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DEPARTMENT OF THE NAVY
DIRECTOR STRATEGIC SYSTEMS PROGRAMS
1250 10TH STREET SE, SUITE 3600
WASHINGTON NAVY YARD, DC 20374-5127

IN REPLY REFER TO

5720
Ser SP1005/030415004
20 Mar 15

Mr. John Greenewald, Jr.

[REDACTED]

Dear Mr. Greenewald:

Subj: FREEDOM OF INFORMATION ACT (FOIA) APPEAL FROM MR. JOHN GREENEWALD CASE NUMBER 2009-0016

On August 27, 2009, Naval Air Systems Command (NAVAIR) referred your request of August 4, 2009 to this office, Strategic Systems Programs (SSP) for the document entitled "Summary of Navy Nuclear Weapon Accidents (1975, 1976, and 1977 Supplement)." On October 29, 2009, SSP denied your request because it determined that you were not a "representative of the news media." On November 18, 2009, you submitted an appeal to the Office of Judge Advocate General (OJAG) arguing that you were in fact a "representative of the news media." On December 29, 2009, OJAG granted your appeal for a fee waiver because of the initial denial authority's failure to respond in 20 days, but found that you were not a "representative of the news media." Your request was subsequently remanded to SSP for processing.

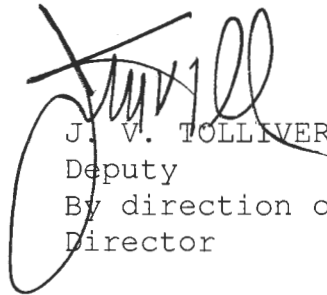
Regretfully, the classified document you requested was inadvertently shredded during the command's annual disposition of excess classified and controlled information. When this was discovered, SSP conducted another search of its records and is unable to find another copy. SSP contacted NAVAIR seeking a copy of the document. However, NAVAIR did not retain a copy. As a result, SSP is unable to provide you with a copy of the document. SSP apologizes for this administrative error.

Because your request has been denied in part, you are advised of your right to appeal this determination, in writing to the General Counsel of the Navy, 720 Kennon St. SE, Washington Navy Yard, D.C. 20374-5012. Your appeal must be postmarked within 60 calendar days from the date of this letter to be considered. Any supporting rationale to substantiate your appeal of the exemptions should be included with a copy of this

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letter attached. Both the appeal letter and the envelope should bear the notation, "Freedom of Information Act Appeal."

If you have any questions, please contact Mr. Joe Graf at (202) 433-7101 or email at Joe.Graf@ssp.navy.mil.



J. V. TOLLIVER
Deputy
By direction of the
Director