are 3, 10, 12, 13-15, 17-19, 23, 27, 30, 33-34, 40-45, 61, 82-83, 108, 116, 136, 138, 189, 190, 192, and 194-195. The documents for the Los Alamos Site Office (LASO) to review are 22, 25, 141, 143, 148, 150-152, 155, 157, 163-170, 173-181, 185, 187-188, and 212. The documents for the Nevada Site

Multiple Addressees

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12/10/09

Office (NSO) to review are 196-200. The documents for the Kansas City Site Office (KCSO) to review are 201-204. The Technical Security Department (TSD), NNSA Service Center will review documents 139, 205-207.

One document does not belong to NNSA. Document number 209 belongs to the Carlsbad Field Office (CFO). I will transfer that document to CFO for its review, release determination and direct response to the requester. CFO should also send a copy of its response letter to OIG.

SSO, LASO, NSO, KCSO, and TSD, NNSA SC should review their documents and provide a release determination to include any justification for deletions in writing to me. Please highlight any sensitive information with a yellow highlighter. The Control Number on this request is FOIA 09-00200-C. Please refer to that number in your correspondence. I received these documents on December 7, 2009. I need your response by January 8, 2009.

Your assistance with these reviews is greatly appreciated.

Attachments



Department of Energy
National Nuclear Security Administration
Service Center
P. O. Box 5400
Albuquerque, NM 87185



December 10, 2009

Mr. Mark Stephen Ludwig
[Redacted]

Albuquerque, New Mexico 87122

RECEIPT OF DOCUMENTS FOR REVIEW FROM OIG

Dear Mr. Ludwig:

This letter is in reference to your February 19, 2008 Freedom of Information Act (FOIA) request and documents provided by the Office of Inspector General (OIG) for review for release. OIG provided approximately 500 additional pages for our review. We received the documents and your request from the OIG on December 7, 2009. Please recall that we are currently reviewing numerous documents from the OIG under this control number received on May 12, 2009. You contacted me by phone on May 19, 2009 and stated in a message that I should provide these documents to Mr. Pat O'Neill only. Is this the situation on this group of documents?

It is the practice of the National Nuclear Security Administration Service Center, in accordance with Departmental policy, to process FOIA requests in the approximate order of the date received by this office. A number of requests received prior to yours are pending, and your request will be processed in turn. We will make every effort to respond to your request as quickly as possible.

The documents are out for review for release at various locations. We estimate we will not be able to respond to your request in 20 working days as mandated by law. We will get a response to you as soon as possible. If this timeframe does not work with your needs, let me know and I am happy to work with you.

One document does not belong to the National Nuclear Security Administration. It belongs to the Carlsbad Field Office (CFO). I sent the document to CFO. CFO will correspond with you directly about its review. The FOIA Officer at the CFO is Mr. George Hellstrom.

If you have questions concerning the processing of your request, please contact me at (505) 845-4869 and reference Control Number FOIA 09-00200-C.

Sincerely,
[Redacted Signature]

Carolyn A. Becknell
FOIA Officer/PA Officer
Office of Public Affairs

Mark Stephen Ludwig

Albuquerque, New Mexico 87122

Social Security Number:

Date of Birth:

Place of Birth:

Home Telephone:

Work Telephone:

FEB 26 2008 03

"OTHER" 2 HOURS SEARCH FREE 100 FREE PAGES

CONFIDENTIAL to FOIA OFFICIAL

Date: February 19, 2008

US Department of Energy/National Nuclear Security Administration
Office of Information Resources

Attn: Mr. Kevin Hagerty, Freedom of Information Act Official/Privacy Act Officer
1000 Independence Avenue SW
Washington, DC 20585

Re: FOIA Request ICO Mark Stephen Ludwig,

Dear FOIA Officer:

At this time I, Mark Stephen Ludwig, am notifying your agency of my request, under the Privacy Act of 1974/Freedom of Information Act-Public Law 93-57, for information. I am willing to accept documents with redactions and with no justification provided to me for exemptions. I am willing to receive partials as they become available to help expedite the process. My request is as follows:

I am requesting copies all documents and information in regards to the John Boyd and Zachary Ives request for information (reference any request for information from the law firm of Freedman Boyd Daniel Hollander & Goldberg P.A). I am requesting copies of all documents and information that have been provided to Mr. Boyd and his law firm, including all documents provided to Ms. Patricia Susan Gingrich (AB# 208288).

