

(W)

Natural Resources
Defense Council



F1999-01443

FEB 10 REC'D

09

1200 New York Ave., N.W.
Suite 400
Washington, DC 20005
202 289-6868
Fax 202 289-1060

7

1997 FEB 10 A 11: 57

DEPT. OF ENERGY
ES

NO COMMENT MEDIA ATTORNEY NEWS MEDIA
100 FREE PAGES

February 4, 1997

GayLa D. Sessoms, Director
FOIA/Privacy Act Division
Office of the Executive Secretariat
U.S. Department of Energy
HR-78
1000 Independence Ave., SW
Washington, DC 20585

Re: Freedom of Information Request

Dear Ms. Sessoms:

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552.

I hereby request, on behalf of the Natural Resources Defense Council (NRDC), the following:

The "green book," referred to in the minutes of the August 1-2, 1996 meeting of the National Research Council's Committee for the Review of the Inertial Confinement Fusion Program at the NAS Beckman Center in Irvine, CA, in which Dr. R. Staffin pointed out that the Department of Energy currently has a "Stockpile Stewardship and Management Plan," described in the green book.

If you regard any of these documents as exempt from required disclosure under FOIA, we request that you disclose them nevertheless, as such disclosure would serve the public interest of educating citizens. See 10 C.F.R. § 1004.1 (authorizing disclosure of documents exempt from FOIA disclosure where such disclosure is in the public interest). If any of the requested documents include classified or restricted information and the volume of the material makes a lengthy declassification review necessary, we request the prompt release of all portions of the document marked Unclassified, For Official Use Only, or Declassified. In addition, we 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 us *all reasonably segregable portions of the classified document*, except those portions that could reasonably damage national security.

As you know, an agency cannot rely simply on the markings of a document to deny its release. For a document to be withheld under Exemption 1 of FOIA, 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. 5 U.S.C. § 552(b)(1)(B). See also Lesar v. U.S. Dep't of Justice, 636 F.2d 472, 483 (D.C. Cir. 1980); Southam News v. INS, 674 F. Supp. 881, 884 (D.D.C. 1987). This requires an actual, substantive review of the materials and their classification markings.

Should you decide to invoke a FOIA exemption, please include in your full or partial denial letter sufficient information for us to appeal the denial. To comport with legal requirements this information must include, inter alia:

100% Post-Consumer
Recycled

40 West 20th Street
New York, New York 10011
212 727-2700
Fax 212 727-1773

71 Stevenson Street
Suite 1825
San Francisco, CA 94105
415 777-0220
Fax 415 495-5996

6310 San Vicente Blvd.
Suite 250
Los Angeles, CA 90048
213 934-6900
Fax 213 934-1210

Visit us at:
<http://www.nrdc.org>

Sen


1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item.
2. Explanations and justifications for denial, including the identification of the category within the governing executive order or statutory provision under which the withheld document (or portion thereof) was found to be subject to classification; at what level the entire document was ultimately classified and the nature and variety of the document's portion-marking; and, most importantly, explanations of how each exemption fits the withheld material.

NRDC is a national, non-profit, tax-exempt, public-policy research and environmental organization. We make information available to thousands of citizens by means of our numerous and varied publications, educational programs, seminars, media initiatives, and public interest litigation. The information disclosed pursuant to this request will be made available to the public and others engaged in policy analysis and research, including historians, area specialists, and journalists.

FOIA permits the waiver of search and copy fees where the release of information is in the public interest. 5 U.S.C. § 552(a)(4)(A)(iii). See also 10 C.F.R. § 1004.9(a)(8). Release of the documents requested here would contribute significantly to public understanding of these matters. Moreover, NRDC has no commercial interest in obtaining this information; we instead intend to make the information available to the public through the methods specified above. For these reasons we qualify for a fee waiver, and we ask that you waive all fees in connection with this request.

We appreciate your help in obtaining this information. As provided in FOIA, we will expect a reply within ten working days. If you need further information about this request or NRDC, please contact me by phone at (202) 289-6868 in order to speed consideration of this matter.

