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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name BAILEY, NORMAN: FILES

Withdrawer

SMF 3/9/2010

File Folder EAST-WEST TRADE [08/24/1982-08/27/1982]

FOIA

F99-078/3

Box Number 5

ZUBER

39

ID Doc Type	Document Description	No of Pages	Doc Date	Restrictions
86848 MEMO	SHULTZ TO THE PRESIDENT RE IMPLEMENTATION OF OIL AND GAS EQUIPMENT AND TECHNOLOGY SANCTIONS	3	8/24/1982	B1
86849 MEMO	BAILEY TO SHULTZ RE IMPLEMENTATION OF ORDERS OF DENIAL	2	8/25/1982	B1
86850 MEMO	BAILEY TO CLARK RE BUCKLEY MEETING ON SANCTIONS ALTERNATIVES	1	8/26/1982	B1
86851 MEMO	BAILEY TO CLARK RE LUNCHEON WITH PIPELINE CONTRACTORS	1	8/26/1982	B1
86852 MEMO	BAILEY TO CLARK RE SANCTIONS FOLLOW-UP	1	8/27/1982	B1
86853 MEMO	BRADY TO OLMER RE TURBINES AND COMPRESSORS	2	8/27/1982	B1
86854 MEMO	MCCORMACK TO BAILEY ET AL RE CHRONOLOGY OF US OIL AND GAS CONTROLS	1	8/27/1982	B1
86855 CHRONOLOGY	US OIL AND GAS CONTROLS	7	8/25/1982	B1

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]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

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B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ENCLOSURE(S)

and 3/7/12

RECEIVED 28 AUG 82 11

TO SHULTZ, G

FROM BAILEY

DOC DATE 25 AUG 82

KEYWORDS: FRANCE SANCTIONS
EXPORT CONTROLS

E-W T.

SUBJECT: IMPLEMENTATION OF ORDERS OF DENIAL

ACTION: BAILEY SGD MEMO TO SCHULTZ DUE: 25 AUG 82 STATUS C FILES *Ra*

FOR ACTION

FOR CONCURRENCE

FOR INFO

RENTSCHLER

BAILEY

MCGAFFIGAN

ROBINSON

BREMER

COMMENTS

REF# LOG NSCIFID (M /)

ACTION OFFICER (S)	ASSIGNED	ACTION REQUIRED	DUE	COPIES TO

DISPATCH _____ W/ATTCH FILE _____ (C)

THE WHITE HOUSE
WASHINGTON

8/25/82

Brian,

Copy of attached given to
Sit Rm to be sent to Jerry
Bremer.

Original with McFarlane.

kathy

*NSC/S
Log in & return
BTM*

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**CATEGORIES OF OIL AND GAS EQUIPMENT AND
TECHNOLOGY WHOSE DENIAL BY COCOM COUNTRIES
WOULD HAVE A MODERATE-TO-SUBSTANTIAL IMPACT ON USSR**

<u>Equipment</u>	Impact of Embargo Imposed by		<u>Sources</u>
	<u>U.S. Alone</u>	<u>All COCOM Countries</u>	
Exploration (Seismic, well logs, etc.)	Minimal	Moderate to Substantial (impact in 1990s)	US, FRG, UK, Canada, Norway
Blow-out preventers and wellhead equipment	Substantial, diminishing to minimal	Substantial, diminishing to moderate	US, US subs.
Drill pipes, collars, tool joints	Minimal	Moderate	US, Japan, Italy, France, FRG
Submersible pumps	Potentially substantial, diminishing to minimal	Potentially substantial	US
Pipelayers	Minimal	Substantial	US, Japan, Italy
Turbines and compressors	Moderate if sanctions obeyed	Substantial	US, France, Italy, UK, FRG
Gas processing equipment	Initially moderate	Initially substantial	US, France, FRG

DRAFT

E-W T. 10

The Department of Commerce today issued a temporary denial order prohibiting export of all U.S. products, services and technology to Dresser France, a Subsidiary of Dresser Industries, Houston, Texas and to Creusot Loire, a French Company which is a prime contractor for the trans Siberian pipeline.

On June 22, 1982, President Reagan, under authority granted by the Export Administration Act of 1979, prohibited all oil and gas equipment, services, and technology (including compressors) from being exported or reexported by U.S. companies, their subsidiaries or foreign licensees to the Soviet Union. Dresser France and Creusot Loire are under investigation by the U.S. Department of Commerce because of the export of three gas compressors to the USSR in violation of this Act.