I am requesting copies all documents and information in regards to the Sandia National Laboratories commissioned report authored by Norman Bay and John Kern (known as the "Bay Report") and all subsequent follow on reports and information to the Bay Report. This includes a request for a complete copy of the entire "Bay Report" and its appendices.

I am requesting copies of all documents and information in regards to the attached request from Mr. Zachary Ives to DOE (See attached letter dated March 24, 2005 to Mr. Marc Johnson Esq., U.S. Department of Energy/NNSA, Deputy General Counsel for Litigation). I am requesting all documents and information that was provided to Mr. Boyd and his law firm (Freedman Boyd Daniel Hollander & Goldberg P.A). In addition, I am requesting a copy of the report generated by the DOE/NNSA Sandia Site Office, which involved Mr. A Randall Kubasek, or anyone from the DOE Sandia Site Office, or anyone within DOE/NNSA, in regards to a detailed analysis of information regarding activities in Sandia's Organization 5900. I am also requesting any information that DOE/NNSA may have in any of its system of records that addresses the suitability or unreliability (to include Sandia managements knowledge of any unreliability) of myself or Mr. Patrick Daniel O'Neill (AB# 151666).

FOIA-2008-000158

Handwritten: Pending Files
Sheet

I am requesting a copy of the report generated by the DOE /NNSA Sandia Site Office authored by Margaret Wood and Gary Wisdom (also known as the Wood/Wisdom Report) from the February 2003 timeframe that was in part authorized and commissioned by Ms. Karen Boardman, the DOE/NNSA Sandia Site Manager at the time. I am requesting a complete copy of the report and any related documents and information related to that report and its findings.

I am requesting any and all records, to include all communications held by the Office of Inspector General to include its Office of Investigations, Office of Counsel, and all other subdivisions, which include any information associated with my name, in part or whole, and/or any of my identifying information and that of Mr. Patrick Daniel O'Neill (AB# 15166). This also includes any records pertaining to reports or other information issued or received by the DOE OIG, DOE and NNSA in regards to information pertaining to the Bay Report, the Wood Wisdom Report and any correspondence, reports or other information the DOE OIG provided to any congressional inquiries.

I am requesting all documents and information involving Linton Brooks to include copies of any records and information related to his interviews and correspondence with the news show "60 Minutes".

These requests for information is for any and all records held, generated or stored, either mechanically, manually, electronically, or by any means, from your agency regarding me, the Bay Report, the John Boyd request for information (or from his law firm), and any documents and information provided to Patricia Gingrich requested by her under the Privacy Act of 1974/Freedom of Information Act-Public Law 93-57.

I am also requesting the names of all systems of records, files and memorandum, in which DOE/NNSA is a contributor or maintains, in accordance with the guidelines of the Federal Register, in which my name and personal identifiers are currently, or have been previously contained to include all the other information requested in this memorandum.

I look forward to your response in the time allotment according to the FOIA.

A copy of this request has also sent to Ms. Carolyn Becknell, FOIA/PA Officer, U.S. Department of Energy, Office of Public Affairs, P.O. Box 5400, Albuquerque, New Mexico 87185-5400.

Sincerely,

Mark Stephen Ludwig

State of New Mexico
County of Bernalillo

This instrument was acknowledged before me on
this 19th day of February, 2008
by Mark Stephen Ludwig

Notary Public's Signature

Commission Expires: 9-15-2011

Attachment: Zachary Ives letter dated March 24, 2005 (Law firm of Freedman Boyd Daniel Hollander & Goldberg P.A.).



WENDARIZ

MEJICO

9-15-2011



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
December 15, 2009

CERTIFIED MAIL-RETURN RECEIPT

Mr. Mark Stephen Ludwig

[REDACTED]
Albuquerque, New Mexico 87122

Subject: Freedom of Information Act 09-011

Dear Mr. Ludwig:

This office has received your February 26, 2008, Freedom of Information Act (FOIA) request transferred from the Department of Energy National Nuclear Security Administration (NNSA) to the Department of Energy Carlsbad Field Office (CBFO) on December 14, 2009, requesting any and all records, to include all communications held by the Office of Inspector General to include its Office of Investigations, Office of Counsel, and all other subdivisions, which include any information associated with my name, in part or whole, and/or any of my identifying information and that of Mr. Patrick Daniel O'Neill (AB#15166). This also includes any records pertaining to reports or other information issued or received by the DOE OIG, DOE and NNSA in regards to information pertaining to the Bay Report, the Wood Wisdom Report and any correspondence, reports or other information the DOE OIG provided to any congressional inquiries.

