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File Folder EAST-WEST TRADE [03/01/1982-03/08/1982]

FOIA

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23

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
86445	MEMO	SITUATION ROOM NOTE.	1	3/8/1982	B1 B3
86447	AGENDA	SUB-ACEP MEETING MARCH 1, 1982	1	3/1/1982	B3
86448	MEMO	TO SUB-ACEP MEMBERS RE CASE REFERRALS	3	2/22/1982	B3
86473	MEMO	FORMAN THRU DECAIN TO DENYSYK RE CASE REFERRAL	1	2/22/1982	B3
86476	MEMO	FORMAN THRU DECAIN TO DENYSYK RE CASE REFERRAL	1	2/22/1982	B3
86478	MEMO	SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL	1	2/22/1982	B3
86480	MEMO	SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL	4	2/22/1982	B3
86481	MEMO	SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL	1	2/22/1982	B3
86482	MEMO	SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL	2	2/22/1982	B3

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86483	MEMO	FORMAN THRU DECAIN TO DENYSYK RE CASE REFERRAL	1	1/22/1982	B3
86484	MEMO	SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL	4	2/22/1982	B3
86488	MEMO	FORMAN THRU DECAIN TO DENYSYK RE CASE REFERRAL	2	2/22/1982	B3
86489	MEMO	FORMAN THRU DECAIN TO DENYSYK RE CASE REFERRAL	2	2/22/1982	B3
86490	MEMO	ADDENDUM TO AGENDA CASE REFERRAL	17	3/1/1982	B1 B3

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**National Security Council
The White House**

Package # _____

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	_____	_____	_____
Bud McFarlane	_____	_____	_____
Jacque Hill	_____	_____	_____
Judge Clark	_____	_____	_____
John Poindexter	<i>1</i>	<i>HP</i>	_____
Staff Secretary	<i>2</i>	_____	<i>A7</i>
Sit Room	_____	_____	_____

I-Information A-Action R-Retain D-Dispatch

DISTRIBUTION

CY To VP	_____	Show CC	_____
CY To Meese	_____	Show CC	_____
CY To Baker	_____	Show CC	_____
CY To Deaver	_____	Show CC	_____

Other _____

COMMENTS

Thomas Bailey *S-WT*

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MEMORANDUM

NATIONAL SECURITY COUNCIL

March 8, 1982

MEMORANDUM FOR NORMAN A. BAILEY

FROM: DOUGLAS J. FEITH *DF*

SUBJECT: Commerce Department Sub-ACEP Meeting on March 1, 1982

- Bohdan Denysyk chaired the meeting.
- The first items discussed had not been on the agenda. They concerned proposed exports to Romania of two types of equipment, referred to as I²S and Daedalus, respectively. DOD does not want these cases sent to CoCom. I gathered that the proposed exports related to the Land at MOU with Romania. NASA said it is awaiting State's approval of the MOU.
- It was agreed that the USG needs to formulate its position on embedded microprocessors.
- Regarding our licensing policy toward Poland, DOD wants to stop processing all Polish cases. Commerce disagrees sharply. The NSC sanctions monitoring group said that it monitors but it does not decide how broad or narrow the sanctions are. DOD is confused about what our sanctions policy is. DOD thinks our sanctions against Poland are the same as our sanctions against the Soviet Union. DOD says it asked for guidance as to the content of the December 23, 1981 NSC decision but was rebuffed. Denysyk said he will write to you and have Baldrige write to Judge Clark to obtain guidance on our Polish sanctions policy. For example, are there to be exceptions to our no-exceptions policy?
- Regarding controls on energy-related exports to the Soviet Union, the question arose: Should controls be extended beyond oil and gas? DOE sees no reason to develop new regulations. DOD says broadening policy beyond oil and gas would require higher-level discussion, perhaps at the NSC. Commerce agrees that such an extension would carry us beyond current policy, as we have never said that our energy sanctions aimed to hinder Soviet domestic energy production as such.
- [By this time, an hour and ten minutes had elapsed, and I had to leave the meeting, which continued.]



