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Bureau of International Commerce

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## 10th General Revision of Export Regulations



## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of International Commerce, Department of Commerce

[10th General Revision of Export Regulations]

#### SUBCHAPTER B—EXPORT REGULATIONS REVISION OF SUBCHAPTER

Subchapter B is revised to read as set forth below. The primary purpose of this revision, which supersedes the Ninth General Revision of Export Regulations issued June 12, 1958, published in 23 F.R. 4177 et seq., as amended, is to consolidate into a new Commodity Control List the export controls which are applicable to all commodities to all destinations. This list will replace the former Positive List and the various general license commodity lists which were set forth in Part 371.

The new Commodity Control List also makes possible the elimination of General Licenses GO, GRO, GHK, GLSA and G-PUB to which these lists were applicable, and the establishment of General License G-DEST, which will authorize exportations to the same extent as the previous general licenses. In addition new symbols have been adopted for the groups of countries to which the export controls are applicable.

The Export Control Commodity Numbers assigned to the commodities listed in the Commodity Control List, which are either three or five digit numbers, correspond with the initial digits of the seven digit Schedule B numbers. Schedule B (revised January 1, 1965) is the Statistical Classification of Domestic and Foreign Commodities Exported from the United States.

To conform the regulations to the foregoing revisions editorial changes have been made throughout the text of the regulations.

The deferment of certain provisions of the technical data regulations from April 1, 1964, to December 31, 1964, has been continued to and including May 31, 1965.

This revision shall become effective on January 1, 1965.

FORREST D. HOCKERSMITH,  
Director,  
Office of Export Control.

Part	
368	Mutual assistance on U.S. imports and exports (as applied to selected U.S. imports).
370	Scope of export control by Department of Commerce.
371	General licenses.
372	Provisions for individual and other validated licenses.
373	Licensing policies and related special provisions.
374	Project license.
375	Blanket (BLT) license.
376	Periodic requirements (PRL) license.
377	Time limit (TL) license.
379	Export clearance and destination control.
380	Amendments, extensions, transfers.
381	Enforcement provisions.
382	Denial of export privileges.
383	Administrative reviews and appeals.

Part	
384	General orders.
385	Exportation of technical data.
398	Priority ratings.
399	Commodity control list and related matters.

#### PART 368—MUTUAL ASSISTANCE ON U.S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U.S. IMPORTS)

§ 368.1 Import certificate and delivery verification on selected imports into the United States.

(a) *What this part does*—(1) *General.* The United States and a number of foreign countries<sup>1</sup> have undertaken to institute certain procedures to facilitate trade among themselves in strategic commodities and those in short supply by increasing the effectiveness of their respective controls over international trade in such commodities. These procedures contemplate that, where required by the exporting country with respect to a specific transaction, the importer will affirmatively undertake to import into the economy of his country the commodities involved and will not divert, transship, or reexport the commodities to another destination except in accordance with export control regulations of the importing country. Representations to this effect are made by the importer to his government which in turn certifies that such representations have been made.

(2) *Representations by importer.* As a part of its responsibilities in the foreign trade field, including its export control responsibilities, the Office of Export Control, has engaged to receive these representations from persons in the United States regarding the intended destination of commodities and to act as certifying agent, by issuing appropriate certificates that such representations have been filed with the Office of Export Control, Bureau of International Commerce, United States Department of Commerce. The making of these representations to the Office of Export Control and the certifying thereof will serve to satisfy the requirements of the foreign country in this respect and will, in addition, substantially assist in effectuating United States export controls. It should be noted, however, that these representations, which prescribe that the commodities will be entered into the United States, do not preclude the temporary unloading of the goods in a foreign trade zone for subsequent entry into the economy of the United States.

(3) *Exports.* Comparable procedures with respect to exports from the United States are described in § 373.2 of this chapter.

*NOTE: 1. Arms, ammunition, and implements of war.*<sup>2</sup> Items enumerated in the U.S. Munitions List (Chapter I, Title 22, CFR, Parts 121-125) covering arms, ammunition, and implements of war are not governed by the provisions of this Part 368. (Information on comparable procedures re-

lating to these items may be obtained from the U.S. Department of State, Office of Munitions Control, Washington, D.C., 20520.)

2. *Commodities subject to the Atomic Energy Act.* Through agreement between the U.S. Department of Commerce and the U.S. Atomic Energy Commission, the procedure set forth in this Part 368 will apply to commodities classified as "source material," "byproduct material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

(b) *United States Import Certificate*—(1) *General.* (i) Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an Import Certificate, such person shall apply for his certification by filling out and executing Form FC-826, Import Certificate,<sup>3</sup> (see Supplement S-15 for facsimile of form), in triplicate (in quadruplicate for "source material," "by-product material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission).

(ii) Import Certificates will be issued only when required by the government of a foreign country for the commodities specified above which are subject to the Atomic Energy Act and the commodities identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter). In case of doubt, the Field Office of the Department of Commerce serving the importer's area will assist him in determining whether an Import Certificate may be issued for a particular commodity.

(2) *Where to file.* (i) Except as noted in subdivision (ii) of this subparagraph, all requests for certification and validation of Import Certificates or requests for amendments of Import Certificates may be filed with the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540), Washington, D.C., 20230, or with any of the following field offices of the U.S. Department of Commerce:

Boston.	Miami.
Buffalo.	New Orleans.
Chicago.	New York.
Cincinnati.	Philadelphia.
Cleveland.	Phoenix.
Dallas.	Pittsburgh.
Detroit.	Portland, Oreg.
Houston.	San Francisco.
Jacksonville.	Savannah.
Los Angeles.	Seattle.

(Blank forms are obtainable at the same offices or any other field office.)

(ii) Where importation into the United States of foreign excess property is involved, a request for certification and validation of a United States Import Certificate, Form FC-826, shall be sub-

<sup>3</sup> Form FC-826 may be obtained from all United States Department of Commerce field offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

<sup>1</sup> See § 373.2(a) (1) (ii) for a list of countries which will require this undertaking.

<sup>2</sup> See § 370.5(a) for listing of these commodities.

mitted direct to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540), Washington, D.C., 20230. However, if a request for such certification is made at the same time as an Application for Federal Excess Property Import Determination, the United States Import Certificate, Form FC-826, and the Application for Import Determination, Form FEFP-1, may be sent together to the U.S. Department of Commerce, Business and Defense Service Administration, Foreign Excess Property Officer, Washington, D.C., 20230. The Foreign Excess Property Officer will refer the Form FC-826 to the Office of Export Control for appropriate action. A United States Import Certificate, Form FC-826, for foreign excess property, shall be filled out and executed in triplicate. Special information is required for the following items of the form:

(a) Foreign exporter's name and address (item 2)—The name and address of the individual or firm in the exporting country handling the transaction for the importer, or the importer's name and the name and address of the United States military disposal installation from which the commodities were obtained;

(b) Country of exportation (item 3)—The name and address of the United States military disposal installation; and

(c) Commodity description (item 4 (b))—A complete description of the commodity(ies) being imported, as well as the Contract Number and lot numbers.

(d) Tariff Schedule of the United States Annotated Number (item 4(c))—Enter the TSUS Annotated Number. USID Annotated Numbers are obsolete and should not be entered in this item.

The number of an approved United States Import Certificate covering foreign excess property will be suffixed by the code "USMS."

(iii) The Import Certificate may be presented for validation either in person or by mail. The duly validated form will be returned to the United States importer and shall be dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country. In accordance with international practice, the issuing office upon request will stamp the Import Certificate with a triangular symbol. This symbol is a notification to the government of the exporting country that the importer is uncertain whether the commodities will be imported into the United States or that he knows that the commodities will not be imported into the United States. However, a triangular Import Certificate will not be issued covering foreign excess property sold abroad by the United States Department of Defense. An Import Certificate bearing a triangle is a representation that the commodities will not be delivered to any destination except in accordance with the United States Export Regulations. The placing of a triangular symbol on a United States Import Certificate is not, in and of itself, an approval by the Office of Export Control to transfer or sell commodities to a foreign consignee. (See subparagraph (7) of this paragraph for method of obtaining such approval.)

(3) *Validity period.* (1) The Import Certificate will be valid for a period of 90 days from the date of certification by the Department of Commerce official. This document will not be acceptable to the authorities of the exporting country unless presented within 90 days from the date of certification. Importers are cautioned that this time limitation for the presentation of the Import Certificate to the exporting country in no way relieves them of their responsibility to adhere to the commitments made therein.

(ii) Where the validity period of an Import Certificate has expired before its presentation to the foreign government and an extension is desired, the United States importer should apply for a new Import Certificate. (Also see subparagraph (6) (ii) of this paragraph.)

(4) *Import Certificate Cross-Reference Card.* In submitting an Import Certificate the United States importer shall fill out and attach a Form FC-827 Import Certificate Cross-Reference Card, showing his name and address. The Import Certificate will be returned without action unless accompanied by this card.

(5) *Statements and representations.* (i) All statements and representations made in an Import Certificate and any amendment thereto shall be deemed to be continuing in nature, until such time as the transaction described in the Import Certificate is completed and the goods are delivered into the economy of the importing country. Any change of fact or intention in regard to the transaction as set forth in the Import Certificate shall be promptly disclosed to the Office of Export Control by the United States importer. Such disclosure shall be by presentation of an amended Import Certificate which sets forth all changes of facts or intention, and shall be accompanied by the original Import Certificate bearing the certification of the Office of Export Control. In those cases where the original Import Certificate has been transmitted by the United States importer to his foreign exporter, the United States importer shall, wherever possible, obtain the original Import Certificate prior to applying for an amendment of such Import Certificate. Where the original Import Certificate is unobtainable because the foreign exporter has surrendered it to his government, or for any other valid reason, the United States importer shall submit a written statement giving his reason or reasons for failure to submit the original Import Certificate.

(ii) All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with an Import Certificate are hereby incorporated as a part of this section with the same force and effect as if set forth in full herein.

(6) *Lost, destroyed, or unused Import Certificates.* (1) *Lost or destroyed Import Certificates.* Where an Import Certificate is lost or destroyed, a duplicate copy of such Import Certificate may be obtained by the person in the United States who executed the original Import Certificate by submitting to the U.S. Department of Commerce, Office of Export

Control, Operations Division (Attn: 8540), Washington, D.C., 20230, or any field office of the Department of Commerce listed in subparagraph (2) of this paragraph, a new set of Forms FC-826 in accordance with the provisions of subparagraph (1) of this paragraph and accompanied by a letter certifying:

(a) That the original Import Certificate No. ----- (if known) dated -----, issued to (name and address of United States importer) for importation from (foreign exporter's name and address) has been lost or destroyed;

(b) The circumstances under which it was lost or destroyed; and

(c) If the original Import Certificate is found, the applicant agrees to return the original or duplicate Import Certificate to the Office of Export Control.

(ii) *Unused Import Certificates.* Where the transaction will not be completed and the Import Certificate will not be used, the Import Certificate shall be returned for cancellation to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540), Washington, D.C., 20230.

(7) *Approval of shipment, transfer, or sale of commodities to a foreign consignee.* (1) The written approval of the Office of Export Control is required before commodities covered by United States Import Certificate, whether or not bearing a triangle, may be shipped to a destination other than the United States or Canada or sold to a foreign purchaser, and before title to or possession of such commodities may be transferred to a foreign transferee.<sup>4</sup> The provisions of this subparagraph (7) do not apply after the commodities have been delivered in accordance with the

<sup>4</sup> The attention of United States purchasers is directed to the Transaction Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, Sections 505.01 to 505.60). These Regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of any merchandise in any foreign country when the transaction involves a shipment from any foreign country to Country Group Y or Z (see paragraph 370.1(g) for country group designations), of merchandise identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1), or of a type prohibited by any of the several regulations referred to in § 370.5.

<sup>5</sup> The attention of purchasers is also directed to the Foreign Assets Control Regulations of the U.S. Treasury Department (Title 31 of the Code of Federal Regulations, Sections 500.101 to 500.808). These Regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, or nationals thereof have, or have had, any interest, direct or indirect, since December 17, 1950. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese or North Korean origin, or is Chinese type merchandise specified in the Regulations.

undertaking set forth in the United States Import Certificate.

(ii) In such cases, a letter requesting approval of the release of the shipment shall be submitted to the Office of Export Control. The letter shall show the United States Import Certificate number, the date issued, the location of the issuing office, and the names, addresses, and identity of all parties to the complete transaction, as well as the quantity, the dollar value, and the description of the commodity. The letter shall be accompanied by an Import Certificate, an ultimate consignee statement, or other documentation required by the Export Regulations for the country of ultimate destination, as provided for license applications in §§ 373.2, 373.65, 373.67, and 373.70 of this chapter. Where none of these numbered sections of the Export Regulations apply to the transaction, the letter shall include the intended end-use of the commodities.

(iii) Where the Office of Export Control approves a request supported by a foreign import certificate (other than a Swiss Blue Import Certificate), further approval is not required in order for the purchaser or transferee to resell or again transfer the commodities. However, where the Office of Export Control approves a request which was not supported by a foreign import certificate, the person to whom approval is granted is required to inform the purchaser or transferee in writing that the commodities are to be shipped to the approved destination only and that no other disposition of the commodities is permitted without the approval of the Office of Export Control.

(iv) If approval of the transaction is granted by the Office of Export Control, a validated letter of approval will be sent to the United States purchaser for retention in his records. Where a Delivery Verification or other official governmental confirmation of delivery is required, the validated letter from the Office of Export Control will so indicate.

(v) If the commodities covered by a United States Import Certificate have been imported into Canada or into any other ultimate destination other than the United States, and the foreign exporter of the commodities requests a Delivery Verification from the person who obtained the United States Import Certificate, the Import Certificate holder shall obtain a Delivery Verification from the person to whom the goods were delivered in the importing country (or if a Delivery Verification is unobtainable, other official governmental confirmation of delivery), and submit it to the Office of Export Control, together with an explanatory letter showing the United States Import Certificate Number, the date issued and the location of issuing office. The Office of Export Control will then notify the governmental authorities of the exporting country that the requirements of the government of the United States have been satisfied with respect to the delivery of the commodities.

(8) *Delivery, sale, or transfer of commodities covered by a United States Import Certificate to another United States purchaser.* (i) (a) Commodities covered by a United States Import Certifi-

cate may not be sold, and title to or possession of such commodities may not be transferred to another United States purchaser or transferee, before the commodities are delivered to the United States (or to an approved foreign destination, as provided by subparagraph (7) of this paragraph) except in accordance with the following provisions. The provisions of this subparagraph (8) do not apply after the commodities have been delivered in accordance with the undertaking set forth in the United States Import Certificate.