Sincerely,



Christopher E. Paine
Senior Research Associate

MINUTES

Meeting of the
National Research Council's
Committee for the Review of the Inertial
Confinement Fusion Program
NAS Beckman Center, Irvine, CA

August 1-2, 1996

Thursday, August 1, 1996

Present: Dr. S. Koonin, Chair
Dr. R. Byer
Dr. R. Conn
Dr. R. Davidson
Dr. R. Falcone
Dr. H. Grunder
Dr. A. Kerman
Dr. S. Orzag
Dr. M. Rosenbluth

Welcome and Opening Remarks

The meeting was opened by Dr. S. Koonin, Chair, who welcomed the members to the first meeting of the committee. Dr. Koonin noted that a few of the members had also served on the Inertial Confinement Fusion Advisory Committee (ICFAC) during the three years of its existence. Their experience would be helpful in addressing the programmatic and other issues of relevance to the inertial confinement fusion (ICF) program which it would be necessary for the committee to consider.

Charge to the Committee

Dr. Koonin introduced Dr. R. Staffin, Deputy Assistant Secretary for Research and Development, DOE, who presented the

charge to the committee. Dr. Staffin stated that, in addition to ICF, his responsibilities include the hydrodynamic radiography program, pulsed power, and most of the other stockpile stewardship programs at DOE except for the Advanced Scientific Computing Initiative (ASCI) program. The budget for these programs is approximately \$1.5 billion. Dr. Staffin noted that, at the request of the Assistant Secretary of Energy for Defense Programs, the committee would conduct "continuing technical reviews of the DOE ICF program, within the context of the Science-Based Stockpile Stewardship (SBSS) program. During the first year of its operation, the committee would conduct an initial review to (1) determine the scientific and technological readiness of the NIF project, (2) assess the entire ICF program (including program scope, balance, and

Overview of Science-Based Stockpile Stewardship

Dr. Staffin gave a presentation entitled "Overview of Science-Based Stockpile Stewardship". He pointed out that both the executive and legislative branches of our government have articulated a commitment to stockpile stewardship, dating back at least to the Kennedy administration. In support of this statement he quoted President Clinton as follows:

"I am assured by the Secretary of Energy and the Directors of our nuclear weapons labs that we can meet the challenge of maintaining our nuclear deterrent under a Comprehensive Test Ban Treaty through a Science-Based Stockpile Stewardship program without nuclear testing... In order for this program to succeed, both the Administration and the Congress must provide sustained bipartisan support for the stockpile stewardship program over the next decade and beyond. I am committed to working with the Congress to ensure this support."

A member of the committee noted that it may prove impossible to meet our stockpile stewardship goals without nuclear testing. In this "worst case" scenario, would the United States invoke the argument of supreme national interest to resume testing in spite of the test ban treaty? Dr. Staffin replied that he is optimistic that we will be able to develop the scientific tools we need to meet the stockpile stewardship challenge without resorting to renewed testing.

Dr. Staffin continued that, in the past, our stockpile stewardship goals have been achieved through continuous development of new weapons. Indeed, some of our most exciting insights were developed in the last few years of nuclear testing. Testing left no doubt about the viability of our stockpile in the minds of either scientific or military personnel. The challenge now is to maintain this

confidence in our stockpile in the absence of testing. One might conclude that this task has been made easier because the number of different types of weapons in our arsenal has been reduced. However, this can be a problem in itself, because if a problem arises in one type of weapon, it is more likely to affect a large part of the stockpile.

Dr. Staffin pointed out that we currently have a Stockpile Stewardship and Management Plan (SSMP). This classified plan is described in the so-called "green book", which Dr. Staffin recommended that the committee members read. Dr. Rosenbluth asked if this is the official Science Based Stockpile Stewardship Program. Dr. Staffin replied that this program is included in the "green book" as part of the overall Stockpile Stewardship and Management Plan. A member of the audience remarked that the SSMP was actually written for Department of Defense (DOD) personnel, and therefore contains a great deal of information, including such things as logistics. Dr. Staffin agreed, noting that this was appropriate during the era of nuclear testing because the military people could see for themselves that our weapons worked. Our scientists could measure critical physics parameters directly, and were not overly concerned about explaining their role to others. If scientific issues arose which were not perfectly understood, they could be "swept under the rug", in a sense, because testing was always there as an ultimate check on the validity of our designs. Now the situation has changed, and it has become necessary for scientists to do a better job of explaining their role. The "green book" is being rewritten with this in mind.

Dr. Rosenbluth noted that, in a conversation with Dr. Sidney Drell of the JASON Committee, he had gained the impression that the Comprehensive Nuclear Test Ban Treaty (CTBT) prohibits us from developing new weapon designs. One of Dr. Staffin's viewgraphs might be interpreted to mean this