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

17 FEB 1982

In reply refer to:
I-05679/82

INTERNATIONAL
SECURITY POLICY

Mr. Bohdan Denysyk
Deputy Assistant Secretary
for Export Administration
Room 3886D
Department of Commerce
Washington, D. C. 20230

This is to inform you that Defense technicians have identified new information of concern regarding the performance characteristics of the I²S image processing system (BTR 559661) which was approved to Romania at the February Sub-ACEP. I am convinced that there is a good possibility that the I²S system to Romania significantly exceeds the data processing rates approvable under the related COCOM entry. In other words, the I²S equipment is an upgraded version of the systems approved in the past to communist consignees. Therefore, I believe it is prudent that this case not be sent to COCOM until we are in possession of all the facts. I understand that presentation of this case could undercut our List Review proposal for this type equipment.

I expect to have the facts in hand within a week. At that time we can make a final determination in this case. Thank you for your cooperation in this matter.

STEPHEN D. BRYEN
Deputy Assistant Secretary
International Economics, Trade
and Security Policy

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PS - we would not have these problems if the data were properly presented in the first place. I don't understand these "threats" we are hearing at the staff level about sending this case on to COCOM. Why threats? That's senseless.

**Copies not clear. Original said:

Bo--

PS--We would not have these problems if more data were properly presented in the first place. Further--I don't understand these "threats" we are hearing at the staff level about sending this case on to COCOM. Why threats? That's senseless. SDB

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UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

March 1, 1982

MEMORANDUM FOR: Al Solga

FROM: John Boidock *JB*

SUBJECT: Ad Hoc Meeting to Discuss the Daedalus
Case to Romania

On February 9, 1982, an Ad Hoc Task Force convened in Commerce, in Conference Room A, under the auspices of Sub-ACEP. Attendees are noted in the attached. The meeting was held to determine the differences from a technical standpoint between the present Daedalus case for Romania and a previous Daedalus case for the PRC which was approved some time in 1978.

Concern was raised at the Sub-ACEP that in the present case, the Romanians could do with less sophisticated equipment than that being proposed by the Daedalus Corporation. The task force reviewed the details of each case and concluded that identical equipments were involved. In the China case, ten tape recorders were exported; eight were Sabre VI and two, Sabre IV.

In the Romanian cases (two cases were submitted - one for the airborne unit and one for the ground), a total of two units were requested; one Sabre VI and one Sabre IV. The differences between the two machines are as follows: Sabre VI is a 14 track, 60 inch-per-second record/reproduce capability, 10,000 bits per inch BPI packing density and weighs 70 pounds. The Sabre IV is a reproduce-only machine, 14 track, one inch tape, 10,000 BPI and weighs 750 pounds.

The Sabre VI, the lighter machine (airborne unit) has been approved by the U.S. and is pending COCOM approval at the present time. The Sabre IV, the heavier, reproduce-only machine, is the one which this task group was asked to evaluate.

The findings of the Ad Hoc Task Force are as follows: the machines being requested in the Romanian case are necessary to perform the job required, i.e., the airborne scanner must record on a machine having a minimum packing density of 8,000 BPI and a 10,000 BPI machine is the minimum capable of doing



the job. The machine which is in the air records the data and from those tapes the machine on the ground processes the data for later computer processing. Both the airborne and ground machines must be compatible in terms of recording density. One possible restriction which could be placed upon the ground unit would be to limit its speed capability to $7\frac{1}{2}$ inches per second. This, coupled with the 10,000 BPI reproduce-only capability, would further restrict its appeal of diversion and also permit the ^{Romanians} Chinese to perform the necessary task.

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86447	AGENDA SUB-ACEP MEETING MARCH 1, 1982	1	3/1/1982	B3

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DEPARTMENT OF STATE

Washington, D.C. 20520

January 26, 1982

MEMORANDUM

TO : Mr. Bohdan Denysyk
Deputy Assistant Secretary
for Export Administration
Department of Commerce

FROM : EB/TDC - Harry Kopp||L

SUBJECT: "No Exceptions" Policy for Poland

I think we should again discuss our "no exceptions" policy for Poland at the next sub-ACEP meeting. Commerce and State had agreed at the last sub-ACEP that our policy for Poland was the same as the "no exceptions" policy adopted for the Soviet Union after Afghanistan. Defense (Bryen) had reserved his position. That policy did not effect note 12 or de minimis case submissions and envisaged four exceptions to the "no exceptions" rule.

