

Barbara Culleen

From: uid no body [nobody@www.nrc.gov]
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To: FOIA Resource
Subject: WWW Form Submission

FOIAPA REQUEST
Case No. 2008-0075
Date Rec'd: 12-31-07
Specialist: [unclear]
Related Case: [unclear]

Below is the result of your feedback form. It was submitted by

() on Saturday, December 29, 2007 at 09:18:06

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Desc: Background: On or about July 1 or July 2, 1976, in my capacity as then Executive Director of the Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law, I and my co-counsel (Mrs. Goler Teal Butcher) filed a Motion to Intervene in a matter then pending before the NRC in which a South African or American company was requesting a license to permit the export from the U.S. back to South Africa of a certain quantity of highly enriched uranium fuel rods. The rods had been imported into the U.S. pursuant to a license for uranium enrichment processing.

The Motion to Intervent was filed on behalf of a group U.S. Congressmen and women, as well as on behalf of several South African political refugees then residing in the United States. The Motion was supported by a detailed Legal Memorandum and by a substantial volume of official U.S. Government and South African Government documents. Many of those documents had previously been classified as "CONFIDENTIAL" or "SECRET" but had subsequently been declassified and released by the U.S. Department of State pursuant to a FOIA request previously submitted by the Lawyers' Committee.

Specific Request: I hereby request full copies of the following documents:

1. The Lawyers' Committee's Motion to Intervene (filed a/o July 1976);

2. The Lawyers' Committee Supporting Legal Brief and/or Memorandum filed a/o July 1976 in support of the Motion to Intervene;
3. All supporting documents submitted with, attached and/or annexed to the Lawyers' Committee Legal Brief and/or Memorandum;
4. All Motions and any other pleadings submitted by the company/entity that requested the export license;
5. Any other Motions to Intervene that were filed in connection with that Proceeding;
6. The original Export License Application submitted by the requester;
7. The letter/memorandum/communication(s) from a senior official of the U.S. State Department (believed to be the Under Secretary of State) requesting the NRC to suspend further consideration of the export license application, pending completion by the Department of State of a thorough review of its nuclear cooperation policy and nuclear relations with South Africa;
8. The NRC's written response(s) to the Department of State and to the litigants upon receipt of the Department's communication (including NRC internal communications relating thereto);
9. Subsequent communications between the NRC and the U.S. Department of State that establish the duration of the ensuing suspension and the date of the NRC's resumption of consideration of applications or other actions taken with respect to South Africa;
10. Any other available records relating to this particular, or any directly related, proceeding that would complete the full picture of how this proceeding was ultimately resolved as both a factual and procedural matter.

FeeCategory: Personal_Noncommercial

MediaType:

FeeCategory_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose: I intend to use this information for historical documentation, academic analysis, and public information purposes, all three being of co-equal importance.

Waiver_ExtentToExtractAnalyze: I intend to rely substantially on the substantive content of any records released for the purposes set for in question 1 above.

Waiver_SpecificActivityQuals: As one of the authors of the Motion to Intervene and the Legal Brief, and as the person who filed the FOIA request that led to the release of previously classified information used to support the Motion to Intervene, I consider myself uniquely qualified to use the information for the intended use in a way that will contribute to public understanding of what occurred. Also, my co-counsel in the case is no longer alive and I know would wish for me to carry out this subsequent work on our joint project.

Waiver_ImpactPublicUnderstanding: Hardly anything is currently known about the impact that this timely intervention in that export license proceeding had on U.S. anti-nuclear proliferation policy and on the political situation then evolving in South Africa.

Waiver_NatureOfPublic: The scope of the public that stands to benefit from disclosure of these records includes not only U.S. foreign policy officials, think tanks, academics, and graduate students, but also their counterparts around the world, and especially in South Africa.

Waiver_MeansOfDissemination: Through publication of a book or an extended article in connection with a reputable organ of the print media.

Waiver_FreeToPublicOrFee: It is difficult to answer this question until I figure out what form of publication, or means of dissemination, will prove to be feasible.

Waiver_PrivateCommericalInterest: I have no intent to exploit these records for commercial or money-making purposes. If a book results that is later sold in bookstores, that would be the extent of any commercial or private interest I would have.