(b) Resale or transfer to another United States purchaser or transferee requires the prior approval of the Office of Export Control only in cases where the buyer or transferee is listed in § 382.51 of this chapter, *Supplement 1; Table of "denial and probation orders" currently in effect*, as amended by Current Export Bulletins. However, the person who obtained the Import Certificate is required under the terms of the Certificate to notify the Office of Export Control of any changes in facts or intentions relating to the transaction, and in all cases he is held responsible for the delivery of the commodities in accordance with the Export Regulations. In order to carry out this responsibility, the seller or transferor in all cases is required to secure, prior to sale or transfer, and to retain in his files for three years, written acceptance by the purchaser or transferee of: (1) All obligations undertaken by and imposed under the Export Regulations of the United States upon the holder of the United States Import Certificate; and (2) an undertaking that all subsequent sales or transfers will be made subject to the same conditions. (The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(ii) The responsibility of the United States person or firm executing an Import Certificate for providing the foreign exporter with confirmation of the delivery of the commodities covered includes instances where the commodities are resold or transferred to another United States person or firm prior to actual delivery to the United States or to an approved foreign destination. Where such resale or transfer occurs, the person who executed the Import Certificate shall secure in writing from the United States purchaser or transferee, and retain in his files for three years: (a) Acceptance of the obligation to provide him with either the Delivery Verification (or other official governmental confirmation of delivery if a Delivery Verification is unobtainable) or assurance that this documentation was submitted to the Office of Export Control and (b) an undertaking that each succeeding United States transferee or purchaser will assume the obligations set forth in (a) of this subdivision. In each case the seller or transferor shall transmit to the purchaser or transferee the identification number of the United States Import Certificate covering the exportation from the foreign country, and request that they pass it on to any other United States purchasers or transferees. (The Export Regulations con-

tain further record keeping requirements. See § 381.11 of this chapter.)

(c) *Reexportation or transshipment of commodities covered by a United States Import Certificate.* Commodities imported into the United States under the provisions of a Form FC-826, United States Import Certificate, may not be reexported to any destination under the provisions of General License GIT (see § 371.9 of this chapter). However, all other provisions of the Export Regulations applicable to commodities of domestic origin shall apply to the reexportation of commodities of foreign origin shipped to the United States under the provisions of a United States Import Certificate.

(d) *Delivery verification on imports into the United States—(1) General.* (i) United States importers may be requested by their foreign exporters to supply them with a certified Form IA-908,\* Delivery Verification, covering materials imported into the United States. These requests are made by the various foreign governments for the purpose of assuring that strategic goods shipped to the United States are not diverted from their intended destination. The issuance of an export license in these instances is conditioned upon the subsequent receipt of certified Delivery Verifications from the United States importer.

(ii) Failure on the part of the United States importer to comply with his foreign exporter's request will result in the exporter's inability to fulfill his obligation to his government and may result in his being denied further export licenses. This action obviously would prevent the United States importer from participating in further import transactions with that foreign exporter. It also may result in the United States importer being cut off from any trade with the exporting country requesting the Delivery Verification. In addition, the foreign exporter may be subjected to other penalties for his failure to furnish his government a certified Delivery Verification.

(iii) Where a United States person or firm is required to provide a Delivery Verification and does not wish to disclose to his seller or transferor the name of his customer he may obtain the Delivery Verification and send it to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540), Washington, D.C., 20230. The Office of Export Control will then undertake to notify the governmental authorities in the country of the seller or transferor of the satisfactory delivery of the commodities. In notifying the country requesting the Delivery Verification the Office of Export Control will forward an appropriately modified Form FC-956, Delivery Compliance Notice, signifying the receipt of satisfactory assurances that the commodities were imported into the United States.

\* Form IA-908 may be obtained from all United States Department of Commerce field offices, from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230, and from offices of Collectors of Customs.

(2) *Completion and disposition of Delivery Verifications.* A United States importer who is required by the foreign government to obtain a Delivery Verification shall present Form IA-908, Delivery Verification, in duplicate, to the Collector of Customs. The Collector of Customs will certify a Delivery Verification after the importation has been delivered to the importer. A delivery Verification form will be certified by Collectors of Customs only where the importation is made under a warehouse or consumption entry. Form IA-908 shall be completed by the United States importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and certification at the bottom of the form. The commodities described on the form shall be in the same terms as those shown on the related Import Certificate. The original of the duly certified form shall be dispatched by the United States importer to the foreign exporter or otherwise disposed of in accordance with the instructions of the exporting country. The duplicate copy will be retained by the Collector.

(3) *Lost or destroyed Delivery Verification.* When a Delivery Verification is lost or destroyed, the United States importer shall submit a letter addressed to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540), Washington, D.C., 20230, certifying:

- (i) That the original Delivery Verification has been lost or destroyed;
- (ii) The circumstances under which it was lost or destroyed;
- (iii) The type of customs entry (warehouse or consumption), entry number, and date of entry; and
- (iv) The related Import Certificate No. (if known) and date.

The Office of Export Control will, in applicable cases, notify the exporting government that a Delivery Verification has been issued.

(e) *Penalties and sanctions for violations—(1) Administrative.* (i) The enforcement provisions of Part 381 and § 384.2(a) of this chapter, and the denial or suspension of export privileges provisions of Part 382 of this chapter shall apply to transactions involving imports into the United States covered by this Part 368. Any provisions of Part 381 and § 384.2(a) of this chapter which by their terms relate to "exportations" or "exportations from the United States" are also deemed to apply and extend to imports or importations into the United States, applications for Import Certificates, Import Certificates, and Delivery Verifications, dealt with in this Part 368. (A Form FC-826, Import Certificate, when presented to the Department of Commerce for certification or validation, is an application for Import Certificate.)

(ii) Any person, either in the United States or abroad, who violates the Export Control Act or any regulation, order or license issued thereunder, including the provisions of this Part 368, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Office of Export Control, in suspen-

sion, revocation, and denial of export privileges under the Export Control Act; and in exclusion from practice before the Bureau of International Commerce.

*Note:* Applications for Import Certificates, and Delivery Verifications, as specified in this Part 368, are included within the definition of export control documents set forth in § 370.1(n) of this chapter.

(2) *Criminal.* The U.S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a United States department or agency. Maximum penalties under this provision are \$10,000 fine or imprisonment for 5 years, or both. In addition, a violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than \$10,000 or by imprisonment for not more than one year, or both (also see § 381.1(a) of this chapter).

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

## PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Sec.	Definitions.
370.1	Prohibited exportations.
370.2	Diversion, transshipment, or reexportation from Canada.
370.3	Unauthorized disposition of foreign excess personal property purchased from the United States Armed Forces in foreign countries.
370.4	Exportations authorized by Government agencies other than Office of Export Control.
370.5	Shipments to territories, dependencies, and possessions of the United States.
370.6	Intransit shipments without unloading.
370.7	Shipments entering foreign trade zones.
370.8	Shipments via Hong Kong.
370.9	Shipments which transitive Country Group Y or Z enroute to any other destination.
370.10	

*AUTHORITY:* The provisions of this Part 370 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

### § 370.1 Definitions.

When used in the Export Regulations:

(a) *Person.* "Person" shall be construed to mean, in the singular or plural, an individual, corporation, partnership, association, company, or any other kind of organization, situated, residing, or doing business in the United States or any foreign country, including any government or agency thereof, as well as a citizen or national of the United States or any foreign country.

(b) *The United States.* "The United States" shall be construed unless otherwise specifically stated, to include the District of Columbia, the Canal Zone, Puerto Rico and all territories, dependencies, and possessions of the United States.

(c) *Export Control Law and Export Regulations.* (1) "Export Control Law"

means Export Control Act of 1949, as amended.

(2) "Export Regulations" refers to and means the regulations set forth in Parts 368-399, inclusive, of the Code of Federal Regulations and contained in this Comprehensive Export Schedule.

(d) *Department of Commerce.* "The Department of Commerce" shall be construed to refer to and include the Office of Export Control and the Bureau of International Commerce of the United States Department of Commerce.

(e) *Schedule B and Export Control Commodity Numbers.* (1) "Department of Commerce Schedule B numbers" is defined as numbers so designated in, and appearing in the 1965 edition of the Bureau of the Census publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and amendments thereto.

(2) "Department of Commerce Export Control Commodity Numbers" is defined as numbers so designated in, and appearing in, § 399.1 of this chapter. The Export Control Commodity number has either three or five digits and is the same as the initial digits of the Schedule B number which has seven digits.

(f) *Commodity.* "Commodity" means any article, material, or supply except technical data.

(g) *Commodity Control List; country groups.* (1) "Commodity Control List" means the list of commodities incorporated in § 399.1 of this chapter. See § 399.1 of this chapter for explanation of material included on, and makeup of Commodity Control List.

(2) "Country Groups". For export control purposes foreign countries are separated into six country groups designated by the symbols "T", "V", "W", "X", "Y", or "Z". Listed below are the countries included in each country group. Canada is not included in any country group and will be referred to by name.

#### (1) Country Group T:

##### NORTH AMERICA

Northern Area:  
Greenland.  
Miquelon and St. Pierre Islands.

Southern Area:  
Mexico (including Cozumel and Revilla Gigedo Islands).

Central America:  
Guatemala.  
British Honduras.  
El Salvador.  
Honduras (including the Bay Islands).  
Nicaragua.  
Costa Rica.  
Panama, Republic of.

Bermuda and Caribbean:  
Bermuda.  
Bahamas.  
Jamaica.  
Hati (including Gonave and Tortuga Islands).  
Dominican Republic.  
Leeward and Windward Islands.  
Barbados.  
Trinidad and Tobago.  
Netherlands Antilles (formerly Curacao, N.W.I.).  
French West Indies.

##### SOUTH AMERICA

Northern Area:  
Colombia.  
Venezuela.

British Guiana,  
Surinam (Netherlands Guiana),  
French Guiana (including Inini).

**Western Area:**

Ecuador (including the Galapagos Islands),  
Peru,  
Bolivia.

Chile (including the islands Sala-y-Gomez,  
Juan Fernandes, San Felix, San Abrosio,  
and Easter Island).

**Eastern Area:**

Brazil (including the islands St. Paul,  
Fernando Noronha, and Trinidad (in  
South Atlantic)).

Uruguay,  
Paraguay,  
Argentina,  
Falkland Islands.

(ii) **Country Group V:**

All countries not included in any other  
country group (except Canada).

(iii) **Country Group W:**

Poland (including Danzig),  
Rumania.

(iv) **Country Group X:**

Hong Kong,  
Macao.

(v) **Country Group Y:**

Albania,  
Bulgaria,  
Czechoslovakia,  
East Germany (Soviet Zone of Germany and  
the Soviet Sector of Berlin).

Estonia.

Hungary.

Latvia.

Lithuania.

Outer Mongolia.

Union of Soviet Socialist Republics (exclud-  
ing Pacific Region, see Country Group Z  
below).

(vi) **Country Group Z:**

China, including Manchuria (and excluding  
Taiwan, Formosa (includes Inner Mon-  
golia; the provinces of Tsinghai and Si-  
kang; Sinkiang; Tibet; the former Kwan-  
tung Leased Territory, the present Port  
Arthur Naval Base Area and Liaoning  
Province).

North Korea.

Communist-controlled area of Viet Nam.

Cuba.

Pacific Region of U.S.S.R. which comprises  
the Maritime Provinces of Primorskiy  
Kray, Khabarovskij Kray, Sakhalin Island,  
and the Kurile Islands under U.S.S.R. ad-  
ministration.

(h) **License application.** "Applica-  
tion for license" and "license applica-  
tion" and words of similar import mean  
an application for a validated license.

(i) **Validated license.** "Validated li-  
cense" means an individual or other type  
of export license or any other document  
authorizing exportation, granted or is-  
sued by or under the authority of the  
Office of Export Control. The term also  
includes the phrase "licenses granted or  
issued upon application" and words of  
similar import and, unless the context  
otherwise indicates, the phrase "export  
license."

(j) **General license.** "General li-  
cense" means a license established by  
the Office of Export Control for which no  
application is required and for which no  
document is granted or issued, available  
for use by all persons, permitting expor-  
tation within the provisions thereof as  
prescribed in the Export Regulations.

(k) **Port of exit; collector of customs;  
export declaration.** (1) "Port of exit"  
normally means the port at which the

cargo is laden aboard the exporting car-  
rier which will carry it abroad, and in-  
cludes, in the case of an exportation by  
mail, the place of mailing. In the case of  
an exportation by air, where the special  
air cargo clearance procedure set forth in  
§ 379.12 of this chapter is to be used, the  
term also includes certain ports of origin  
at which cargo to be exported is laden  
aboard a domestic air carrier for transfer  
to an international air carrier at another  
port in the United States.

(2) "Collector of Customs" includes  
Postmasters unless the context otherwise  
indicates.

(3) "Shipper's Export Declaration" in-  
cludes any declaration required under  
regulations of the Department of Com-  
merce and other Government depart-  
ments or agencies in connection with  
exportations.

(l) **Exporting carrier.** "Exporting  
carrier" means any instrumentality of  
water, land, or air transportation by  
which an exportation is effected, and in-  
cludes any domestic air-carrier on which  
is laden or carried any cargo for export  
which is covered by a Shipper's Export  
Declaration authenticated by the Col-  
lector of Customs.

(m) **Consignee.** "Consignee" in-  
cludes ultimate consignee or purchaser.

(n) **Export control document.** (1)  
"Export control document" includes: a  
validated Export License, an Applica-  
tion for Export License (including any  
supporting documents), an ultimate  
consignee or purchaser statement, a  
Statement by Foreign Importer of Air-  
craft or Vessel Repair Parts, an applica-  
tion for Import Certificate, an Import  
Certificate, a Request for Authorization  
to Distribute United States Origin Com-  
modities Stocked Abroad to Approved  
Customers, a Multiple Transactions  
Statement by Customer of Distributor  
of United States Commodities Stocked  
Abroad, a Hong Kong Import License,  
a Swiss Blue Import Certificate, a Yugo-  
slav End-Use Certificate, and a Delivery  
Verification, or other like document as  
specified in Parts 368 and 373 of this  
chapter; a Shipper's Export Declaration  
presented to a Collector of Customs or  
Postmaster in connection with the clear-  
ance of any shipment for exportation to  
Canada or, under validated or general  
license, to any other foreign destination,  
whether or not authenticated by a Col-  
lector or Postmaster; a Dock Receipt or  
Bill of Lading issued by any carrier in  
connection with any exportation subject  
to the Export Regulations; and any  
other document issued by a United  
States Government agency pursuant to  
the Export Regulations as evidence of  
the existence of an export license for  
the purpose of loading onto an exporting  
carrier or otherwise facilitating or ef-  
fecting an exportation from the United  
States of any commodity or commodities  
requiring an export license, or the re-  
exportation of any such commodities.

