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GREENPEACE



F1999-01426

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July 8, 1996

Please refer to: REF: GP96-71m

Gayla D. Sessoms
Director, Freedom of Information
and Privacy Act
US Department of Energy
HR-78
1000 Independence Ave., SW
Washington, DC 20585

"OTHER" - 2 HOURS SEARCH FREE, 100 FREE PAGES

Dear Ms. Sessoms,

This is a request under the Freedom of Information Act (FOIA 5 U.S.C. 552, as amended). I request copies of the following:

- the document or equivalent document(s) titled "Nuclear Weapons Surety: Annual Report to the President" which is a joint report by the U.S. DoD and U.S. DoE for each year from 1985 to present. (Copy of title page for 1984 is enclosed.)

I ask that you waive all fees for this request. DOD Regulation 5400.7-R as recently revised states that "documents shall be furnished without charge ... when ... furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester."

This request is part of ongoing research into the government's organization and operations. These materials and documents are a primary source for an understanding this topic and thus the release of the information I requested will make an unique contribution to the public's understanding of the operations of the Department of Energy.

This request is being made on behalf of Greenpeace. Greenpeace is a public nonprofit, tax-exempt educational organization with over three million supporting members. Greenpeace has sponsored research and educational efforts on military and foreign policy activities particularly nuclear-related activities for over 10 years. Greenpeace aims to promote a more informed public debate, and the materials requested will benefit our supporters and the general public by illuminating aspects of current national security policy.

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Sam

The public is the group that primarily will benefit from the release of the information we request. There are no "private interests" of the requester involved here as there might be, for example, with a research contractor bidding for a government contract. Our work is directed at our supporters and the general public -- the public's benefit is not just the "primary result" but the only result of our efforts. And, our practice is to inform the public directly through our publications, such as our quarterly magazine which is received by our supporting members, or through the media or Congress. Greenpeace's request clearly meets the requirements for a fee waiver set forth in the DoD regulations.

Also, for your information, DoD regulations state, "when direct costs for an FOIA request total \$15.00 or less, fees shall be waived automatically." In the event that fees are not waived, I ask that you inform me of the specific basis for such a decision. If you also decline to waive fees on appeal, I am willing to pay all reasonable fees.

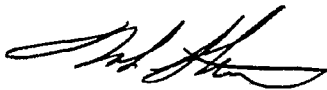
If you regard any of these records as exempt from required disclosure under the Act, I ask that you exercise your discretion to disclose them nonetheless if "no governmental interest will be jeopardized by the release of the record."

If the documents include classified or otherwise restricted information and the volume of this material makes a lengthy declassification review necessary, I request the segregation and prompt release of all elements of the documents portion-marked Unclassified, For Official Use Only, or Declassified. Additionally, I request that the remaining classified portions undergo a careful review for the purpose of declassification, in whole or in part, and that you release to me all reasonably segregable portions of the classified record, except those portions which could damage the national security.

As you know, an agency cannot rely simply on the markings of a document to deny its release. In order that a document be withheld under Exemption 1, it must be reviewed and found to be in fact properly classified pursuant to both procedural and substantive criteria found in the governing Executive Order, E.O. 12958.

I appreciate your help in obtaining this information. If you have any questions, I can be reached at the phone number listed above. I look forward to hearing from you within ten working days, as the law stipulates. Thank you.

Sincerely,



Mark Stevens
Researcher
Disarmament Campaign

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Obtained through the
FREEDOM OF INFORMATION ACT by the
Arms Race and Nuclear Weapons Research Project
Institute for Policy Studies
Washington, D.C.

This document consists of ~~68~~ pages,
No. ~~24~~ of ~~60~~ copies, Series ~~A~~.

Joint Report by the U.S. Department of Defense
and the U.S. Department of Energy

Nuclear Weapons Surety

Annual Report to the President

1984



RESTRICTED DATA

This document contains Restricted Data
as defined in the Atomic Energy Act of
1954. Unauthorized disclosure subject
to Administrative and Criminal Sanctions

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