Secretary of Commerce Malcolm Baldrige also announced that the Commerce Department will take action against other companies if violations of the Department's export regulations are suspected to have occurred. He also said, however, that the Department's action taken today "represents a measured response that we hope will dissuade other firms from violating U.S. regulations. We will take appropriate measures in any case where we have reason to believe the violations of U.S. export regulations have occurred."

DRAFT

11

UNITED STATES DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION

In the Matter of:)	
)	
)	
CREUSOT-LOIRE S.A.)	Case No.
42 Rue d'Anjou)	
75008 Paris, France)	

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

The Department of Commerce (the "Department"), pursuant to the provisions of Section 388.19 of the Export Administration Regulations (15 C.F.R. 368, et seq. (1981)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Creusot-Loire S.A. ("Creusot-Loire").

The Department states that Creusot-Loire is under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation gives it reason to believe: (i) that Creusot-Loire is a French company which is a licensee of Cooper Industries, a United States corporation; (ii) that, in order to carry out certain

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transactions, Creusot-Loire has exported, or has placed beyond its control to prevent the export of, certain compressors from France to the Soviet Union; (iii) that these compressors were made in France based on U.S.-origin technology; (iv) that the Regulations prohibit the export to the Soviet Union of such items; and (v) that Creusot-Loire may make similar exports in the future contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to Creusot-Loire is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. §2401, et seq. (Supp. III 1979)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby

ORDERED

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of

negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor. It may also, after notice and opportunity for comment, be made applicable to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services related thereto.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom

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or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of §388.19(b) of the Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S.

Department of Commerce, Room 3886D, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondent as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondent.

Date: _____

Thomas W. Hoya
Hearing Commissioner

11

UNITED STATES DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION

In the Matter of:)	
)	
)	
DRESSER (FRANCE) S.A.)	Case No.
Cidex L 192)	
SILIC 5 Rue d'Antony)	
94563 Rungis, France)	

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

The Department of Commerce (the "Department"), pursuant to the provisions of Section 388.19 of the Export Administration Regulations (15 C.F.R. 368, et seq. (1981)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Dresser (France) S.A. ("Dresser-France").

The Department states that Dresser-France is under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation gives it reason to believe: (i) that Dresser-France, almost entirely owned by Dresser A.G. (Vaduz), a Liechtenstein corporation which is a wholly-owned subsidiary of Dresser Industries, a United States corporation, has

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manufactured compressors using United States-origin technology for use in, for, or by the Soviet Union; (ii) that, in order to carry out certain transactions, Dresser-France has exported, or has placed beyond its control to prevent the export of, these compressors from France to the Soviet Union contrary to the Regulations; and (iii) that Dresser-France may make similar exports in the future contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to Dresser-France is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. §2401, et seq. (Supp. III 1979)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby

ORDERED

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be-exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of

negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor. It may also, after notice and opportunity for comment, be made applicable to any person, firm, corporation, or business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services related thereto.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom

or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

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86851	MEMO BAILEY TO CLARK RE LUNCHEON WITH PIPELINE CONTRACTORS	1	8/26/1982	B1

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U.S. DEPARTMENT OF COMMERCE
General Counsel

35

August 27, 1982

To: Norman Bailey

From: Sherman E. Unger

SEU

Enforcement
S-W T.

Per your request, enclosed is a copy of the French statute that I discussed at this morning's meeting.

FOR
FATH
[Signature]

me

de de 10,000 F à 120,000

Translation of the Text of Law No. 80-538 of July 16, 1980

Law No. 80-538 of July 16, 1980 concerning the communication to foreign entities or individuals of documents and information relating to economic, commercial or technical matters.

The National Assembly and the Senate have adopted,

The President of the Republic promulgates a law, the terms of which are the following:

Article 1—The title of Law No. 68-678 of July 26, 1968 concerning the communication to foreign authorities of documents and information in the field of maritime commerce is modified as follows:

Law concerning the communication to foreign entities or individuals of documents and information relating to economic, commercial, industrial, financial or technical matters.

Article 2—I. Article 1 of Law No. 68-678 of July 26, 1968, referred to above, is worded as follows:

Article 1.—Subject to treaties or international agreements, it is prohibited for any individual of French nationality or who usually resides on French territory and for any officer, representative, agent or employee of an entity having a head office or establishment in France to communicate to foreign public authorities, in writing, orally or by any other means, anywhere, documents or information relating to economic, commercial, industrial, financial or technical matters, the communication of which is capable of harming the sovereignty, security or essential economic interests of France or contravening public policy, specified by the administrative authorities as necessary.

