

GREENPEACE



AUG 28 REC'D
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202-319-2513

August 26, 1996

PLEASE REFER TO: GP96-98m

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

FOIA REQUEST
Case No. 96-405
Date Rec'd: 10-8-96
Action: ~~FOIA~~ FOIA
Related Case: DOE referral

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Hello:

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

- all assessments, reports, studies, briefings, memoranda, etc. of type B, type C and latest equivalent cask in reference to NUREG 0361 and Certification of Compliance 0361.
- all assessments of type B, type C and latest equivalent casks.

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 a 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, 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 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
1436 U Street, NW • Washington, DC 20009 • Tel (202) 462-1177 • Fax (202) 462-4507 • Tlx 89-2359

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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."

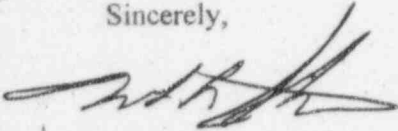
If the documents include classified or otherwise restricted information and the volume of this material makes a lengthy declassification review necessary, I request the segregation and prompt release of all elements of the documents portion-marked Unclassified, For Official Use Only, or Declassified.

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,

A handwritten signature in dark ink, appearing to read 'Mark A. Stevens', with a stylized, flowing script.

Mark A. Stevens
Researcher
Disarmament Campaign



Department of Energy
Washington, DC 20585

October 3, 1996

FOIA/PA REQUEST

Mr. Damon Moglen
Greenpeace
1436 U Street, NW
Washington, DC 20009

Case No: _____

Date Rec'd: _____

Action Off: _____

Related Case: _____

Re: 9608280003
GP96-98m

Dear Mr. Moglen:

This is in final response to Mr. Mark Stevens' Freedom of Information Act (FOIA) request for information referencing NUREG 0361 and Certification of Compliance 0361.

In Mr. Stevens' September 3, 1996, conversation with Tonya Griffith of my staff, he stated that a duplicate request was sent to our Albuquerque Operations Office. A search was conducted and responsive records were found. The Albuquerque Operations Office will correspond with you directly. In addition, since NUREG 0361 and Certification of Compliance 0361 is under the purview of the Nuclear Regulatory Commission (NRC), a copy of the request has been forwarded to the NRC. You may contact them by writing to R [REDACTED] by telephone on (301) 415-7169.

Any questions regarding this transmittal may be directed to Ms. Griffith on (202) 586-3141. We remain committed to openness and value your interest in the Department of Energy.

Sincerely,

Gayla D. Sessoms, Director
FOIA/Privacy Act Division
Office of the Executive Secretariat

Russ—
Our Albuquerque
office has some
additional info
and will respond
directly.

Thank you
/s/