(2) "Export control document" also  
includes the following documents: Cust-  
oms Form 3139, Application for Identifi-  
cation Card of Authorized Forwarding  
Agent or Exporter; Customs Form  
3141, Identification Card of Authorized  
Forwarding Agent or Exporter or Em-

ployee Thereof; and Customs Form 7512,  
Transportation Entry and Manifest of  
Goods Subject to Customs Inspection  
and Permit, when used for Transporta-  
tion and Exportation (T&E.) or Im-  
mediate Exportation (I.E.).

(o) **Parties.** "Parties" in connection  
with any export control document and  
any exportation means:

(1) The purchaser who is the person  
abroad who has entered into the export  
transaction with the applicant (licensee)  
or order party to purchase the com-  
modities for delivery to the ultimate con-  
signee;

(2) The order party, who is the per-  
son in the United States who has re-  
ceived the order from the foreign pur-  
chaser or ultimate consignee;

(3) The licensee named in the export  
control document (identified in Ship-  
per's Export Declaration forms as  
"principal or seller"), who shall be the  
exporter;

(4) The ultimate consignee, who (1)  
is the person to whom the licensee is  
authorized to export by sale, consign-  
ment, or otherwise, and (ii) is situated  
in the country of ultimate destination  
named in the same document; and

(5) The intermediate consignee named  
in the export control document (also  
identified in Form FC-419, Application  
for Export License), to whom the com-  
modities may be consigned for the pur-  
pose of effecting delivery to the ulti-  
mate consignee.

(p) **Airline.** "Airline" means any  
person who is engaged primarily in the  
transport by aircraft of persons or prop-  
erty for compensation or hire, pursuant  
to authorization by the United States  
Government or authorization by a fore-  
ign government.

(q) **United States airline.** "United  
States airline" means any citizen of the  
United States who is authorized by the  
United States Government to engage as  
an airline (see paragraph (p) of this  
section). For purposes of this defini-  
tion, a United States citizen is:

(1) An individual who is a citizen of  
the United States or one of its posses-  
sions; or,

(2) A partnership of which each mem-  
ber is such an individual; or

(3) A corporation or association cre-  
ated or organized under the laws of the  
United States, or of any State, Territory,  
or possession of the United States, of  
which the president and two-thirds of  
the board of directors and other manag-  
ing officers thereof are such individuals  
and in which at least 75 per centum of  
the voting interest is owned or controlled  
by persons who are citizens of the United  
States or of one of its possessions.<sup>1</sup>

(r) **Canadian airline.** "Canadian air-  
line" means any citizen of Canada who is  
authorized by the Canadian Government  
to engage as an airline (see paragraph  
(p) of this section). For purposes of  
this definition, a Canadian citizen is:

(1) An individual who is a citizen of  
Canada; or

<sup>1</sup> This definition of "citizen of the United States" is also set forth in Title I, Section 101(13) of the Federal Aviation Act of 1958, Public Law 85-726, 85th Congress (72 Stat. 737).

(2) A partnership of which each member is such an individual; or

(3) A Canadian company incorporated under the laws of Canada or any province having a total foreign stock interest not greater than 40 per centum and having the Chairman or Acting Chairman and at least two-thirds of the Directors thereof Canadian citizens.<sup>2</sup>

(s) *Reexport and reexportation.* Unless the context otherwise requires, the term "reexport" in any export regulation, license, order, or export control document is defined to include "transship" and "divert"; and the term "reexportation" is defined to include "transshipment" and "diversion."

### § 370.2 Prohibited exportations.

(a) *General provisions.* Subject to the provisions of §§ 370.3, 370.4, and 370.5, the exportation from the United States of all commodities and all technical data as defined in § 385.1 of this chapter is hereby prohibited unless and until a general license authorizing such exportation shall have been established or a validated license authorizing such exportation shall have been granted by the Office of Export Control, except:

(1) Any exportation to Canada, except:

(i) Walnut logs, bolts, and hewn timber, Export Control Commodity Nos. 24231 and 24232;

(ii) Walnut lumber, furniture stock, and hardwood small dimension stock, Export Control Commodity Nos. 24331, 24332, and 63110; and

(iii) The types of technical data described in § 385.2(c) (5) of this chapter.

(2) Exportations for the official use of or consumption by the United States Armed Forces when shipped by or consigned to any branch thereof under a United States Government Bill of Lading or a United States Government space charter or by means of a United States Government-owned or Government-chartered carrier (see § 370.4); and

(3) Exportations of commodities and technical data controlled by another government agency (see § 370.5).

(b) *Commodities on commodity control list.* The commodities set forth on the Commodity Control List (see § 399.1 of this chapter) may not be exported from the United States to any destination unless and until a validated license authorizing the exportation shall have been applied for and granted or issued by the Office of Export Control, except:

(1) Where exportation of such commodities is authorized by the provisions of an established general license as set forth in Part 371 of this chapter; or

(2) Where authorized with respect to certain commodities by the provisions of a footnote on the Commodity Control List; or

<sup>2</sup> The substance of this definition of "citizen of Canada" is also set forth in the regulations and/or policy of the Canadian Air Transport Board.

<sup>3</sup> See § 370.3 for shipments to Canada, not intended for consumption in Canada, and regarding the requirement of a Shipper's Export Declaration for certain exportations to Canada.

(3) Where exportation of such commodities is authorized by paragraph (a) of this section.

(c) *Revocation of licenses.* All export licenses are subject to revision, suspension, or revocation without notice.

### § 370.3 Diversion, transshipment, or reexportation from Canada.

(a) *Requirement of export license.* No person may export any commodity or technical data from the United States to Canada with the knowledge or intention that the commodity or technical data are to be diverted, transhipped, or reexported from Canada, nor may such commodity or technical data be diverted, transhipped, or reexported from Canada unless:

(1) The commodity or technical data may be exported directly from the United States to the country of ultimate destination under the provisions of a general license; or

(2) The commodity or technical data are authorized for diversion, transshipment, or reexportation from Canada under authority of a United States validated export license or other authorization issued by the Office of Export Control.

(b) *Presentation of shipper's export declaration to Canadian customs.* When such an exportation to a foreign country is made in transit via Canada, the United States exporter shall submit an authenticated copy of the United States Shipper's Export Declaration to the Canadian customs authorities at the Canadian port of entry (see § 379.1(d) of this chapter).

### § 370.4 Unauthorized disposition of foreign excess personal property purchased from the United States Armed Forces in foreign countries.

(a) *General.* In the event the United States Armed Forces shall sell in any foreign country any commodity, in used or new condition, which was exported from the United States pursuant to § 370.2(a) (2), the prohibitions and sanctions provided in Parts 381 and 382 of this chapter shall apply whenever such commodity is, or is attempted to be, transhipped, diverted, or reexported to any destination contrary to the provisions of the contract of sale executed by the United States Armed Forces or to the export regulations referred to therein.

(b) *Applicability.* The provisions of this section shall apply to any person who directly or indirectly participates or has an interest in any transaction involving commodities sold by the United States Armed Forces in any foreign country. Sanctions may include denial of participation in Armed Forces foreign excess personal property disposals, as well as United States export privileges.

(c) *Enforcement.* By arrangement with the Department of Defense, in enforcing the provisions of this Section, the Office of Export Control will apply the prohibitions and sanctions of Parts 381 and 382 of this chapter to:

(1) Cases involving any commodity of United States origin which is or is attempted to be transhipped, diverted or

reexported to Country Group Z (see § 370.1(g) for country group designations); and

(2) Cases involving, generally but not exclusively, any commodity not identified by the symbol "B" in the last column of the Commodity Control List which is or is attempted to be transhipped, diverted or reexported to Country Group Y.

### § 370.5 Exportations authorized by Government agencies other than Office of Export Control.

(a) *Arms, ammunition, and implements of war.*<sup>4</sup> Regulations promulgated by the Secretary of State under the authority of section 414 of the Mutual Security Act of 1954 (68 Stat. 848) shall govern the exportation of arms, ammunition, and implements of war.

Note: 1. Regulations concerning the exportation of arms, ammunition, and implements of war are published in the document International Traffic in Arms. Copies of this publication are furnished by the Department of State upon request.

2. An application to export any of the following articles,<sup>5</sup> which are listed in the United States Munitions List (Chapter I, Title 22, CFR, Parts 121-128) should be made on the license form obtainable from the Department of State.

3. Any inquiries as to the applicability of the provisions of Parts 121-128 of Chapter I, Title 22, CFR, to certain articles or commodities, application forms and procedure, or other matters relative to arms, ammunition, and implements of war should be addressed to the Department of State, Office of Munitions Control, Washington, D.C., 20520.

#### CATEGORY I—FIREARMS

(a) Nonautomatic and semi-automatic firearms, calibers .22 to .50 inclusive, except those using only caliber .22 rim-fire ammunition. Barrels, cylinders and complete breech mechanisms therefor.

(b) Automatic firearms and all components and parts therefor, calibers .22 to .50 inclusive.

(c) Firearms silencers.

#### CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns over caliber .50, howitzers, mortars and recoilless rifles.

(b) Military flame throwers and projectors.

(c) Components and parts including, but not limited to mounts and carriages for the articles in paragraphs (a) and (b) of this Category.

#### CATEGORY III—AMMUNITION

(a) Ammunition for the arms in Categories I and II of this Section except caliber .22 rim-fire ammunition.

(b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuzes and components therefor, primers, and other detonating devices for such ammunition.

<sup>4</sup> Arms, ammunition and implements of war must be mangled, crushed, or cut beyond the possibility of restoration to their original identity, before they can be licensed by the Office of Export Control for export as scrap metal. (See § 399.2 of this chapter, Interpretation 12.)

<sup>5</sup> The term "article" shall mean any of the arms, ammunition, and implements of war enumerated in the United States Munitions List.

(c) Ammunition belting and linking machines.

**CATEGORY IV—BOMBS, GUIDED MISSILES, ROCKETS, TORPEDOES, AND MINES**

(a) Bombs, grenades, rockets, guided missiles, torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps.

(b) Apparatus and devices for the handling, control, activation, detection, discharge or detonation of the articles in paragraph (a) of this Category.

(c) Missile powerplants.

(d) Military explosives, excavating devices.

(e) All specifically designed components, parts, and associated equipment for the articles in this Category.

**CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS**

(a) Propellants for the articles in Categories III and IV of this Section.

(b) Military high explosives.

(c) Military fuel thickeners.

(d) Military pyrotechnics.

**CATEGORY VI—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT**

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, minesweepers, and submarines.

(c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments and accessories specifically designed therefor.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components therefor.

**CATEGORY VII—TANKS AND ORDNANCE VEHICLES**

(a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with mountings for arms.

(b) Military tanks, tank recovery vehicles, halftracks, and gun carriers.

(c) Military trucks, trailers, holsts, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.

(d) Amphibious vehicles.

(e) All specifically designed components, accessories and attachments, including military bridging for the articles in this Category.

**CATEGORY VIII—AIRCRAFT AND ASSOCIATED EQUIPMENT**

(a) Aircraft designed, modified or equipped for military purposes, including but not limited to the following: gunnery, bombing, rocket, or missile launching, electronic surveillance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, experimental aircraft, drones, lighter-than-air aircraft, and military helicopters.

(b) Military aircraft engines, other than reciprocating, specifically designed for the aircraft in paragraph (a) of this Category.

(c) Airborne equipment, including but not limited to JATO and airborne refueling equipment, specifically designed for use with the aircraft and engines of the types in paragraphs (a) and (b) of this Category.

(d) Aircraft launching equipment.

(e) Non-expansive balloons in excess of 3,000 cubic feet capacity.

(f) Components, parts, and associated equipment except propellers specifically designed for the articles in paragraphs (a) through (e) of this Category.

(g) Parachutes and complete canopies, harnesses and platforms, and electronic release mechanisms therefor.

**CATEGORY IX—MILITARY TRAINING EQUIPMENT**

(a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units; and military type link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.

(b) Components, parts, attachments and accessories specifically designed for the articles in paragraph (a) of this Category.

**CATEGORY X—PROTECTIVE PERSONNEL EQUIPMENT**

(a) Body armor, flak suits, and components and parts specifically designed therefor and military helmets.

(b) Partial pressure suits, pressurized breathing equipment, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft and missiles, catapults and cartridge actuated devices utilized in emergency escape of personnel from aircraft.

**CATEGORY XI—MILITARY ELECTRONICS**

(a) Electronic equipment bearing a military designation including radar, jamming, countermeasure, counter countermeasure, underwater sound, doppler and communications-electronic equipment.

(b) Components, parts, accessories and attachments specifically designed for use with the articles in (a) of this Category.

**CATEGORY XII—FIRE CONTROL EQUIPMENT AND RANGE FINDERS**

(a) Fire control, gun and missile tracking and guidance systems, infra-red and other night sighting equipment; range, position and height finders and spotting instruments, aiming devices (electronic, gyroscopic, optic, and acoustic), bomb sights, bombing computers, military television sighting units, inertial platforms, and periscopes for the articles of this section.

(b) Inertial guidance systems, astro compasses, and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for the articles in paragraph (a) of this Category.

**CATEGORY XIII—AUXILIARY MILITARY EQUIPMENT**

(a) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(b) Cryptographic devices (encoding and decoding), and specifically designed components therefor.

(c) Self-contained diving and underwater swimming apparatus and components and accessories specifically designed therefor.

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to special paints, decoys and simulators; components, parts and accessories specifically designed therefor.

**CATEGORY XIV—TOXICOLOGICAL AGENTS**

(a) Chemical agents, including lung irritants, vesicants, lacrimators and tear gases,

sternutators and irritant smokes, and nerve gases.

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(c) Equipment for the dissemination, detection and identification of, and defense against the articles in paragraphs (a) and (b) of this Category.

(d) Components, parts, attachments and accessories specifically designed for the articles in paragraph (c) of this Category.

**CATEGORY XV—HELIUM GAS**

Contained Helium and admixtures thereof.

**CATEGORY XVI—CLASSIFIED MATERIAL**

All material not enumerated herein which is classified from the standpoint of military security.

**CATEGORY XVII—TECHNICAL DATA**

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war.

(b) *Gold.* The gold regulations (31 CFR Part 54) promulgated by the Secretary of the Treasury under the Gold Reserve Act of 1934 (48 Stat. 337) and section 5(b) of the Act of October 6, 1917, as amended by section 2 of the Act of March 9, 1933 (48 Stat. 1), shall govern the exportation of gold, except that the exportation of fabricated gold (as defined in 31 CFR 54.4) of which not more than 90 percent of the total domestic value is attributable to the gold content thereof shall also be subject to the Export Regulations of the Department of Commerce.

*Note: 1. Fabricated gold.* The exportation of "fabricated gold," as defined in the gold regulations issued by the Treasury Department (31 CFR 54.4), is controlled by the Department of Commerce under an arrangement with the Treasury Department. All "fabricated gold" commodities which are identified by the symbol "B" in the last column of the Commodity Control List may be exported to any destination, except Country Group X, Y, or Z (see § 370.1(g) for Country Groups), under Office of Export Control General License G-DEST (see § 371.8 of this chapter).

