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TO ARCHIVE FILE NO. 20000213NRL001

Russell Powell
Chief
FOIA/LPDR
Nuclear Regulatory Commission
Washington D.C. 20555

FOI/PA REQUEST

Casefile: 2000-0268
Date Recd: 6-16-00
Action Off: BRWB
Related Case: _____

JUN 12 2000

Dear Mr. Powell:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, et seq. (as amended), I hereby request disclosure of the documents described on the attached page of this letter for inspection and possible copying. If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents which contain information you regard as exempt. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

This request is made on behalf of the National Security Archive, a nonprofit public interest research institute and library in Washington, D.C. The Archive is a tax-exempt nonprofit organization whose purpose is to enrich public policy debate by making widely available records on important areas of major public concern on foreign, defense and intelligence policy. Documents obtained by the Archive, including the records requested in this letter, are carefully analyzed, indexed, organized into collections and published. Archive document collections are also available for inspection and copying at the Archive by scholars, journalists, members of Congress and their staffs, present and former public officials, other public interest organizations, and the general public. Information in these documents is disseminated across the country through distribution of our published collections to research libraries and through the Archive's other publishing and media activities. I am conducting research on the subject of this request as part of an Archive research team which includes experts on the subject and which already has done extensive research and determined that the requested materials are necessary to our project.

Please also waive all fees in connection with this request. In National Security Archive v. U.S. Department of Defense, 880 F.2d 1381 (D.C. Cir. 1989), cert. denied, 110 S Ct. 1478 (1990), the Archive was declared entitled to a waiver of all search and review fees under the FOIA as a "representative of the news media." This request also qualifies for a waiver of duplication fees because disclosure of the information in the requested documents is in the public interest since release to us of these records, which directly relate to the formation of U.S. policy on the subject, is likely to contribute significantly to greater public understanding of the operations or activities of the government in making that policy. Should you decline to waive or reduce all duplication fees, we are prepared to pay normal reproduction costs if I decide to copy the records produced, but please describe your specific reasons in writing and notify us before incurring costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000. I look forward to receiving your response within the ten-day statutory time period.

Sincerely,



Joyce Battle
Analyst

FOIA Requester: Battle, Joyce

FOIA Sequence Number: 20000213NRC001

Date of Request: 06/12/2000

NSA Record Number: 21071

Subject of Request:

I am requesting all documents including but not limited to background papers, briefing papers, memoranda, cables, letters, reports, or analyses from June 1998 to the present regarding U.S. export policy for or controls on sales of nuclear materials to India and Pakistan, including consideration of a transfer of the two countries from a list restricting access to nuclear materials to an embargo list. The request encompasses documents concerned with interagency discussions, beginning in the summer of 1998, regarding policy toward India and Pakistan following their May 1998 nuclear weapons tests.

Note: I request that all documents be reviewed in their entirety, and that no information be omitted on the grounds of "non-relevance".