If you have any questions or need additional assistance regarding this request, please contact Ms. Sharon Warren-Briggs, FOIA contact person, at (505) 234-7406, or sharon.warren.briggs@wipp.ws. Please refer to FOIA 09-011 in any correspondence regarding this request.

Sincerely,

[REDACTED]

David Garcia
Alternate Freedom of Information Act Public Liaison

cc: w/enclosure
FOIA File 09-011
CBFO M&RC



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
December 21, 2009

CERTIFIED MAIL – RETURN RECEIPT

Mr. Mark Stephen Ludwig
[REDACTED]
Albuquerque, NM 87122

RE: Freedom of Information Act 09-011

Dear Mr. Ludwig:

This is a final response from the Carlsbad Field Office (CBFO), regarding your February 26, 2008, Freedom of Information Act (FOIA) request (2008-00158). The portion of your request related to CBFO was transferred from U.S. Department of Energy National Nuclear Security Administration to CBFO on December 14, 2009, and was assigned control number FOIA 09-011 for tracking purposes. You are requesting copies of all documents and information in regards to the John Boyd and Zachary Ives request for information (reference any request for information from the law firm of Freedman Boyd Daniel Hollander & Goldberg P.A.), also copies of all documents and information that have been provided to Mr. Boyd and his law firm, including all documents provided to Ms. Patricia Susan Gingrich (AB# 208288). You have requested any and all records, to include all communications held by the Office of Inspector General to include its Office of Investigations, Office of Counsel, and all other subdivisions, which include any information associated with your name, in part or whole, and/or any of your identifying information and that of Mr. Patrick Daniel O'Neill (AB#15166). This also includes any records pertaining to reports or other information issued or received by the DOE OIG, DOE and NNSA in regards to information pertaining to the Bay Report, the Wood Wisdom Report and any correspondence, reports or other information the DOE OIG provided to any congressional inquiries.

The Carlsbad Field Office has one pertinent document responsive to your request. A copy is enclosed, along with the redactions pursuant to 5 U.S.C. Section 552(b)(4) and (b)(6) (Exemptions 4 and 6 of the FOIA).

Exemption 4 protects "trade secrets and commercial or financial information obtained from a person (that is) privileged or confidential." This exemption is intended to protect the interests of both the government and submitters of information.


Exemption 6 protects "individuals from the injury and embarrassment that can result from the unnecessary disclosure of personal information". Release of the redacted information pursuant would constitute a clearly unwarranted invasion of personal privacy. 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 interest, which would be invaded by disclosure of the record. Since the substance of the information is included in the document and the release of the withheld information will not reveal anything of significance to the public, the interest in

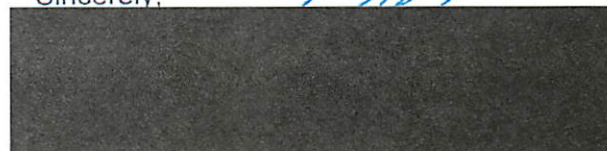
protecting against the invasion of privacy, which would result to the individual in question, far outweighs the public interest in such disclosure.

Pursuant to 10 CFR §1004.7(b)(2), I am the Denying Officer responsible for approval of the deletions noted above. You may appeal my safeguarding of privacy information as required under Exemption 6 pursuant to 10 CFR Part 1004.8 in writing within 30 calendar days after receipt of this letter. Any appeal should be addressed to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. The appeal must contain a concise statement of the grounds for the appeal and a description of the relief sought. A copy of this letter must be submitted with the appeal. The envelope and the letter must be marked "Freedom of Information Appeal." Thereafter, a judicial review will be made available to you in the District of Columbia or in the district where you reside, where you have your principal place of business, or where the Department's pertinent records are maintained.

We have determined that there are no costs for processing your FOIA request, as fees are not charged where they would amount to \$15.00 or less.

If you have any questions or need additional assistance regarding this FOIA request, please contact Ms. Sharon Warren-Briggs, FOA contact person, at (575) 234-7406 or sharon.warren.briggs@wipp.wsi

Sincerely, 



George W. Hellstrom
Freedom of Information Act Public Liaison
Denying Official

Enclosure

cc:
FOIA File 09-011
CBFO M&RC