*2. Semi-processed gold.* For the export of "semi-processed gold," as defined in 31 CFR 54.4, an application for a license to export must be filed with the Bureau of the Mint, Treasury Department. Exporters are cautioned that "semi-processed gold" (as defined by the gold regulations) presented for export as "fabricated gold" is subject to seizure.

(c) *Narcotics.* The Export Regulations of the Department of Commerce shall not govern the exportation of narcotic drugs and marihuana subject to the Narcotics Drugs Import and Export Act (21 U.S.C. 171 et seq.) and Marihuana Tax Act of 1937 (26 U.S.C. 4741), as amended, respectively, and regulations promulgated thereunder, administered by the Treasury Department, Bureau of Narcotics.

*NOTE: Under the provisions of the Narcotics Drugs Import and Export Act, as amended, and the Federal marihuana law, the authority to control exports and imports of narcotic drugs, which are listed below, is vested in the Treasury Department, Bureau of Narcotics:*

- (1) Amidone or Methadon (Adanon and Dolophine—trade names).
- (2) Coca leaves and their derivatives.
- (3) Isonipocaine (Demerol—trade name).
- (4) Marihuana or cannabis.



- (5) Opium and its derivatives.  
 (6) Opiates.  
 (7) Any medicine or preparation containing any quantity of the foregoing drugs or their derivatives.

(d) *Commodities subject to Atomic Energy Act.* Regulations promulgated by the Atomic Energy Commission under the authority of the Atomic Energy Act of 1954 (Title 10, CFR, Chapter I, Parts 30, 40, 50, and 70), or as the same may be amended from time to time, shall govern the exportation of "by-product material," "source material," "special nuclear material," and "facilities for the production or utilization of special nuclear material" (except components for such facilities, which are licensed for export by the Office of Export Control) as defined in said act and regulations.

**NOTE: 1. Definitions—(a) Byproduct material.** The term "byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) *Source material.* The term "source material" means any material except special nuclear material, which contains: by weight one-twentieth of one percent (0.05%) or more of (1) uranium, (2) thorium, or (3) any combination thereof.

(c) *Special nuclear material.* The term "special nuclear material" means plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, or any material artificially enriched by any of the foregoing.

(d) *Production facility.* The term "production facility" means:

(1) Any nuclear reactor designed or used primarily for the formation of plutonium or U-233, or

(2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

(3) Any facility designed or used for the chemical, physical, or metallurgical processing or fabricating or alloying of special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(e) *Utilization facility.* The term "utilization facility" means: any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

2. *Regulations, forms, and instructions.* Copies of the Atomic Energy Commission regulations, together with forms and instructions for submitting license applications, and information with respect to the issuance of a license, may be obtained from the U.S. Atomic Energy Commission, Division of Licensing and Regulation, Washington, D.C., 20545.

(e) *Vessels.* The sale to a foreign purchaser and/or the transfer to foreign registry of vessels which are owned by citizens of the United States, regardless of size, type, or documentation, is subject to the approval of the U.S. Maritime Administration under the authority of sections 9 and 37 of the United States Shipping Act of 1916, as amended (46 U.S.C. 808 and 835; 46 CFR Part 221). Vessels of war, as defined in the United States Munitions List (see paragraph (a) of this section), require export authorization from both the U.S. Department of State and the U.S. Maritime Administration. Vessels (including vessels of war) exported for the purpose of scrap-

ping, dismantling, dismembering, or destroying the hulls or hulks thereof, require export authorization from both the Office of Export Control and the U.S. Maritime Administration for exportation to Country Group W, X, Y, or Z. (See § 370.1(g) for country group designations.) For exportation to other destinations export authorization is required from the U.S. Maritime Administration only.

(f) *Natural gas and electric energy.*  
 (1) The provisions of the Natural Gas Act of 1938 (52 Stat. 822; 15 U.S.C. 717b) and of Executive Order No. 8202, dated July 13, 1939 (4 F.R. 3243, 3 CFR 1943 Cum. Supp.) and the regulations heretofore or hereafter promulgated by the Federal Power Commission pursuant to said Act and Executive Order (18 CFR Part 153) shall govern the exportation of "natural gas" as defined in said Act, and the construction, operation, maintenance, or connection of facilities for such exportation at the United States side of international boundaries.

(2) The provisions of the Federal Power Act, section 202(e) (49 Stat. 848), and the regulations of the Federal Power Commission (18 CFR 32.30-32.38) shall govern the exportation of "electric energy" as defined in said Act. Similarly, regulations of the Federal Power Commission (18 CFR 32.50-32.52) shall govern the construction, operation, maintenance, or connection of facilities for the exportation of "electric energy" at the United States side of international boundaries.

(g) *Tobacco seed and plants.* The Export Regulations of the U.S. Department of Commerce shall not govern the exportation of any tobacco seed and/or live tobacco plants subject to the Tobacco Seed and Plant Exportation Act of June 5, 1940 (7 U.S.C. 516), and regulations promulgated thereunder, administered by the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture.

#### § 370.6 Shipments to territories, dependencies, and possessions of the United States.

(a) *Territories, dependencies, and possessions.* No license is required for shipments from the United States to the Canal Zone, Puerto Rico, or any territory, dependency, or possession of the United States, as listed in Schedule C, Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics, issued by the Bureau of the Census.

(b) *Trust Territory of the Pacific Islands.* For the purpose of export control, the Trust Territory of the Pacific Islands (i.e., the Caroline Islands, the Marshall Islands, and the Marianas Islands, except Guam, which is an island possession of the United States) shall be accorded the same treatment as the territories and possessions of the United States and, accordingly, an export license is not required for shipments of commodities thereto.

#### § 370.7 Intransit shipments without unloading.

Commodities or technical data shipped by vessel from one foreign country and

passing through the United States in transit to another foreign country may be exported without a license from the Office of Export Control; provided that while in waters subject to the jurisdiction of the United States, they have not been unladen from the vessel on which they entered such waters, and provided further, that they are not originally manifested to the United States.

#### § 370.8 Shipments entering foreign trade zones.

(a) *Foreign origin commodities.* Shipments of commodities or technical data wholly of foreign origin for which no customs entry has been made and which enter a United States foreign trade zone may be exported from the foreign trade zone without a validated export license from the Office of Export Control except as described in subparagraphs (1), (2), (3) of this paragraph and paragraph (b) of this section.

(1) *Country Group W, X, Y, or Z.* Shipments to Country Group W, X, Y, or Z (see § 370.1(g) for country groups) require a validated license if a shipment of similar goods of United States origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

(2) *Shipments covered by United States Import Certificates.* Commodities shipped to the United States under a Form FC-826, United States Import Certificate, in accordance with the procedure described in § 368.1(b) of this chapter, require a validated license.

(3) *Shipments originating in Canada.* Shipments of commodities originating in Canada require a validated license only:

- (i) If the shipment does not meet the conditions set forth in § 371.9(b) (1); or  
 (ii) If the shipment could not be exported directly from the United States to Country Group T under the provisions of General License G-DEST.

(b) *Foreign excess property disposed of by the United States Government.* Commodities of United States or foreign origin disposed of by the United States Government under a foreign excess property disposal program which enter a United States foreign trade zone without a customs entry may be exported from the foreign trade zone without an export license; except that a validated export license is required in any case where the same shipment made directly from the customs territory of the United States to the same destination would require a validated export license.

#### § 370.9 Shipments via Hong Kong.

(a) *General.* Notwithstanding restrictions upon shipments to Hong Kong set forth elsewhere in the Export Regulations, shipments may be made via Hong Kong subject to the provisions set forth in paragraphs (b), (c), and (d) of this section.

(b) *Shipments not unloaded at Hong Kong.* General and validated license shipments which are manifested to any ports other than Hong Kong, Macao, and those in destinations in Country Group Y or Z, and which proceed through Hong Kong only for the purpose of exchanging Bills of Lading, but which are not to be

discharged, off-loaded, or transshipped at Hong Kong, may proceed without the necessity of bonding such shipments against discharge in Hong Kong, provided the Bill of Lading calls for discharge at the port to which the shipment is manifested. Bills of Lading permitting discharge only at an unrestricted port by the use of a statement such as "Singapore via Hong Kong" may be cleared without bond. However, shipments which are either manifested to, or under Bills of Lading calling for, "Hong Kong" as port of discharge or "Hong Kong in-transit to Singapore," or any other similar designation indicating Hong Kong as port of discharge, may not be cleared without a validated export license specifically authorizing transshipment at Hong Kong.

(c) *General License G-DEST shipments under a through bill of lading—(1) Transshipment at Hong Kong.* Shipments of all commodities under General License G-DEST may be transshipped at Hong Kong without the necessity of obtaining a validated license, provided:

(i) Such transshipments are made under a through Bill of Lading to a destination outside of Hong Kong, Macao, or Country Group Y or Z; and

(ii) The shipment is maintained in the custody of the originating or on-forwarding carrier at all times or the shipment is exportable directly from the United States to Hong Kong under another general license.

(2) *Contract of carriage for transportation to ultimate destination.* For purposes of this section a through Bill of Lading includes a contract of carriage with a carrier for transportation from the United States of the commodities to the country of ultimate destination named on the authenticated Shipper's Export Declaration. The actual transportation may be made by more than one carrier and may involve more than one transportation document.

(d) *Validated license shipments under a through bill of lading.* Subject to the provisions of paragraph (c) of this section, commodities or technical data shipped under a validated license for an ultimate destination other than Hong Kong may be transshipped at Hong Kong without the necessity of obtaining specific authorization from the Office of Export Control on the validated license.

§ 370.10 Shipments which transit Country Group Y or Z enroute to any other destination.<sup>6</sup>

The exportation from the United States of commodities or technical data which will be unladen from a vessel or aircraft in Country Group Y or Z, or which will move intransit through Country Group Y or Z en route to a destination not in any other country group or in Canada is hereby prohibited unless a validated license specifically authorizing

<sup>6</sup> See § 372.16 of this chapter with respect to filing applications for validated licenses to export commodities which will be unladen from a vessel or aircraft in Country Group Y or Z or which will move intransit through Country Group Y or Z en route to a destination in any other country group.

the transshipment or intransit shipment, or both, shall have been granted by the U.S. Department of Commerce, except:

(a) An exportation made to West Berlin which will transit East Germany (the Soviet Zone of Germany and the Soviet Sector of Berlin), and

(b) An exportation to a destination not in Country Group Y or Z, of technical data or a commodity identified by the symbol "B" in the last column of the Commodity Control List, which is exportable under a general license directly from the United States to the country of transit or unloading in Country Group Y or Z.

## PART 371—GENERAL LICENSES

Sec.	Definition.
371.1	General provisions.
371.2	General provisions.
371.3	Applicability of general licenses to country groups.
371.4	Reexportation.
371.5	Consignee control under general license.
371.6	Consignor control under general license.
371.7	General License G-DEST; shipment of commodities to destinations not requiring a validated license.
371.9	General License GIT; intransit shipments.
371.10	General License GLV; shipments of limited value.
371.11	General Licenses Baggage and Tools of Trade.
371.12	General License GLD; dunnage.
371.13	General Licenses Ships Stores, Plane Stores, Crew, and RCS (Registered Carrier Stores).
371.14	General License GUS; shipments to personnel and agencies of the United States Government.
371.15	General License GLC; exportations of commercial vehicles by certain civil airlines and by private or common carriers.
371.16	General License GTF; goods imported for trade fairs.
371.18	General License GLR; return of certain commodities imported into the United States.
371.19	General Licenses GTDP, GTDU, and GTDS; technical data.
371.21	General License GIFT; shipments of gift parcels.
371.22-24	(Reserved for future use.)
371.25	General License GATS; aircraft on temporary sojourn.
371.26	General License GMS; shipments under the Mutual Security Act.

**AUTHORITY:** The provisions of this Part 371 issued under sec. 3, 68 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

### § 371.1 Definition.

A "general license" is a license established by the U.S. Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in the Export Regulations.

### § 371.2 General provisions.

(a) *Export declarations.* No exportation may be made pursuant to any general license established in this Part 371 or Part 385 of this chapter unless prior to said exportation, whenever required by the Export Regulations, or by the For-

ign Trade Statistics, a Shipper's Export Declaration describing the commodity or commodities to be exported has been filed with the Collector of Customs at the port of exit or with the Postmaster at the place of mailing; or, unless at the time of said exportation, whenever the filing of a declaration is not required, an oral export declaration describing the commodity or commodities is made to a Collector at the port of exit.

(b) *Use of general license symbol—(1) Symbol on Shipper's Export Declaration.* A person exporting any commodity or technical data pursuant to any general license established in this Part 371 or Part 385 of this chapter shall enter on the Shipper's Export Declaration, when the Declaration is required, the designation or symbol of the general license authorizing the exportation. The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license have been met.

*Example.* If medicinals are to be sent to a member of the American Embassy in a foreign country, they may be exported under general license GUS, and the exporter will note on the Declaration the symbol GUS to indicate that the exportation is licensed.

(2) *Symbol on mail shipments.* (i) In the case of exportations by mail, except as provided in subdivision (ii) of this subparagraph, the designation or symbol of the general license shall be entered also on the address side of the wrapper of the parcel and shall be followed by the phrase "Export License Not Required." The use of such designation or symbol and the above phrase shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license have been met.

(ii) The general license designation or symbol and the above phrase are not required on the wrapper if the material to be exported meets the provisions of General License GTDP, GTDU, GTDS, or if the material to be exported does not require a validated license for shipment to any destination (the word "none" appears on the Commodity Control List in the column headed "Validated License Required for Shipment to Country Groups Shown Below").

(c) *Applicability—(1) Prohibited shipments.* No general license set forth in Part 371 or Part 385 of this chapter may be used to effect an exportation to a destination for which such general license has been suspended or revoked.

In addition, except as provided by § 370.10 of this chapter, no general license may be used to effect an exportation which will be unladen from a vessel or aircraft in Country Group Y or Z or which will move intransit through Country Group Y or Z en route to another country.

(2) *Choice of general license.* When two or more types of general licenses are applicable, any one of such general licenses may be used. However, exportations of commodities under any applicable general license on a vessel or aircraft of foreign registry departing from the United States for use on

board such vessel or aircraft must conform to the requirements for exportation under General License SHIP STORES or General License PLANE STORES, respectively (see § 371.13).

(3) *Exportations to foreign vessels or aircraft in foreign ports.* Except for exportations under General License RCS, § 371.13(d), no commodity may be exported under the provisions of any general license to, or for use of, a foreign vessel or aircraft, whether an operating vessel or one under construction, located in any foreign port, including a Canadian port, unless the provisions of the general license would permit the shipment to be made (i) to the country in which the vessel or aircraft is located, and (ii) to the country in which the vessel or aircraft is registered or, in the case of a vessel or aircraft under construction, to the country in which the vessel or aircraft will be registered, and (iii) to the country, including a national thereof, which is currently controlling, leasing, or chartering the vessel or aircraft.

