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JUL 12 1998

Margaret P. Grafeld  
Acting Director, Office of IRM Programs and Services  
Department of State  
2201 C Street NW Room 1512  
Washington DC 20520-1512

FOIA/PA REQUEST  
Case No: 2003-0158  
Date Rec'd: 2-6-03  
Action Off: Kennedy  
Related Case: \_\_\_\_\_

Dear Ms. Grafeld:

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 on 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*

Joyce Battle  
Director

1480277

FOIA Requester: Battle, Joyce

FOIA Sequence Number: 990400DCS090

Date of Request: 07/12/1998

NSR Record Number: 19677

Subject of Request:

All documents including but not limited to memoranda, reports, background papers, briefing papers, intelligence reports, cables and letters concerned in whole or in part with:

1. Legal review in 1979-1980 on the question of whether a 1963 U.S.-India bilateral agreement required the U.S. to ship nuclear fuel for India's Tarapur reactors.
  2. Policy review that contributed to President Jimmy Carter's April 1978 Order authorizing the export of fuel for the Tarapur facilities.
  3. Discussions with members of Congress and staffers prior to Congress's June 1978 decision not to override Carter's order.
  4. A March 1980 Indian aide-memoire to the U.S. indicating that the Gandhi Government regarded delays in the U.S. shipment of lightly enriched uranium fuel to India as a breach of the 1963 agreement.
  5. A Presidential Order of June 19, 1980 authorizing the export of fuel to Tarapur.
  6. Discussions with members of Congress and staffers prior to a September 24, 1980 Senate vote against overriding the Presidential Order.
- Notes: Request that all documents be reviewed in their entirety, and that no information be omitted on the grounds of "non-relevance".