



FOIA Number: GP95-33h

30 November 1995

Freedom of Information Act Manager
HQ ACC/IMC (FOIA)
230 E Flight Line Rd, Ste 108
Langley AFB, VA 23665-2781

Dear Sir or Madam:

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

- * Strategic Air Command command histories for 1959 and ^{closed}1958.

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 Department of Defense and its components and 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 Defense.

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 activities particularly nuclear-related military 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.

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

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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.

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,



Hans M. Kristensen
Senior Researcher