(d) *Record keeping.* The Export Regulations require the keeping of records (see § 381.11 of this chapter).

### § 371.3 Applicability of general licenses to country groups.<sup>1</sup>

Whenever a commodity is exportable under a general license to a particular country group, it may, subject to the provisions of the Export Regulations, be exported to any country or destination in that group. Conversely, whenever a commodity is not exportable to a particular country group under a particular general license, it may not be exported to any country or destination in that group.

### § 371.4 Reexportation.<sup>2</sup>

(a) *Prohibited reexportations.* Unless the reexportation of a commodity exported from the United States under a general license has been specifically authorized by the Office of Export Control or is otherwise authorized under the provisions of paragraph (b) of this section, no person in the United States or in a foreign country may:

(1) Reexport such commodity, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown in the destination control statement on the Shipper's Export Declaration, Bill of Lading, or commercial invoice, or from the country or countries of ultimate destination otherwise authorized.

(2) Export such commodity from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the authorized country or countries of ultimate destination.

(b) *Permissive reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination: *Provided*, That at the time of reexportation, the commodities to be reexported may be exported directly from the United

States to the new country of destination under General License G-DEST, or where the value of the reexportation, other than the reexportation of a commodity exported under the provisions of § 373.3 or § 373.4 of this chapter, does not exceed the GLV dollar value limit shown on the Commodity Control List with reference to the country of destination.

(c) *How to obtain authorization to re-export.* Where it is decided to reexport a commodity which was exported from the United States under a general license, and the reexportation is a prohibited reexportation as set forth in paragraph (a) of this section, a letter requesting authorization to reexport shall be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230. The letter request shall be submitted in duplicate. It shall identify the original country of destination, the general license under which shipment was made from the United States, the commodity, and the quantity proposed for distribution or resale in each country of distribution or resale. In addition, where the reexportation is prohibited under paragraph (a) of this section, and is to be made to any of the countries listed in § 372.12(c)(2)(ii) of this chapter, the information and documentation required in § 372.12(c)(2)(ii) (a) and (b) of this chapter shall also be submitted with the letter request.

*NOTE: 1. Optional ports of unloading.* When an exportation is being made to Country Group T, V, or W under the provisions of General License G-DEST and the exporter does not know, prior to the departure of the exporting carrier, which of several countries is the country of ultimate destination, he may name optional ports of unloading on the Declaration and Bill of Lading, even when more than one foreign country is involved, as provided by § 379.3(e)(4) of this chapter.

*2. Technical data.* For reexportation of technical data, see § 385.6 of this chapter.

### § 371.5 Consignee control under general license.

(a) General licenses may be revoked or suspended as to any person in any destination.

(b) Shipment under a general license may be made, subject to the provisions thereof, to any consignee in any country of destination except to any person as to whom the general license privilege has been revoked or suspended.

### § 371.6 Consignor control under general license.

General licenses may be revoked or suspended as to any person within or without the United States by an order issued pursuant to the provisions of Part 382 of this chapter.

### § 371.7 General license G-DEST; shipment of commodities to destinations not requiring a validated license.

(a) *Scope.* A general license designated G-DEST is hereby established, subject to the other provisions of this § 371.7,<sup>3</sup> authorizing the exportation of

any commodity listed on the Commodity Control List to any destination for which a validated license is not required by the information set forth in the column titled "Validated License Required for Country Groups Shown Below."<sup>4</sup>

(b) *Footnotes to Commodity Control List.* If a footnote to the Commodity Control List (§ 399.1 of this chapter) modifies or alters any provision of this General License G-DEST, the provisions specified in such footnote shall govern, notwithstanding any other provision.

*NOTE:* To determine the specific destinations to which a commodity may be exported under the provisions of General License G-DEST, the exporter should first determine which country group includes his proposed destination. (See § 370.1(g) of this chapter.) The exporter should then find the commodity he proposes to export on the Commodity Control List. For each commodity entry, in the column titled "Validated License Required for Country Group Shown Below," one or more country group symbols will be entered, indicating that a validated license is required for any country in that country group. If the exporter finds that the symbol for the country group which includes the destination of his proposed exportation is listed in this column, a validated export license is required and General License G-DEST is inapplicable. Conversely, if the country group symbol which includes the proposed destination is not shown in this column, the exportation may be made under the provisions of General License G-DEST.

*Example No. 1.* An exporter who wishes to export crude rubber, Export Control Commodity No. 23110, to Venezuela, first determines from § 370.1 (g) of this chapter that Venezuela is included in country group "T." On the Commodity Control List he finds that for crude rubber, Export Control Commodity No. 23110, the symbol "T" is not shown in the column titled "Validated License Required for Country Groups Shown Below." Therefore this commodity may be exported to Venezuela under the provisions of General License G-DEST.

*Example No. 2.* An exporter who wishes to export paper mill corrugating machines, Export Control Commodity No. 71811, to the USSR, determines that the USSR is included in Country Group "Y." On the Commodity Control List, he finds that for papermill corrugating machines, Export Control Commodity No. 71811, the symbol "Y" is shown in the column titled "Validated License Required for Country Groups Shown Below." Therefore this commodity may not be exported to the USSR under the provisions of General License G-DEST.

### § 371.9 General License GIT; intransit shipments.

(a) *General provisions.* (1) A general license designated GIT is hereby established, authorizing, subject to the other provisions of this § 371.9, the exportation from the United States of commodities which originate in and are destined to any foreign country; provided that such commodities are moving in transit through the United States under a Transportation and Exportation (T.&E.) customs entry or an Immediate Exportation (I.E.) customs entry made at a United States customhouse.

General License Ship Stores or Plane Stores. (See §§ 371.2(c)(2) and 371.13 (a) and (b).)

<sup>4</sup> See § 370.10 of this chapter for regulations relating to shipments transmitting Country Group Y or Z enroute to another country.

<sup>1</sup> See § 370.1(g) of this chapter for country group designations.

<sup>2</sup> See § 372.12 of this chapter for additional regulation provisions.

<sup>3</sup> The Export Regulations provide that commodities may not be supplied under any general license for use on a vessel or aircraft departing from the United States, unless such exportation is authorized under

(2) Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(3) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Country Group W, X, Y, or Z (excluding Cuba), under the provisions of a general license, may be exported to Country Group W, X, Y, or Z (excluding Cuba) respectively, under General License GIT.

**NOTE: 1.** A commodity is not considered as "moving in transit" within the meaning of General License GIT if it is covered by a warehouse entry and withdrawn from warehouse under a withdrawal-for-exportation customs entry or if its transit is broken by a warehousing or processing operation under another type of customs entry.

**2.** General License GIT is not applicable to exportations of commodities licensed by agencies of the United States Government other than the Office of Export Control.

**3.** See § 370.7 of this chapter regarding shipments moving in transit via the United States without unloading from the carrier.

(b) *Special provisions for shipments originating in Canada.* (1) The provisions of General License GIT are applicable, as modified herein, to all shipments from Canada, regardless of origin of the commodities included in the shipment, moving in transit through the United States to any foreign destination. The Collector of Customs at the United States port of exit shall require for each shipment a copy of Form B-13, Canadian Customs Entry, certified or stamped by the Canadian customs authorities. However, the Form B-13 need not be presented if the shipment is made under a validated United States export license or any applicable United States general license other than this General License GIT. Where the commodity description, quantity, ultimate consignee, country of ultimate destination, or any other pertinent detail of such shipment is not the same on the United States Shipper's Export Declaration as that shown on the required Form B-13, Canadian Customs Entry, a corrected Form B-13 authorizing the shipment is required unless, as indicated above, the exporter chooses instead to make the shipment under a validated United States export license or an applicable United States general license other than this General License GIT.

(2) Any parties to the exportation shall submit any further proof which the Collector at the United States port of entry or at the port of exit may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. An exportation shall not be cleared for shipment by the Collector at the United States port of exit under General License GIT unless all provi-

sions of this general license have been complied with.

(c) *Types of shipments excepted from the provisions of General License GIT.*

(1) Commodities shipped to the United States under the provisions of a Form FC-826, United States Import Certificate, may not be reexported to any destination under this general license.

(2) Commodities disposed of by United States Government agencies under foreign excess property disposal programs may not be reexported to any destination under this general license.

**NOTE: 1.** License applications for in-transit shipments. See § 373.6 of this chapter for export application requirements for in-transit shipments where General License GIT is not applicable.

**2. Schedule S numbers.** All shipments, except shipments by air, of merchandise for which the Declaration for In-transit Goods (Commerce Form 7513) is required, must be shown in terms of Schedule S as well as in terms of Schedule B. Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States Arranged in Shipping Commodity Groups, which is obtainable without charge from the U.S. Department of Commerce, Bureau of the Census, Washington, D.C., 20233.

**3. Other general licenses.** The provisions of § 371.9 of this chapter shall not be construed as limiting the use of any other general license specifically authorized.

#### § 371.10 General License GLV; shipments of limited value.

(a) *General License GLV.* A general license designated GLV is hereby established, subject to the other provisions of this § 371.10, authorizing the exportation in a single shipment of any commodity on the Commodity Control List to Country Group T, V, or X provided the net value of the commodity included in a single entry does not exceed the GLV dollar-value limit specified for the appropriate Country Group T, V, or X in the column headed "GLV \$ Value Limits for Shipment to Country Groups T, V, or X."

(b) *Shipments to Canada.* The following commodities may be exported to Canada provided the net value of a single shipment does not exceed \$100:

Export control commodity No.	Commodity description
24331--	Walnut lumber, rough sawed, if 2½ inches or over in thickness, and 2 feet or over in length.
24332--	Walnut lumber, dressed, worked, or patterned (planed, tongued, grooved, or otherwise surface worked), including small dimension stock, if 2½ inches or over in thickness and 2 feet or over in length.

(c) *Definitions—(1) Net value.* Net value means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(2) *Single shipment.* Single shipment means a shipment of commodities which move at the same time from one exporter to one consignee or intermediate

consignee on the same exporting carrier even though such shipment is to be forwarded to one or more ultimate consignees. However not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one consignee or intermediate consignee.

(d) *Evasion of "Single Shipment" provisions.* Shipments designed as a device to evade the requirement of a validated export license are prohibited. Such devices include, but are not limited to, (1) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment; (2) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits but which have a combined value in excess thereof.

**NOTE:** To determine the net value of a commodity which may be exported in a single shipment under the provisions of General License GLV, the exporter should first determine which country group includes the proposed country of destination. (See § 370.1 (g) of this chapter.) The exporter should then find the commodity he proposes to export on the Commodity Control List. For each commodity, in the column titled "GLV \$ Value Limits for Shipment to Country Groups Shown Below" a dollar amount or a dash (—) is shown for each of the three applicable country groups. The exporter may ship this commodity in an amount not to exceed the dollar-value limit shown for the country group which includes the proposed destination. Where a dash (—) appears, the commodity may not be shipped to that country group under General License GLV.

(e) *Use of Other general licenses not restricted.* The provisions of this § 371.10 shall not be construed as limiting the use of any other general license specifically authorized. In particular it should be noted that the provisions of General License G-DEST (§ 371.7) permit the exportation of certain commodities in unlimited quantities to specified destinations.

#### § 371.11 General Licenses Baggage and Tools of Trade.

(a) *Definitions—(1) Accompanied baggage or tools.* Baggage or tools taken by a person departing from the United States on the same carrier on which he departs.

(2) *Unaccompanied baggage.* Baggage sent from the United States on a carrier other than that on which a person departs.

(b) *General license Baggage—(1) General provisions.* A general license designating Baggage is hereby established authorizing a person leaving the United States, but not including members of crews on vessels and aircraft,<sup>2</sup> to take to any destination, as personal baggage, accompanied or unaccompanied, the classes of commodities listed below. Unaccompanied shipments under this general license shall be clearly marked "Baggage." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior

<sup>2</sup> See General License Crew (§ 371.13(c)).

to or after, departure of the consignee or owner from the United States. However, commodities not identified by the symbol "B" in the last column of the Commodity Control List may not be taken out of the United States to Country Group W, Y, or Z under this general license.

(i) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects, and their containers.

NOTE: As used in the Export Regulations, usual and reasonable quantities and kinds of food should be limited, generally, to the quantities and kinds necessary and appropriate for use by a traveler or members of his immediate family during the outgoing and any immediate return voyage. Consequently, where a traveler desires to include, under General License Baggage, food in such quantities as to be obviously used for consumption after he has finished his voyage, or to be distributed as "gifts," such food is not included within the provisions of this general license.

(ii) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(iii) *Vehicles.* Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

Provided, That the above-indicated personal effects, household effects, and vehicles shall include only such articles as are owned by such person or members of his immediate family; are necessary and appropriate for the use of such person or his immediate family; are intended for his use or the use of his immediate family; and are not intended for sale.

(c) *General License Tools of Trade.* A general license designated **TOOLS OF TRADE** is hereby established, authorizing a person leaving the United States to take abroad usual and reasonable kinds and quantities of tools necessary in his trade, occupation, or employment under the conditions described in subparagraphs (1) and (2) of this paragraph. In all cases such tools must be accompanied by the person leaving the United States.

(1) *Tools owned by person leaving the United States.* Where the person leaving the United States owns the tools, such tools may be taken to any destination subject to the following conditions:

(i) The tools shall consist of implements or instruments used in such person's trade, occupation, or employment and may include the containers for such implements or instruments;

(ii) The tools shall be for the personal use of the person taking the commodities abroad;

(iii) The tools shall not be sold abroad; and

(iv) Only tools identified by the symbol "B" in the last column of the Commodity Control List may be exported or reexported under this general license to Country Group W, Y, or Z.

(2) *Tools not owned by person leaving the United States.* Where the person leaving the United States does not

own the tools, such tools may be taken to any destination except Country Group W, X, Y, or Z for use in installing, inspecting, testing, calibrating, or repairing any type of commodity subject to the following conditions:

(i) The tools shall consist of instruments or implements used in installing, inspecting, testing, calibrating, or repairing any type of commodity and may include the containers for such instruments or implements;

(ii) The tools shall be exported temporarily and may not be sold abroad;

(iii) From the time the tools are exported from the United States until they are returned to the United States, they shall be under the control of a person who is employed by or acting as agent for the owner of the tools.