Some confusion on these parameters arose at the January 12 EDAC/EC meeting, and we were unable to act on several pending US and foreign COCOM cases for Poland. The Commerce Representative was unable to agree to the submission of US de minimis cases for Poland on grounds that earlier Commerce had not permitted US de minimis cases for the USSR. However, at the same time we had approved a number of foreign de minimis cases for the Soviet Union. Defense had also opposed exempting de minimis cases and maintained that no exceptions from the "no exceptions" policy should be permitted for Poland. There was agreement, however, that Note 12 COCOM cases for Poland would continue to be processed.

When we went to our allies bilaterally on a "no exceptions" policy for Poland, we gave them the impression that we were seeking sanctions equal to those imposed on the Soviet Union last year. Indeed, the Netherlands conditioned their acceptance of such a policy on the understanding that the same parameters would be maintained. Deviation from that understanding could jeopardize overall allied acceptance of this policy.

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It makes little sense to deny US de minimis applications but approve foreign de minimis submissions. The small number of cases and the minimal value involved argue against now expanding the no exceptions policy to cut off de minimis cases for Poland.

Permitting exceptions to the rule of "no exceptions" provides a necessary degree of flexibility to our policy to carry out our commitment not to penalize the people of Poland. These exceptions relate to health and public safety, supplier reliability and Western security interests.

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86448	MEMO	3	2/22/1982	B3
	TO SUB-ACEP MEMBERS RE CASE REFERRALS			

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86473	MEMO	1	2/22/1982	B3
	FORMAN THRU DECAIN TO DENYSYK RE CASE REFERRAL			

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86476	MEMO	1	2/22/1982	B3
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UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

MEMORANDUM TO Bo Denysyk
Deputy Assistant Secretary
for Export Administration

VIA: Vincent F. DeCain
(Acting) Director, Office of Export
Administration

FROM: Henry D. Mitman
Director, Capital Goods and
Production Materials Division

SUBJECT: Energy Production and USSR Export Controls

1. Background:

a. In his recent address to the National Association of Manufacturers, Larry Brady stated that a prime objective of the Reagan Administration is to manage the East-West commercial relationship in a manner which does not contribute to either the Soviet military capability or its politico-economic leverage over the economies of the non-communist West. He also indicated that a critical element of the Soviet Union's efforts to achieve military supremacy is its need to develop new sources of energy. These statements about trade management and the USSR need for, and use of, new sources of energy indicate the intent of this Administration to exercise control over energy-related exports to the Soviet Union.

b. At this time, export licensing jurisdiction in the energy field is distributed among four organizations. The Department of Energy (DOE) exercises export jurisdiction over nuclear energy technology exports. The Nuclear Regulatory Commission (NRC) has export licensing jurisdiction over specially designed commodities and related maintenance repair and operational technical data for nuclear energy facilities. The Office of Munitions Control (OMC) of the Department of State has export licensing authority over energy related military commodities and their associated technology which are specified in the International Traffic In Arms Regulations (ITAR). The Department of Commerce (DOC) has export licensing authority over all other energy related commodities and technical data not assigned to DOE, NRC, or OMC.

c. Limitations of the application of DOC controls on energy related exports are summarized as follows:

- i. Prior to 1979, equipment relating to energy sources under DOC export authority was essentially totally under general license classification. Technical data and the small amount of equipment subject to validated license requirements was licensed under a presumption



of approval policy to all recipients except those under general embargo. The unwritten policy was to assist in the development of fossil fuel resources to counter the effects of the Arab cartel.

ii. This policy was modified in retribution for the Soviet role in Afghanistan by placing foreign policy controls on the export of technical data and equipment to the USSR used in the exploration and production of petroleum and natural gas only.

iii. Recently, DOC has initiated steps to extend the scope of these controls to include transport and refinery processes which are oriented toward producing fuels.

d. If it is the intent of the Reagan Administration to prevent U.S. exports which can enhance the Soviet capability for energy production and utilization, the scope of the Export Administration Regulations indicated in paragraph (c), above, is insufficient. To facilitate this capability would require amendments to both the EAR and the policy guidelines under which USSR licensing determinations are made.

