



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

~~PAR~~  
Accession unit  
P-50

November 26, 1979

Mr. Clifton Curtis  
Mr. James Barnes  
Center for Law and Social Policy  
1751 N Street, N.W.  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-78-346

Dear Messrs. Curtis and Barnes:

This is in further response to your letter of December 19, 1978, in which you requested, pursuant to the Freedom of Information Act, access to records concerning the Tarapur, India, Atomic Power Station and other matters relating to use of atomic energy by India.

A document entitled "State Department Statements concerning TAPS Spent Fuel, U.S. Obligations to Supply, and Potential Assertions of Breach by India" which is subject to your request, required consultation with the Department of State concerning its classification. The Department of State has completed its review and has determined that the last paragraph on page 2 is properly classified pursuant to Executive Order 12065. This information is being withheld from public disclosure pursuant to Exemption (1) of the Freedom of Information Act (5 U.S.C. 552(b)(1)) and 10 CFR 9.5(a)(1) of the Commission's regulations. The non-exempt portions of this document are being placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Raymond J. Brady, Director, Division of Security.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

This completes NRC's action on your request.

Sincerely,

John C. Carr, Acting Director  
Division of Rules and Records  
Office of Administration

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1751 N STREET N.W WASHINGTON D C 20036 202 872 0670

19 December 1978

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-78-346

rec'd 12-19-78

HAND-DELIVERED

J.M. Felton, Director  
Division of Rules and Records  
Office of Administration  
United States Nuclear Regulatory  
Commission  
Room 4210, Maryland National Bank Bldg.  
7735 Old Georgetown Road  
Bethesda, MD 02214

- Julius N. Barnes
- Randy I. Bellows
- Nancy Duff Campbell
- Clyton E. Curtis
- Roger S. Foster
- L. Thomas Galloway
- John W. Garland
- Marcia D. Greenberger
- Margaret A. Kohn
- J. Davitt McAteer
- Richard S. McMillin
- Leonard C. Meeker
- Sanford A. Newman
- Carol Oppenheimer
- Marilyn G. Rose
- Andrew Jay Schwartzman
- Herbert Semmel
- Harvey J. Shulman
- Attorneys at Law
- \* Not admitted in D.C.

Export of Special Nuclear Material to India (XSNM-1222)--  
Request for Production of Documents

Dear Mr. Felton:

This is a request under the Freedom of Information Act, as amended (5 U.S.C. §552), for access to the records specified below.

The Nuclear Regulatory Commission (the "Commission"), in its Order of December 8, 1978, in EDLOW INTERNATIONAL COMPANY (Agent for the Government of India on Application to Export Special Nuclear Materials), License Application No. XSNM-1222 (Docket No. 70-2738), found that public proceedings on a written basis were in the public interest and would assist the Commission in making the statutory determinations required by the Atomic Energy Act, as amended. The undersigned Petitioners in that proceeding, the Natural Resources Defense Council, Inc., the Sierra Club, and the Union of Concerned Scientists, were advised by the terms of the Commission's order that written comments should be submitted to the Secretary of the Commission by January 11, 1979, and that reply comments to those comments submitted by other participants should be submitted by January 22, 1979.

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On May 14, 1976 the Petitioners presented a similar request to the Commission for production of records concerning the export of special nuclear material under License Application Nos. XSNM-809 (Docket No. 70-2130) and 70-2131). (A copy of that request and response was made as the result of the Commission's order.)

DUPLICATE DOCUMENT

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1001 N. 17TH ST. WASHINGTON, D.C. 20036

May 14, 1976

John W. White  
Lester K. Born  
Richard L. Stroup  
L. Thomas Hodgson  
L. Paul G. Case  
Edward E. Tamm  
Merrill D. Harshbarger  
Morton S. Halperin  
L. Douglas Brown  
Lester B. Granger  
L. Paul G. Case  
L. Thomas Hodgson  
L. Paul G. Case  
L. Thomas Hodgson  
L. Paul G. Case

Director, Office of Administration  
United States Nuclear Regulatory  
Commission  
Washington, D. C. 20555

Export of Special Nuclear Material to India --  
Request for Production of Documents

Dear Sir:

This is a request under the Freedom of Information Act, as amended (5 U.S.C. §552), for access to the records specified below.

The Nuclear Regulatory Commission (the "Commission"), in its Opinion of May 7, 1976, in EDLOW INTERNATIONAL COMPANY (Agent for the Government of India on Application to Export Special Nuclear Material), License Application Nos. XSNM-805 and XSNM-845 (Docket Nos. 70-2071 and 70-2131), ordered that a public hearing be held in such proceedings on or about June 3, 1976, and indicated that discovery in connection with such hearings could be made "pursuant only to the Freedom of Information Act." On behalf of Petitioners in such proceedings, the Natural Resources Defense Council, Inc., the Sierra Club, and the Union of Concerned Scientists, we hereby request access to any and all written reports, memoranda, studies or other documents in the custody of the Commission or Commission personnel with respect to:

(1) The negotiation and implementation of Article VI(c) of the Agreement for Cooperation Between the Government of the United States and the Government of India Concerning Civil Uses of Atomic Energy, done at Washington August 8, 1963, entered into force October 25, 1963, T.I.A.S. No. 5446 (the "Agreement for Cooperation");

(2) The negotiation and implementation of the provisions of the Agreement for Cooperation Between the United States and the Government of India Concerning Civil Uses of Atomic Energy, subsequent United States approval

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