(iv) The owner of the tools or a responsible official of the organization owning the tools shall promptly inform the Office of Export Control by letter that tools will be or have been shipped under General License Tools of Trade. This letter shall be addressed to the U.S. Department of Commerce, Office of Export Control, Attn: 8540, Washington, D.C., 20230, and shall include the following information:

(a) General description and the approximate value of the tools;

(b) Temporary destination of the tools;

(c) Date the tools will be or were shipped; and

(d) The following certification:

I (We) hereby certify that the tools described in this letter (1) will be used in installing, inspecting, testing, calibrating, or repairing a commodity; (2) will not be exported or reexported to Country Group W, X, Y, or Z; (3) will be exported temporarily and shall not be sold abroad; (4) will be under the control of a person who is employed by or acting as agent for (me) (us) from the time the tools are exported from the United States until they are returned to the United States. Further (I) (We) certify that ----- is authorized by (me) (us) to take these tools abroad.

(d) *Requirement for filing declaration.* A Shipper's Export Declaration must be filed in accordance with § 379.1 of this chapter whenever a shipment is exported under General License Baggage or General License Tools of Trade when shipped under a Bill of Lading. If the shipment is not made under a Bill of Lading, an oral declaration must be made to the Collector at the port of exit (see § 371.2 (a)).

NOTE: 1. *Commodities for sale.* Commodities exported for sale, even though carried in the baggage, with the tools of a traveler, or by a crew member, may not be exported under either General License Baggage, Tools of Trade, or CREW. Commodities exported for sale must be declared as a commercial shipment and may be exported only under a validated export license or under a general license applicable to such commercial shipments.

2. *Validated license requirement.* The provisions of § 379.1(a)(1) of this chapter also require the filing of a Declaration for authentication whenever a shipment is exported under a validated license.

3. *Oral declaration.* As stated in § 371.2(a), whenever the filing of a Declaration is not required by the Export Regulations or by the Foreign Trade Statistics Regulations, an oral

declaration describing the commodity or commodities shall be made to a Collector at the port of exit.

(e) *Customs authority to limit or prohibit shipments.* Collectors of Customs shall limit or prohibit the export of any commodity or commodities under General License Baggage or General License Tools of Trade whenever the kind or quantity is in excess of the limitations set forth in this section, or whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Office of Export Control.

#### § 371.12 General License GLD; Dunnage.

A general license designated GLD is hereby established, authorizing the exportation to any destination except Country Group Z (excluding Cuba), of usual and reasonable kinds and quantities of dunnage necessary and appropriate to stow or secure cargo on the outgoing and any immediate return voyage of an exporting carrier, when exported solely for use as dunnage, not intended for unloading in a foreign country and not exported under a Bill of Lading.

NOTE: 1. *Validated license requirements.* Proposed exports of dunnage that are not authorized for export to the country of destination under General License GLD or under any other general license must be authorized by a validated license in accordance with § 372.3 of this chapter.

2. *Filing of declaration for authentication.* A Shipper's Export Declaration must be filed in accordance with § 379.1(a)(1) of this chapter whenever a validated license is required for the export of dunnage. The Declaration may be executed and filed by the person in command of the exporting carrier or the owner or agents thereof on his behalf. A Declaration need not be filed when a shipment is exported under General License GLD (see § 371.2(a)).

#### § 371.13 General Licenses SHIP STORES, PLANE STORES, CREW, and RCS (Registered Carrier Stores).

(a) *General License SHIP STORES—*  
(1) *Scope.* A general license designated SHIP STORES is hereby established authorizing, subject to the provisions set forth below, the exportation on vessels of United States or foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities, provided such commodities are not intended for unloading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraphs (2) and (3) of this paragraph, for use or consumption on board a vessel of any registry, during the outgoing and immediate return voyage, except a vessel registered in, owned or controlled by, or under charter or lease to a country in Country Group Z or a national of any of these countries:

- (a) Bunker fuel;
- (b) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements;
- (c) Medical and surgical supplies;
- (d) Food stores;

- (e) Slop chest articles, and  
(f) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z or a national of any of these countries.

(2) *Restrictions on the exportation of petroleum and petroleum products*—(1) *Far Eastern Communist ports.* No exportation of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (a) has called at a port under Far Eastern Communist control<sup>6</sup> during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (b) will call at a port under Far Eastern Communist control<sup>6</sup> within 120 days after the date on which such commodities are laden aboard the vessel; or (c) will carry within the next 120 days commodities, of any origin, known by the owner, master, or agent to be destined directly or indirectly to these ports, unless the commodities so carried are covered by an export license issued by the Office of Export Control or any other agency of the United States Government.

(ii) *Cuban ports.* No exportation of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel, regardless of tonnage, departing from the United States for use on board such vessel if the vessel (a) will call at a port under Cuban control on its current voyage or (b) is ineligible to carry United States Government financed cargo because it has called at a port under Cuban control at any time since January 1, 1963.

(iii) *Registry restrictions.* No exportation of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel is registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z, or

a national of any of these countries. No such exportation may be made on a foreign vessel, regardless of tonnage, if the vessel is registered in, owned or controlled by, or under charter or lease to Cuba or a Cuban national.

(3) *Restricted commodities.* The provisions of subparagraph (2) of this paragraph are applicable to the following commodities:

Export control commodity No.	Commodity
331----	Petroleum crude (including shale oil).
33210--	Gasoline, excluding jet fuel.
33210--	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
33220--	Jet fuels, all types.
33220--	Kerosene.
33230--	Distillate fuel oils.
33240--	Residual fuel oils.
33250--	Cylinder bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 95 seconds or more).
33250--	Lubricating oils and greases.
33262--	Mineral waxes.
33291--	Insulating or transformer oils, cutting oils, white mineral oils (excluding medicinal grade).
33294--	Petroleum coke.
33295--	Petroleum bitumen and other petroleum and shale oil residues.
33296--	Bituminous mixtures, based on asphalt, petroleum, etc.
52140--	Aliphatic naphtha, in containers over 4 oz.; mineral spirits, solvents and other finished light aliphatic products, n.e.c.

(b) *General license Plane Stores*—

(1) *Scope.* A general license designated Plane Stores is hereby established authorizing, subject to the provisions set forth below, the exportation on aircraft of United States or foreign registry departing from the United States, of usual and reasonable kinds and quantities of the indicated commodities, provided such commodities are not intended for unloading in a foreign country and are not exported under a Bill of Lading as cargo.

(i) The following commodities may be exported, subject to the conditions set forth in subparagraph (2) of this paragraph, for use or consumption on board an aircraft of any registry, during the outgoing and immediate return voyage, except an aircraft registered in, owned or controlled by, or under charter or lease to a country in Country Group Z (excluding Cuba) or a national of any of these countries:

- (a) Fuel;  
(b) Deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements;  
(c) Medical and surgical supplies;  
(d) Food stores;  
(e) Slop chest articles;  
(f) Saloon stores or supplies.

(ii) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z

(excluding Cuba), or a national of any of these countries.

(2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft.* No exportation of petroleum or petroleum products (including those used as fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft if the aircraft (i) has called at any point under Far Eastern Communist control<sup>7</sup> during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (ii) will call at any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the aircraft, (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by the Office of Export Control or any other agency of the United States Government; or (iv) is registered in, owned or controlled by, or under charter or lease to a country included in Country Group W, Y, or Z (excluding Cuba), or a national of any of these countries.

(c) *General license CREW.* A general license designated CREW is hereby established, authorizing a member of the crew on an exporting carrier to export among his effects the following classes of commodities:

(1) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.

(2) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

*Provided,* That the above-indicated personal and household effects shall include only such articles as are (i) owned by such crew member; (ii) intended, necessary, and appropriate for his use or that of his immediate family; (iii) in his possession at the time of his departure from the United States for a foreign country; (iv) not intended for resale; (v) not exported under a Bill of Lading as cargo; (vi) not intended for importation into a country included in Country Group Z; and (vii) not exported from the United

<sup>6</sup> "Port under Far Eastern Communist control" means any port in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Taiwan (Formosa); (2) Communist-controlled area of Viet-Nam; (3) North Korea; (4) Pacific region of the Union of Soviet Socialist Republics which comprises, The Maritime Provinces of Primorskiy Kray and Khabarovskiy Kray, as well as Sakhalin Island and the Kurile Islands under USSR administration.

<sup>7</sup> "Point under Far Eastern Communist control" means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Taiwan (Formosa); (2) Communist-controlled area of Viet-Nam; (3) North Korea; (4) Pacific region of the Union of Soviet Socialist Republics which comprises the Maritime Provinces of Primorskiy Kray, Khabarovskiy Kray, Sakhalin Island and the Kurile Islands under USSR administration.

States on a carrier which is registered in a country included in Country Group Z.

(d) *General license RCS (Registered Carrier Stores)*. A general license designated RCS is hereby established authorizing exportations to any destination except Country Group Y or Z (excluding Cuba), in accordance with the provisions of this paragraph.

(1) Exportation may be made of the commodities set forth in subparagraph (3) of this paragraph, for use by or on a specific vessel or plane of United States or Canadian registry located at any seaport or airport outside the United States or Canada except a port located in Country Group Y or Z (excluding Cuba), provided that such commodities are:

(i) Ordered by the person in command of the vessel or plane to which they are consigned, or the owner or agent thereof;

(ii) Intended to be used or consumed on board such vessel or plane and necessary for the proper operation of such vessel or plane;

(iii) In usual and reasonable kinds and quantities; and

(iv) Shipped as cargo for which a Shipper's Export Declaration is filed with a Collector of Customs.

(2) Exportation may be made of the commodities set forth in subparagraph (3) of this paragraph, to a United States or Canadian airline's installation or agent located abroad in any destination except Country Group Y or Z (excluding Cuba), provided such commodities are:

(i) Ordered by a United States or Canadian airline and consigned to its own installation or agent abroad;

(ii) Intended to be used in the maintenance, repair, or operation of aircraft registered in either the United States or Canada, and necessary for the proper operation of such aircraft, except such aircraft located in, or owned, operated or controlled by, or leased or chartered to, a country included in Country Group Y or Z (excluding Cuba) or a national of any such country;

(iii) In usual and reasonable kinds and quantities; and

(iv) Shipped as cargo for which a Shipper's Export Declaration is filed with a Collector of Customs.

(3) The following commodities may be exported under the provisions of this general license:

- (i) Fuel;
- (ii) Deck, engine, and steward department stores, provisions and supplies;
- (iii) Medical and surgical supplies;
- (iv) Food stores;
- (v) Slop chest articles;
- (vi) Saloon stores or supplies;
- (vii) Equipment and spare parts.

NOTE: 1. *Limitation on use of General Licenses Ship Stores, Plane Stores and RCS*. The provisions of this § 371.13 do not authorize the exportation of any equipment or spare parts which are under the export licensing authority of the Department of State (see § 370.5(a) of this chapter). The provisions of this § 371.13 relate only to those commodities which are under the export

licensing authority of the Office of Export Control.

2. *Validated license requirements*. Proposed exports of all ship and plane stores, supplies and equipment, and all commodities to be exported by a crew member among his effects that are not authorized for export to the country of destination under General License Ship Stores, RCS, Plane Stores, or Crew, or are not authorized for export under any other general license must be authorized by a validated license. Whenever a validated license is required for the export of ship stores, plane stores, supplies, and equipment, license application shall be prepared as set forth in § 372.7 of this chapter.

3. *Filing of declaration for authentication*. Whenever a shipment is exported under General License Ship Stores, Plane Stores, or Crew, a declaration need not be filed (see § 379.1(a)(2) of this chapter). Whenever a validated license is required for the export of commodities, a Declaration must be filed in accordance with the provisions of § 379.1(a)(1) of this chapter. Insofar as ship and plane stores, supplies and equipment are concerned, the Declaration may be executed and filed by the master of the exporting vessel, the commander of the exporting plane, or the owner or agents of such vessel or plane.

#### § 371.14 General License GUS; shipments to personnel and agencies of the United States Government.

A general license designated GUS is hereby established, authorizing exportations to any destination as follows:

(a) *Commodities for personal use*. Commodities in quantities sufficient solely for the personal use of members of the United States Armed Forces, and their immediate families and servants, and of civilian personnel of the United States Government, and their immediate families and servants. Civilian personnel of the United States Government includes representatives of the United States Government to public international organizations. Commodities for personal use include household effects, food, beverages, and other daily necessities.

(b) *Commodities for official use*. Any commodities consigned to and for the official use of any agency of the United States Government. The term "agency of the United States Government" includes all civilian and military departments, branches, missions, government-owned corporations, and other agencies of the United States Government, but does not include such national agencies as the American Red Cross or international organizations in which the United States participates such as the Organization of American States. Therefore, shipments may not be made under this general license to these non-government national or international agencies.

#### § 371.15 General License GLC; exportations of commercial vehicles by certain civil airlines and by private or common carriers.

A general license designated GLC is hereby established authorizing the exportations described in this section.

(a) *Air carriers*. Civil aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate, or Air Taxi Operating Certificate issued by the Federal Aviation Agency may depart from the United States for

any destination other than a destination in Country Group Y or Z (excluding Cuba); except that United States registered aircraft shall not depart for the purpose of sale, resale, lease, charter, or any other disposition to a foreign country or any national thereof, and except that the aircraft's United States registration shall not be changed while abroad.

NOTE: This provision is not intended to prevent an otherwise eligible United States registered aircraft from departing from the United States under General License GLC for the purpose of conducting a round trip flight to a foreign country(ies) and subsequent return to the United States.

(b) *Other carriers*. Trucks, buses, trailers, railroad rolling stock, and other commercial vehicles when operated by private or common carriers between the United States and other countries may be exported from the United States to any destination except Country Group Y or Z, provided that such vehicles, except those imported into the United States from a foreign country, shall not be exported for the purpose of resale.

#### § 371.16 General License GTF; goods imported for trade fairs.

A general license designated GTF is hereby established authorizing the exportation, under the conditions set forth in paragraph (a) or (b) of this section, of commodities which were imported into the United States for exhibition at a trade or similar fair held in the United States and which were either entered under bond or permitted temporary free importation under bond providing for their exportation and which are being exported in accordance with the terms of such bond.

(a) *Return to country from which imported*. Such commodities may be returned to the country from which imported into the United States except to Country Group Z.

(b) *Exportation to other destinations*. For exportations which are not being returned to the country from which imported, such commodities may be exported to any destination except:

(1) Where the commodities were imported into the United States pursuant to a United States Import Certificate, or

(2) Where the exportation from the United States will be made to Country Group W, X, Y, or Z.

NOTE: The provisions of this § 371.16 do not prohibit the use of any other applicable general license for the exportation of commodities which were originally imported into the United States for exhibition at trade or similar fairs.

#### § 371.18 General License GLR; return of certain commodities imported into the United States.

A general license designated GLR is hereby established, authorizing exportations described below. When an exportation is made under the provisions of paragraphs (a) through (e) of this section, the entry number (if any), the country from which the commodities were imported, and the port of entry shall be shown on the Shipper's Export Declaration.

\* See § 370.1 (q) and (r) of this chapter for definitions of United States and Canadian airlines.