2. Discussion:

a. Petroleum and natural gas equipment, which are currently under OEA export controls to the USSR, represent only a small fraction of the total spectrum of energy sources. In order to control the broad scope of energy sources, it is necessary to include equipment and technical data relating to all fossil fuels, fuels obtained by conversion of waste or new non-fossil materials and energy generated from geothermal, hydro (including tidal and oceanic means) and solar sources.

b. Equipment, not otherwise controlled, which is used in processes for coal liquefaction, coal gasification, extraction of oil from shale or tar sands, conversion of organic wastes, and conversion from solar, hydro and geothermal sources is not now under control for direct export to the USSR. Furthermore, technical data for such processes is not evaluated under a presumption of denial policy at this time, nor does the foreign importer in a free-world destination have to provide a Letter of Assurance that the technology or its direct product will not be reexported to proscribed countries even though most of these processes produce fuels and all produce sources of energy.

c. DOE has been given jurisdiction over most energy research programs although, as noted earlier, its jurisdiction is limited to technology relating to nuclear applications. However, with the

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exception of nuclear energy programs and a limited number of aspects of the solar energy research program, DOE has not indicated much concern about the export of other energy related technology. The EAR do not now specifically address such technical data at all. For example, under our current export policy, the U-Gas process (see the attached request for an advisory opinion) is a controlled technology for export to proscribed countries which is not subject to denial considerations under existing policy. Accordingly, OEA should indicate that a license would probably be granted for the export of the U-Gas process to the USSR.

d. Potentially comparable situations to that described above for the U-Gas process exist in all processes for the production of energy, except those relying on nuclear, petroleum, or natural gas sources. Therefore, the current OEA Regulations address only a narrow segment of energy production and utilization activities.

3. Conclusions:

Based on the assumption that the intent of this Administration is to prevent U.S. exports which can enhance the Soviet capability for energy production and utilization, it is concluded that:

a. Appropriate modifications should be made to the Export Administration Regulations to reflect extension of the controls to synthetic fuels and energy production/conversion processes. This would principally involve necessary additions to the Commodity Control List for equipment used in these processes, and establishing a requirement in Section 379 of the EAR to obtain a written assurance from recipients of this technical data under General License GTDR which would prohibit reexport of technical data to the USSR, Estonia, Latvia, Lithuania, and Afghanistan.

b. In order to establish a consistent and comprehensive approach in the application of these export controls, a presumption of denial position for commodities and technical data exports to the USSR pertaining to such processes should be adopted. This would include processes for the production of any synthetic fuel as well as for other energy production/utilization technologies such as solar, geothermal, hydro, and waste conversion processes.

4. Recommendations:

a. Implement the necessary additions to the Commodity Control List of the EAR to control equipment used in the production of synthetic fuels as well as equipment used in the production and/or utilization processes of solar, geothermal, hydro, and waste conversion energy sources.

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b. Modify Section 379 of the EAR to extend the Letter of Assurance requirement for exports of technical data related to the processes defined in a above.

c. Add recommendations (a) and (b), above to the EAR upgrading of petroleum and natural gas controls now in process for foreign policy reasons.

d. Adopt a presumption of denial position for commodities and technical data exports to the USSR pertaining to such processes.

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86481	MEMO SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL	1	2/22/1982	B3

The above documents were not referred for declassification review at time of processing

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

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86482	MEMO SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL	2	2/22/1982	B3

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Freedom of Information Act - [5 U.S.C. 552(b)]

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86483	MEMO	1	1/22/1982	B3
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86484	MEMO	4	2/22/1982	B3
	SOLGA TO SUB-ACEP MEMBER RE CASE REFERRAL			

The above documents were not referred for declassification review at time of processing

Freedom of Information Act - [5 U.S.C. 552(b)]

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86488	MEMO	2	2/22/1982	B3
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86489	MEMO	2	2/22/1982	B3
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86490	MEMO ADDENDUM TO AGENDA CASE REFERRAL	17	3/1/1982	B1 B3

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