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Description of document: US Navy Chief of Naval Operations records re: processing of requests for NAVSEA SUBSAFE tape which includes audio of the loss of the USS SCORPION, 2007

Requested date: 21-July-2007

Released date: 10-June-2009

Posted date: 10-October-2011

Source of document: Chief of Naval Operations (N09B10)  
2000 Navy Pentagon  
Washington, DC 20350-2000

Fax: 202-685-6580

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**DEPARTMENT OF THE NAVY**

OFFICE OF THE CHIEF OF NAVAL OPERATIONS

2000 NAVY PENTAGON

WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5720

Ser N873/9U182428

10 Jun 09

Ref: DON 200900930

This responds to your Freedom of Information Act (FOIA) request of July 21, 2007, which was referred to my office by the Department of the Navy's FOIA Policy Branch on May 27, 2009. Your request stated that you were looking for any input from N873 that pertains to the administrative trail of processing the previous year's requests (July 2006 - July 2007) for the NAVSEA SUBSAFE tape which includes audio of the loss of the USS SCORPION.

Enclosed please find a copy of the N87 letter Ser N873/7U180409 of March 21, 2007, to Director, Submarine Safety and Quality Assurance Division (SEA 07A) on the subject of FOIA Case No. 200700031A, Request for SUBSAFE Awareness Training Video. Also enclosed is Reference (c) of the same letter, an EMAIL exchange between OPNAV N873B and NAVSEA (SEA 07) of February 27, 2007.

Under 32 CFR §701.12(a), you may appeal this response by writing to:

Department of the Navy  
Office of the General Counsel  
ATTN: FOIA Appeals  
Room 4E635, 1000 Navy Pentagon  
Washington, DC 20350-1000

Your appeal must be received within sixty working days from the date of this letter. The appeal should be marked "FREEDOM OF INFORMATION ACT APPEAL" both on the envelope and the face of the letter. Your appeal should be accompanied by a copy of your original request and this letter.

In accordance with 32 CFR §286.28(d)(2) all fees are waived. Questions concerning this matter should be directed to LT Jamie E. Cook, N873D1, at (703)604-7834.

Sincerely,

J. M. HUGHES  
Captain, U.S. Navy  
Deputy Director,  
Submarine Warfare Division  
Acting



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

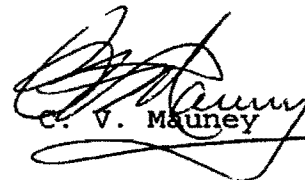
Ser N873/7U180409  
01 March 2007

From: Director, Submarine Warfare Division (N87)  
To: Director, Submarine Safety and Quality Assurance  
Division (SEA 07Q)  
Via: Freedom of Information Officer, Naval Sea Systems Command  
(SEA 00D3)  
  
Subj: FOIA CASE NO. DON 200700031A, REQUEST FOR SUBSAFE  
AWARENESS TRAINING VIDEO  
  
Ref: (a) 5 U.S.C. section 552  
(b) SECNAVINST 5740.42F (Department of the Navy Freedom  
Of Information Act (FOIA) Program)  
(c) EMAIL OPNAV (N873B) [REDACTED]/NAVSEA (SEA 07)  
RDML Eccles of 27 Feb 07

1. The purpose of subject FOIA request is to obtain material for a nonfiction history of USS SCORPION. Although NAVSEA 07Q has possession and control of the requested video, N87 is the declassification authority for USS SCORPION records and was tasked to process this request.

2. While the requested video is unclassified, it contains one minute and fifty seconds of chilling audio of the USS SCORPION's hull collapsing. Out of respect for relatives of the SCORPION crew, and consistent with previous rulings, I recommend denial of this request under the privacy consideration exemption in section (b)(6) of reference (a).

3. Per reference (b), enclosure (1) material is forwarded for your adjudication, as coordinated in reference (c).

  
C. V. Mauney

Enclosure  
(1) Freedom of Information Act  
Request Case No. DoN200700031A

[REDACTED] OPNAV N87

From: Eccles, Thomas J RDML, SEA 07  
Sent: Tuesday, February 27, 2007 6:13 AM  
To: [REDACTED] OPNAV N87  
Subject: Re: SUBSAFE Training Video

Roger all [REDACTED]. I think you propose a good solution. We'll get you the video promptly.

r/ Tom

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Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: [REDACTED] OPNAV N87  
To: Eccles, Thomas J RDML, SEA 07  
CC: [REDACTED] SEA 07 07Q  
Sent: Mon Feb 26 18:45:30 2007  
Subject: RE: SUBSAFE Training Video

Tom:

Copy all. The FOIA request was sent by Ed Offley/Panama City Beach FL to NAVSEA, who forwarded to Portsmouth, then it came to us (873) via N09B. In his letter, Mr. Offley notes "...the purpose of this request is to obtain material for a nonfiction history of the USS Scorpion (SSN 589)..." (Offley's not asking for SCORPION-specific info, however, rather the entire video.) I assume this mention of SCORPION to be why the FOIA request ended-up in our lap. 87 is DECLASS authority for SCORPION and THRESHER, but we can't speak to the rest of the information on the SUBSAFE video. Mr. Offley requests that if we determine that some portions of his request are exempt from release, we "immediately" provide him a copy of the remainder of the material.

I propose 873 review the video for SCORPION/THRESHER material, then forwarded back to NAVSEA for adjudication of the balance of the video material. It's not within RADM Mauney's authority to render a decision on material beyond SCORPION/THRESHER. and that's your call. We could then work together on a redacted version of the video (if appropriate).

Of note is that he's prepared to pay reasonable costs for the material in his request, but not to exceed \$100, and requests to be notified via phone prior to exceeding that amount. It's a bit late in the game, perhaps, to argue this point, but our cost to redact a video for him will easily exceed \$100.

But I do need to review, and RADM Mauney wants to view as well. The sooner we can get a copy, the better.

Please let me know if my proposal is acceptable.

V/r  
[REDACTED]

-----Original Message-----

From: Eccles, Thomas J RDML, SEA 07  
Sent: Monday, February 26, 2007 14:51  
To: [REDACTED] OPNAV N87  
Cc: [REDACTED] SEA 07 07Q  
Subject: SUBSAFE Training Video

[REDACTED]

One of your staff is working hard to get our people to give him a DVD of our SUBSAFE training sessions held at NAVSEA. I'm okay with giving that to you for the purpose of showing RADM Mauney and others at N87. However, I am very, very concerned that a current FOIA request should not be met by clearing this video for public release. Among the

reasons this would be a poor candidate for release:

1. We use an audio record of THRESHER's demise which has not been publicly released.
2. We are not shy about being critical of NASA and others in their certification processes.
3. Our discussion of trends in submarine safety compliance which is not suitable for public release.

So while I don't want to be holding back this material from you, I do want to engage actively to oppose FOIA release of this material. Please let me know what the end effect is expected to be so I can ensure we're helpful. And please help me make sure the N87 flags know my position against public release.

r/ Tom

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Sent from my BlackBerry Wireless Handheld