(a) *Commodities sent to the United States for inspection, testing, calibration or repair.* (1) Any commodity which has been sent to the United States for inspection, testing, calibration or repair may be exported under this general license to the country from which it was sent, except as indicated in subparagraph (2) of this paragraph. The commodity returned may include any replacement or rebuilt parts which are necessary to repair the commodity and may be accompanied by any spare part, tool, accessory, or other item sent to the United States for use in connection with the inspection, testing, calibration, or repair.

(2) The provisions of this paragraph (a) do not apply to:

(i) Exportations to Country Group W, X, Y, or Z.

(ii) Commodities disposed of by United States Government agencies under foreign excess property disposal programs.

(b) *Containers.* Exportation may be made of metal drums, gas cylinders, bags and other containers (whether manufactured in the United States or a foreign country) which are imported into the United States for the purpose of transporting contained commodities to or from the United States to any destination other than Country Group Z, whether such container is exported (1) empty, or (2) filled with any commodity which may be exported under a general license, or (3) filled with any commodity for which a validated license has been issued by the Office of Export Control.

(c) *Commodities failing to conform to specifications or shipped without the consent of the consignee.* A commodity which does not conform to sample or other specifications, or was shipped without the consent of the consignee and is in the same condition it was in when imported into the United States, may be returned under this general license to the country from which it was exported to the United States. This paragraph (c) does not apply to the return of commodities to Country Group Z.

(d) *Return of shipments refused entry.* Shipments of commodities refused entry by the United States Bureau of Customs, by the Food and Drug Administration, or by other United States Government agencies may be returned under this general license to the country of origin, except that this paragraph (d) does not authorize the return of any shipment to Country Group Z, or any shipment to any destination where such shipment has been refused entry by the United States Bureau of Customs because of the Foreign Assets Control Regulations of the Treasury Department unless such return is licensed or otherwise authorized by the Treasury Department, Foreign Assets Control.

(e) *Commodities exported for inspection, testing, calibration, repair, overhaul, and return to United States.* (1) Any commodity which was manufactured in a foreign country may be exported under this general license to the country from which originally imported into the United States or to the country in which manufactured for the purpose of being inspected, tested, calibrated, repaired or

overhauled and returned to the United States, except that no exportation may be made under this paragraph (e) to Country Group X, Y, or Z. Any commodity exported under this general license shall be returned to the United States as soon as the repair or overhaul is completed.

(2) Where a commodity is returned to the country of manufacture and this is not the same country as the one from which imported into the United States, the name and address of the manufacturer shall be shown on the Shipper's Export Declaration in addition to the information required by the first paragraph of this § 371.18.

(f) *Commodities exported to replace defective or unacceptable United States origin—parts or equipment.*—(1) Any commodity may be exported under the provisions of this general license to replace any defective or unacceptable United States origin part or equipment subject to the following conditions:

(i) No commodity may be exported to Country Group W, X, Y, or Z.

(ii) No commodity shall be used to replace any defective part or equipment owned or controlled by, or leased or chartered to, a country included in Country Group W, Y, or Z, or a national of any of these countries.

(iii) The commodity shall not be technologically advanced over the defective parts or equipment.

(iv) The defective part or equipment which is replaced shall have been previously exported under a validated export license.

(v) The defective part or equipment which is replaced shall be either destroyed abroad or returned to the United States prior to or promptly after, the replacement is exported from the United States.

(vi) The defective part or equipment shall be replaced free of charge, except that a charge may be made for transportation and labor only.

(2) Any exportation made under the provisions of this paragraph (f) shall be cleared with the Collector of Customs in accordance with Part 379 of this Chapter except that the exporter or his duly authorized agent shall:

(i) Present to the Collector an additional copy of the Shipper's Export Declaration in accordance with the provisions of § 379.3(c)(3) of this chapter; and

(ii) Place the following certification, substituting the appropriate parenthetical phrases if applicable, on the Shipper's Export Declaration:

I (We) certify that the commodity(ies) described on this Declaration are being exported under the provisions of General License GLR to replace a defective or unacceptable United States origin part or equipment previously exported from the United States under validated export license number \_\_\_\_\_. I (We) further certify that the defective or unacceptable part or equipment has been (shall

\*The provisions of this paragraph (f) do not apply to any commodity to be used in replacing any part or equipment which is worn out from normal use or which is being replaced in order to obtain any part or equipment incorporating improved design or technology.

be promptly) returned to the United States (destroyed abroad).

#### § 371.19 General Licenses GTDP, GTDU, and GTDS; technical data.

See § 385.2 of this chapter for provisions of these general licenses.

#### § 371.21 General License GIFT; shipments of gift parcels.

(a) *Scope.* A general license designated GIFT is hereby established authorizing the exportation in gift parcels of any commodity identified by the symbol "B" in the last column of the Commodity Control List, addressed to an individual or to a religious, charitable, or educational organization located in any destination except Country Group Z (excluding Cuba), provided that such exportations are made in accordance with the provisions of this § 371.21.

*NOTE: Use of other general licenses.* In the export of gifts, the donor is not restricted to the use of General License GIFT. If the provisions of any other general license, such as GLV or G-DEST, or if any other procedure of the Office of Export Control authorizing the export of commodities applies to the export of the gift, such other license or procedure may be used.

(b) *Definition.* The term "gift parcel" as used herein means a parcel containing commodities identified by the symbol "B" in the last column of the Commodity Control List to be sent by an individual in the United States (the donor) free of cost to an individual or a religious, charitable, or educational organization in a foreign destination (the donee) for the use of the donee or the donee's immediate family in the case of an individual, and for use by the organization in the case of a religious, charitable, or educational organization. The payment by the donee of any handling charges, or of any fees levied by the importing country (e.g., import duties, taxes, etc.) are not considered to be a cost to the donee for purposes of this definition of "gift parcel."

The term "gift parcel" does not include multiple parcels exported in a single shipment for delivery to individuals residing in a foreign country. Such multiple parcel shipments, unless authorized by one of the other general licenses set forth in this Part 371, must meet validated license requirements, including the submission of a license application in accordance with all of the provisions of the Export Regulations.

(c) *Commodity, value, and other limitations.*—(1) *Manner of sending.* Under this general license a gift parcel must be sent directly to the donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the donor, regardless of whether sent by him or by a forwarding service.

(2) *Commodity limitations.* Commodities which may be included in each gift parcel under this general license are restricted to those types of commodities which are (i) identified by the symbol "B" in the last column of the Commodity Control List, and (ii) normally sent as gifts, such as food, clothing, toilet articles, and medicinals and pharmaceu-



tical preparations in dosage form. The export of military wearing apparel to Country Groups X, Y, or Z under this general license is specifically prohibited, whether or not all distinctive United States military insignia, buttons, or other markings are removed.

(3) *Dollar-value limitations.* The combined total domestic retail value of all commodities included in a single parcel shall not exceed \$100.

(4) *Postal, size, and weight limitations.* A gift parcel sent via parcel post under this general license shall conform with applicable post office regulations as to size, weight, and permissible contents. A gift parcel sent via air express, air cargo, or air freight, is not limited as to size or weight by the provisions of this general license.

(5) *Other limitations.* Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(d) *General license designation.* In addition to bearing the name and address of both the donor and the donee, all gift parcels presented for shipment under this general license must have the notation "Gift—Export License Not Required" written on the addressee side of the package and the word "Gift" written on any required customs declaration.

**NOTE: 1. Import regulations of receiving country.** The sending of merchandise as gifts is also subject to the import regulations of the receiving country. Many foreign countries permit the entry, duty-free, of gift parcels which conform to regulations regarding contents and marking. To secure this advantage, the sender should show the words "U.S.A. Gift Parcel" on the addressee side of the package and on any required customs declaration.

**2. Information on import regulations.** Senders of gift parcels who wish information regarding the import regulations of a foreign country should consult their local post offices.

#### § 371.25 General License GATS; aircraft on temporary sojourn.<sup>10</sup>

A general license designated GATS is hereby established authorizing the departure from the United States, under the conditions set forth below, of foreign registry civil aircraft on temporary sojourn in the United States and of United States civil aircraft for temporary sojourn abroad.

(a) *Foreign registered aircraft.* An operating civil aircraft of foreign registry which has been in the United States on a temporary sojourn may depart from the United States under its own power for any destination except Country Group W, Y, or Z (excluding Cuba), provided that the aircraft has not been sold or disposed of while in the United States, and provided it does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency.

(b) *United States Registered Aircraft.* An operating civil aircraft of United States registry may depart from the United States under its own power for a

temporary sojourn abroad under the conditions set forth in subparagraphs (1) and (2) of this paragraph (b).

(1) A United States operating civil aircraft may depart from the United States under its own power for any destination except Country Group W, Y, or Z, provided that:

(i) The aircraft does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a United States licensed pilot (except on demonstration flights) while abroad;

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Office of Export Control;

(v) The aircraft's United States registration will not be changed while abroad.

(2) Where it is decided that the aircraft or any of its equipment, parts, accessories or components will be sold or leased abroad, or is not to be returned to the United States for any other reason, request shall be made to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230, for authorization of such disposition.

(i) The request shall be by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for nonreturn to the United States, the country in which the aircraft will be registered, the commodity description, Export Control Commodity Number of the commodity, value and quantity, as well as the name and address and identity of each party to the proposed transaction. In addition the request shall be accompanied by all documents which would be required in support of an application for export license for shipment of the same commodity directly from the United States to the proposed destination.

(ii) If the request for authorization of nonreturn of the aircraft is approved, the Office of Export Control will stamp the letter of request with the validation stamp of the U.S. Department of Commerce and return one validated copy to the applicant. Where the request is not approved by the Office of Export Control, the applicant will be advised by letter.

**NOTE: 1. Declaration not required on departure.** A Shipper's Export Declaration form need not be submitted to the Collector of Customs when an operating civil aircraft departs from the United States under the provisions of General License GATS.

**2. Declaration required on non-return to the United States.** Where the Office of Export Control approves the non-return to the United States of a United States registered aircraft and the aircraft is disposed of abroad, the required Shipper's Export Declaration shall be submitted to a Collector of Customs located at any port in the Customs District from which the aircraft departed.

**3. Aircraft licensed by the Department of State.** The provisions of General License GATS do not apply to aircraft under export licensing authority of the Department of State. These aircraft are described on the

United States Munitions List. The departure of such aircraft must in all cases comply with the export regulations of the Department of State.

#### § 371.26 General License GMS; shipments under the Mutual Security Act.

(a) A general license designated GMS is hereby established authorizing the exportation of commodities sold by the Department of Defense to a foreign government, other than the government of a country included in Country Group W, Y, or Z, under the provisions of the Mutual Security Act of 1954, Public Law 665, 83d Congress, approved August 26, 1954 (68 Stat. 832), as amended. In addition to entering the symbol GMS on the Shipper's Export Declaration (see § 371.2(b)), the MSMS (Mutual Security Military Sales) case number assigned by the Department of Defense to the transaction shall be entered on the Declaration.

(b) The following completed destination control statement is required on each copy of the Shipper's Export Declaration, Bill of Lading, and invoice covering a shipment under this General License GMS:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

The alternative forms of the destination control statement set forth in § 379.10(c)(2)(ii) and (iii) of this chapter are not applicable to such shipments and will not be accepted.

#### PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Sec.	Applicability of provisions.
372.1	Definitions of validated licenses.
372.2	Exportations requiring validated licenses.
372.3	Applications for validated licenses.
372.4	How to file an application for a validated license.
372.5	License applications for intranet shipments.
372.6	License applications for ship stores, plane stores, supplies and equipment.
372.7	Disclosure of prior action on the shipment.
372.8	Documents accompanying license applications.
372.9	Additional information.
372.10	Issuance and use of validated license.
372.11	Reexportation.
372.12	Duplicate license.
372.13	Return of revoked, expired, or unused license.
372.14	Reports.
372.15	License application for commodities which transit Country Group Y or Z enroute to any other destination.
372.16	

**AUTHORITY:** The provisions of this Part 372 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

#### § 372.1 Applicability of provisions.

The provisions of this part and (insofar as consistent with its provisions) all of the other provisions of the Export Regulations shall apply to applications for export licenses submitted to, and in-

<sup>10</sup> Also see § 371.15(a), General License GLC.

dividual licenses issued by the Office of Export Control. These provisions also shall apply equally to other types of validated licenses and applications therefor, insofar as consistent with the provisions of Parts 374 to 399, inclusive, of this chapter relating to such other types of validated licenses.

**NOTE:** Special provisions for certain commodities and destinations are set forth in Part 373 of this chapter.

### § 372.2 Definitions of validated licenses.

(a) *Validated license.* The term "validated license" means a document authorizing exportation, issued by, or under the authority of, the Office of Export Control. Wherever reference is made in this Part to an application for a license or to a license issued upon application, the reference is to a validated license, as distinguished from the general licenses established in Part 371 of this chapter for which no application is required and for which no license document is issued.

(b) *Individual license.* An "individual license" is any validated license other than those named in paragraphs (c) through (f) of this section, authorizing the exportation of technical data or a specified quantity of commodities during a specified period to a designated consignee.

(c) *Project License.* A "Project License" is a validated license authorizing the exportation of commodities (and technical data where specifically authorized) required for a specified activity for a period of approximately one year from the issuance of the license (see Part 374 of this chapter).

(d) *Blanket License.* A "Blanket (BLT) License" is a validated license authorizing the exportation of specified quantities of a specific commodity during a specified period to two or more consignees in the same country of destination (see Part 375 of this chapter).

(e) *Periodic Requirements License.* A "Periodic Requirements (PRL) License" is a validated license authorizing the exportation during a one-year period of one or more of the commodities identified by the symbol "E" in the last column of the Commodity Control List (§ 399.1 of this chapter), to one or more named ultimate consignees in a named ultimate destination (see Part 376 of this chapter).

(f) *Time Limit License.* A "Time Limit (TL) License" is a validated license authorizing the exportation of an unlimited quantity of commodities for a period of one year to one or more ultimate consignees located in Country Group T (see Part 377 of this chapter).

(g) *Technical Data License.* A "Technical Data License" is a validated license authorizing the exportation of specified technical data during a specified period to a specified ultimate consignee(s) (see Part 385 of this chapter).

### § 372.3 Exportations requiring validated licenses.

No commodity or technical data subject to the Export Regulations of the Office of Export Control may be exported to any destination without a validated license issued by the Office of Export Control, except where the exportation is

authorized by a general license or other authorization granted, issued, or established by the Office of Export Control.

**NOTE:** Certain commodities and technical data are subject to the export licensing authority of other agencies of the Government. The Office of Export Control does not issue export licenses for those commodities (see § 370.5 of this chapter).

### § 372.4 Applications for validated licenses.

(a) *Who may apply—(1) General.* (i) An application for an export license may be made by any person subject to the jurisdiction of the United States who is in fact the exporter, or by his duly authorized agent. In either event, the exporter must be shown as the applicant.