II. It is inserted, after Article 1 of Law No. 68-678 of July 26, 1968, referred to above, an Article 1-bis worded as follows:

Article 1-bis. Subject to any treaties or international agreements and the laws and regulations in force, it is prohibited for any person to request, to investigate or to communicate in writing, orally or by any other means, documents or information relating to economic, commercial, industrial, financial or technical matters leading to the establishment of proof with a view to foreign administrative or judicial proceedings or as a part of such proceedings.

Article 3. Article 2 of Law No. 68-678 of July 26, 1968, referred to above, is modified as follows:

Article 2. Persons aimed at by articles 1 and 1-bis are required to inform without delay the relevant minister when they are in receipt of any request concerning such communications.

Article 4—Article 3 of Law No. 68-678 of July 26, 1968, cited above, is modified as follows:

Article 3. Without prejudice to any greater penalties provided by law, any violation of the provisions of articles 1 and 1-bis of this law will be punished by imprisonment of from two to six months and by a fine of from 10,000 Francs to 120,000 Francs or by only one of these two penalties.

This law will be enforced as a law of the State.

Done in Paris, July 16, 1980.

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Annex I

Text of Law No. 80-538 of July 16, 1980, as published in the Journal Officiel de la République Française on July 17, 1980 at page 1799.

Loi n° 80-538 du 16 juillet 1980 relative à la communication de documents et renseignements d'ordre économique, commercial ou technique à des personnes physiques ou morales étrangères.

L'Assemblée Nationale et le Sénat ont adopté,

Le Président de la République promulgue la loi dont la teneur suit:

Art. 1^{er}.—Le titre de la loi n° 68-678 du 26 juillet 1968 relative à la communication de documents et renseignements à des autorités étrangères dans le domaine du commerce maritime est modifié ainsi qu'il suit:

Loi relative à la communication de documents et renseignements d'ordre économique, commercial, industriel, financier ou technique à des personnes physiques ou morales étrangères.

Art. 2.—I.—L'article 1er de la loi n° 68-678 du 26 juillet 1968 susvisée est ainsi rédigé:

Art. 1^{er}.—Sous réserve des traités ou accords internationaux, il est interdit à toute personne physique de nationalité française ou résidant habituellement sur le territoire français et à tout dirigeant, représentant, agent, ou préposé d'une personne morale y ayant son siège ou un établissement de communiquer par écrit, oralement ou sous toute autre forme, en quelque lieu que ce soit, à des autorités publiques étrangères, les documents ou les renseignements d'ordre économique, commercial, industriel, financier ou technique dont la communication est de nature à porter atteinte à la souveraineté, à la sécurité, aux intérêts économiques essentiels de la France ou à l'ordre public, précisés par l'autorité administrative en tant que de besoin.

II.—Il est inséré, après l'article 1^{er} de la loi n° 68-678 du 26 juillet 1968 susvisée, un article 1^{er bis} ainsi rédigé:

Art. 1^{er bis}.—Sous réserve des traités ou accords internationaux et des lois et règlements en vigueur, il est interdit à toute personne de demander, de rechercher ou de communiquer, par écrit, oralement ou sous toute autre forme, des documents ou renseignements d'ordre économique, commercial, industriel, financier ou technique tendant à la constitution de preuves en vue de procédures judiciaires ou administratives étrangères ou dans le cadre de celles-ci.

Art. 3.—L'article 2 de la loi n° 68-678 du 26 juillet 1968 susvisée est ainsi modifié:

Art. 2.—Les personnes visées aux articles 1^{er} et 1^{er bis} sont tenues d'informer sans délai le ministre compétent lorsqu'elles se trouvent saisies de toute demande concernant de telles communications.

Art. 4.—L'article 3 de la loi n° 68-678 du 26 juillet 1968 précitée est ainsi modifié:

Art. 3.—Sans préjudice des peines plus lourdes prévues par la loi, toute infraction aux dispositions des articles 1^{er} et 1^{er bis} de la présente loi sera punie d'un

emprisonnement de deux mois à six mois et d'une amende de 10,000 F à 120,000 F ou de l'une de ces deux peines seulement.

La présente loi sera exécutée comme loi de l'Etat.

Fait à Paris, le 16 juillet 1980.

Le Premier Ministre,
Raymond Barre

Le Ministre des Affaires Etrangères,
Jean François-Poncet

Le Ministre de l'Industrie,
André Giraud

Le Ministre du Commerce Extérieur,
Jean-François Deniau

Par le Président de la République:
Valéry Giscard d'Estaing

Le Gardes des Sceaux,
Ministre de la Justice,
Alain Peyrefitte

Le Ministre de l'Economie,
René Monory

Le Ministre des Transports,
Joël Le Theule

Le Ministre du Commerce et de
l'Artisanat,
Maurice Charretier

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