



United States Department of State

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

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April 11, 1983

Mr. James R. Shea
Director of International Programs
United States Nuclear Regulatory Commission
Bethesda, Maryland

EXPORT
CONTROL
REGISTRY
OFFICE
WASHINGTON, D.C.

Dear Mr. Shea:

This letter is in response to the letter from your office dated November 5, 1982, requesting Executive Branch views as to whether issuance of an export license in accordance with the application hereinafter described meets the applicable criteria of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978:

NRC No. XCOM0658 -- Application by General Atomic Company for authorization to export to Zaire replacement parts and components, such as control rod elements and drives, fission and ion chambers, value \$200,000, for the TRIGA II research reactor at the Centre Regional d'Etudes Nucleaires in Kinshasa.

It is the judgment of the Executive Branch that the export contemplated will not be inimical to the common defense and security of the United States and that the export is consistent with the provisions of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978.

As an NPT party, Zaire has committed itself to maintaining IAEA safeguards on all of its peaceful nuclear activities and has pledged not to produce or otherwise acquire any nuclear explosive device. It is therefore the judgment of the Executive Branch that Criteria (1) and (2) for exports of reactor components under Section 109 of the Atomic Energy Act, as amended, are met. The remaining criterion, agreement not to retransfer any U.S.-supplied component or material without prior U.S. consent, has been satisfied by the receipt of a generic assurance letter from the Embassy of Zaire, a copy of which is enclosed.

On the basis of the foregoing, the Executive Branch recommends that the license be issued.

Sincerely,

James B. Devine
Deputy Assistant Secretary

8304270328 830411
PDR XPORT
XCOM-0658 PDR

Enclosure:
Assurance letter

"Copy to PDR and AEC 4-21-83"

REPRODUCED ORIGINAL

certified already 4-20-83

copies to Zimmerman, Shea, Moore,
Peterson, Cohen, Becker / ELD (PDR)

RDLB

AMBASSADE DE LA REPUBLIQUE
DU ZAIRE
1800 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20009

Washington, D. C. le

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No. 05862/ 02/

/83.-

Objet:

Dear Mr. Stoiber,

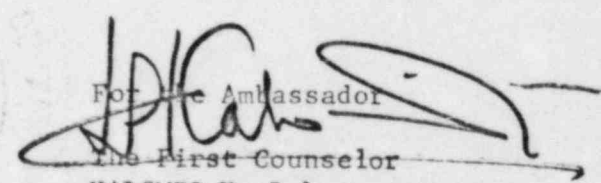
Further to your letters dated November 12, 1982 and January 19, 1983, concerning the applications made by the Companies below for authorization to export to Zaire the following components :

- GENERAL ATOMIC COMPANY - replacement parts and components valued at \$ 200.000;
- WESTINGHOUSE ELECTRIC CORPORATION - a compensated ion chamber valued at \$ 4.475.00.

to be used in the TRIGA II research reactor at the Centre Régional d'Etudes Nucléaires, I refer to the Act providing conditions of issuance of Nuclear Regulatory Commission export licences - Paragraph (3).

The Government of Zaire confirms that The General Commissariat for Atomic Energy responds on a generic basis, and also that the criterion relating to retransfers will be met with respect to all future U.S. nuclear component exports as well as the currently pending case.

Sincerely,


 For the Ambassador
 The First Counselor
 KALOMBO K. Lukusa

Mr. Carlson R. Stoiber
Director
Office of Nuclear Export Control
Department of State
Washington, D.C. 20520