(ii) The applicant for a license should be that person who, as the principal party in interest in the export transaction, has the power to determine and control, and the responsibility for determining and controlling the sending of the commodities and technical data out of the country and is thus in reality the exporter. For this purpose, it is the identity of the applicant and his role in the transaction, and not the terms of sale, with which the Office of Export Control is primarily concerned. If, in a given transaction, he has the responsibility for effecting exportation, such person is a proper applicant. If, on the other hand, he does not assume such responsibility, he is not a proper applicant.

(iii) If the seller intends to leave the responsibility for effecting exportation in the hands of the foreign importer or the latter's forwarding or purchasing agent in the United States, he should not apply for the license or appear as exporter. In each such case, the forwarding or purchasing agent should appear as applicant and exporter unless the foreign importer himself is subject to the jurisdiction of the United States at the time of exportation. In this event the latter should apply for the license in his own name. If any forwarding or purchasing agent applies for the license, he must disclose the fact of his agency and the name of his principal.

(iv) An application will be not considered from any person not subject to the jurisdiction of the United States unless such application is made on his behalf by an authorized agent in the United States. The agent authorized to file the application then becomes the applicant. Ordinarily, a seller who delivers commodities in this country to a foreign buyer, or to the latter's forwarder or other agent, would not be in a position to assume responsibility for the exportation and so would not be a proper applicant. This would normally be the situation where the sale is made f.o.b. factory, although it is recognized that such terms of sale may relate only to price and are not necessarily inconsistent with the assumption by the seller of full responsibility for effecting the exportation.

(2) *Order party.* (i) Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, or through his or their agents abroad (except as provided in subdivision (iii) of

this subparagraph), the application must also be signed by the person in the United States who originally received the order (the order party) as well as by the applicant. The order party is that person in the United States who conducted the direct negotiations or correspondence with the foreign purchaser or ultimate consignee and who, as a result of these negotiations, received the order from the foreign purchaser or ultimate consignee.

(ii) The order party should be shown in the "Order Party's Certification" space on the application form and should not be entered as an applicant in the space provided for the applicant. The license, when issued, will show as licensee only the party shown as applicant on the application form.

(iii) (a) The signature of the order party is not required in cases where: (1) Maintenance, repair, or operating supplies are to be exported for use and consumption by the ultimate consignee and not for resale; and (2) the applicant has complete records and information concerning the transaction(s), including all correspondence between the foreign consignee and the person in the United States who originally received the order; and (3) the application is supported by the following certification from the ultimate consignee:

I (We) certify that \_\_\_\_\_ has received and will continue to receive all records and information, including correspondence, regarding the negotiations between \_\_\_\_\_ and \_\_\_\_\_ (Order party) (Ultimate consignee) relating to the export order for maintenance, repair and operating supplies to be used and consumed, but not resold, by the undersigned and upon which the application for an export license dated \_\_\_\_\_ is based. Any material changes in the information transmitted to the applicant will be promptly communicated to him.

\_\_\_\_\_  
(Ultimate consignee)  
\_\_\_\_\_  
(Date of signing)

(b) If the consignee prefers, he may submit the following multiple certification, in original and one copy, covering all such orders placed by him with the applicant within a period ending on June 30 of the year following the year in which the certification is executed unless an earlier termination date is specified:

I (We) certify that \_\_\_\_\_ has received \_\_\_\_\_ (Applicant) and will continue to receive, all records and information, including correspondence, regarding the negotiations between \_\_\_\_\_ (Order party) and \_\_\_\_\_ relating to the \_\_\_\_\_ (Ultimate consignee) export orders for maintenance, repair, and operating supplies to be used and consumed, but not resold, by the undersigned and which are the basis for all applications for export licenses placed by the applicant on or before \_\_\_\_\_ (Enter date not later than June 30 of next year)

Any material changes in the information transmitted to the applicant will also be promptly communicated to him.

\_\_\_\_\_  
(Date of signing)  
\_\_\_\_\_  
(Ultimate consignee)

(c) An application supported by a multiple order certification need not be signed by the order party but shall contain the following certification:

Instead of an order party signature, this application is supported by a multiple order certification dated \_\_\_\_\_ from the named consignee to this applicant and submitted in support of Application No. \_\_\_\_\_ (Case No.)

(d) An application supported by a single order certification covering a purchase order for commodities which require more than one application shall contain the following certification:

Instead of an order party signature, this application is supported by a single order certification dated \_\_\_\_\_ from the named consignee to the applicant and submitted in support of Application No. \_\_\_\_\_ (Case No.)

The shipment set forth on this application is covered by that certification.

(b) *Responsibility of the licensee.* Any applicant to whom an export license is issued becomes the licensee. He will be held strictly accountable for use of the license, whether as a principal exporting for his own account or as an agent, including an agent acting for the account of a foreign principal who is not subject to the jurisdiction of the United States. The licensee assumes responsibility for actually effecting the exportation, for proper use of the license, and for due performance of all its terms and conditions.

(c) *Requirement to disclose parties in interest—(1) Disclosure requirement.*

(i) The policies of export control require the fullest disclosure by the applicant of all parties in interest in order that the decision on the application may be made with the fullest knowledge of all relevant facts and in order that the identity and location of the persons who know the most about the transactions may be easily ascertained in the event of inquiry.

(ii) The applicant must disclose fully on the application for license the names of all parties who are concerned with or interested in the proposed exportation. This includes all parties participating on their own account, including the applicant as exporter, the ultimate consignee, the intermediate consignee, and the purchaser, all as defined below in this paragraph. If the application is filed for an account other than that of the applicant, the agent, as applicant, must disclose the name of his foreign principal for whose account the exportation is to be made. The true parties in interest as known to the applicant must be disclosed.

(iii) There may be cases in which more than one person in a transaction may fairly be described as being a principal. In such cases, the application should be accompanied by a statement giving the names and addresses of all such persons and their roles in the transaction. Where there is any doubt as to which of several persons should be named as the party to the license, the applicant should disclose the names of all and the functions to be performed by each. For this purpose a separate statement attached to the application will be acceptable.

(2) *Definitions of parties in interest—*

(i) *Applicant.* As set forth in para-

graph (a) of this section, the applicant for a license should be that person who, as the principal party in interest in the export transaction, has the power to determine and control and the responsibility for determining and controlling the sending of the commodities or technical data out of the country and is thus in reality the exporter.

(ii) *Ultimate consignee.* The person located abroad who is the true party in interest in actually receiving the exportation for the designated end use must be named as the ultimate consignee. In all cases, the address of the ultimate consignee must be in the country of destination specified for the proposed exportation. A bank, freight forwarder, forwarding agent, or other party, when acting as an intermediary, is not acceptable as the ultimate consignee.

(iii) *Intermediate consignee.* The bank, forwarding agent, or other intermediary (if any) who acts in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the exportation to the ultimate consignee, must be named on the application, if known. If no intermediary is to be used, or if the intermediate consignee is unknown at the time of the application, this fact must be stated on the application.

(a) Optional intermediate consignees may be indicated on the application for export license by an exporter who is unable to determine, at the time of filing his license application, at which port the commodities will be unloaded from the exporting carrier.

(b) In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee to be used must be ascertained and set forth on the Shipper's Export Declaration, whether or not named on the license application or validated license (see § 379.4(b)(3) of this chapter). However, the name and address of the intermediate consignee need not be shown on the commercial invoice.

(c) Amendment of the export license is required if an intermediate consignee to be used in the export transaction is not located in the country of ultimate destination unless named on the export license.

(d) If the newly added intermediate consignee is located in the country of ultimate destination, an amendment is required only where the change in or addition of the intermediate consignee involves a consolidated shipment as provided by § 379.10(h)(2)(i)(c) of this chapter or where pursuant to notice from the Office of Export Control, in any case, the Collector of Customs specifically requires an amendment for this purpose.

(iv) *Purchaser.* The person abroad who has entered into the export transaction with the applicant to purchase the commodities or technical data for delivery to the ultimate consignee must be named as the purchaser. If such person is the same as the ultimate consignee, the applicant should state in the "Purchaser" item of Form FC-419, Application for Export License, "Same as Item 4"; if such person is the same as

the intermediate consignee, the applicant should state in the "Purchaser" item of Form FC-419, "Same as Item 5". A bank, freight forwarder, forwarding agent, or other intermediary is generally not acceptable as the purchaser.

(d) *Legal liability for violations.* Insofar as legal liability for any violation of the export control law and Export Regulations is concerned, every person who in any capacity participates in fact in an exportation knowing it to be unauthorized may be held to account, whether or not he appears as the party on the application for the export license (see Part 381 of this chapter).

(e) *Information regarding commodities.* The applicant must state on the application for a validated license submitted on Form FC-419 (Revised on or after January 1956), in accordance with the instructions set forth on such form (see § 372.5(a)(4)), for each commodity listed therein:

(1) The quantity to be shipped;

(2) A description in sufficient detail to permit accurate identification, including its Export Control Commodity number;

(3) The total selling price of the item and its price per unit; and

(4) The proposed end use.

(f) *Substantiation of representations made in license application—(1) Orders and substantiation of other material facts.* Except as provided in subparagraph (3) of this paragraph or except in connection with the submission of an application for a Time Limit License or a Periodic Requirements License, no application for an export license shall be made unless and until the applicant has, supported by documentary evidence in his possession, or in the possession of the order party (as defined in paragraph (a)(2) of this section) who signs the application in accordance with the requirements of paragraph (a)(2) of this section:

(i) An order for export for the commodities or technical data covered by the application. If the applicant for the export license is not the person who conducted the direct negotiations or correspondence relative to the order with the ultimate consignee or foreign purchaser, as designated in the application for export license, and did not receive the order from the ultimate consignee or foreign purchaser, the application must be completed in accordance with paragraph (a)(2) of this section.

(ii) Substantiation of the following facts relating to the purchase transaction which the applicant must disclose on the application, Form FC-419 (see § 372.5):

(a) Country of ultimate destination;

(b) Names and addresses of the ultimate consignee, intermediate consignee (if any), purchaser (if other than ultimate consignee), and any other party to the purchase transaction, whether principal or agent, including but not limited to brokers, representatives, or other agents through whom the order was received;

(c) Quantity and description of the commodities to be exported;

(d) End use of the exportation.

(2) *Definitions*—(1) *Order*. The term "order" as used herein means an order for export placed with an exporter in the United States, or through an order party as defined in paragraph (a) (2) of this section, by an importer in a foreign country which, if accepted by the exporter or the order party, will result in a binding contract between the exporter or the order party and the foreign importer. Conversely, however, an exporter's or order party's offer alone is not a basis for an application. While the terms of the order may be conditioned, such terms must be ascertainable and certain; for example, (a) the terms of payment may provide a price dependent upon the market price at the time of delivery; (b) the time or place of delivery may be dependent upon an event in the future, etc. An "order" is more than a mere business inquiry relating to the possible purchase of merchandise, although it need not be an agreement which can be presently executed. Furthermore, while orders may be conditioned upon the issuance to the exporter of an export license by the Office of Export Control or the issuance to the importer of an Import Permit or exchange permit by his government, or such other government document as may be required, such orders for export would still be considered as orders within the meaning of these provisions.

(i) *Evidence of an order*. Evidence of an order as used herein means any document or documents emanating from the foreign purchaser which set forth the terms and conditions of his offer to buy the materials or articles for which the export license is requested. Such evidence may take the form of a contract signed by both parties, or of letters, telegrams, cables, confirmations, or other documents which set forth in definite terms the offer of the foreign purchaser to buy or the acceptance by the foreign purchaser of the exporter's offer to sell.

(ii) *Evidence of facts relating to the purchase transaction*. Evidence of the facts relating to the purchase transaction means any documents emanating from the purchaser or ultimate consignee which relate to statements in the application enumerated in subparagraph (1) of this paragraph. Such evidence may be contained in the document or documents constituting evidence of the order, or in additional documents emanating from the purchaser or ultimate consignee. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(iv) *Order from foreign agent*. An order from the foreign agent of the United States exporter does not qualify as a proper order under this requirement where it is based on an order in the agent's hands from a specific purchaser. The regulations require that in such cases the purchaser's order must be transmitted to the United States exporter. However, an order from the foreign agent of the exporter would be

acceptable if the goods are intended for general resale to presently unknown end users. If such license application is approved, the license issued may include certain users.

(3) *Exceptions to order requirement*. Where, due to unusual circumstances (see examples in the Note in this subparagraph), an exporter believes that an exception to the requirement of an export order set forth in subparagraph (1) of this paragraph should be granted, the Office of Export Control will consider a request for such exception, provided that the transaction described in the application does not meet the requirements for filing an application for a Periodic Requirements License (PRL) or a Time Limit License (TL) as set forth in Parts 376 and 377 of this chapter, and further provided that the application is accompanied by:

(1) A Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, except where the provisions of Part 373 of this chapter require that the application be accompanied by an Import Certificate, a Hong Kong Import License, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate;

(ii) A statement explaining in full the reason or reasons for the requested exception; and

(iii) A certification that the transaction described in the application does not meet the requirements for filing an application for a Periodic Requirement License (PRL) or a Time Limit License (TL).

conditions to, or impose certain limitations on, exportations made under the license.

**NOTE:** The following are examples of reasons which, if fully substantiated, might warrant an exception:

1. The transaction between the applicant and the purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form.

2. An unusual expenditure of time, money, or technical skill, in excess of ordinary sales expenses, is necessary before a bid can be submitted and an order obtained.

3. The applicant is under an unusual obligation to supply the ultimate consignee immediately with the commodities covered, because of a special trade or industry practice.

(4) *Retention of records*. The documents constituting evidence of an order and of the facts relating to the purchase transaction, as defined in subparagraph (2) of this paragraph, or other transactions referred to in subparagraph (3) of this paragraph, shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter. (The Export Regulations require the keeping of records. See § 381.11 of this chapter.)

(5) *Copies of documents*. (i) The Office of Export Control may request either the originals of the documents constituting evidence of an order, or photostatic or other copies thereof. The time and manner of submission will be made known to the applicant at the time the request for submission is made. In accordance with § 372.9(a), all documents submitted in connection with a license application must be identified clearly as a part of that application.

Unless supporting documents are so identified, they will not be accepted by the Office of Export Control.

(ii) In submitting the documents requested, the provisions of § 372.9(d), requiring an explanation of terms and abbreviations and an English translation of documents in a foreign language, must be observed.

(6) *Changes in orders or facts relating to the purchase or other transaction*.

(1) Answers to all questions in the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the order or in the facts relating to the purchase transaction or other transaction, shall be promptly reported to the Office of Export Control, whether a license has been granted or the application is still under consideration. If a license has been granted, such change shall be reported immediately to the Office of Export Control, in accordance with the provisions of Part 380 of this chapter, even though shipments against the license may be partially or wholly completed.

(ii) Change in intermediate consignee must be reported on the Shipper's Export Declaration, and in certain cases an amendment to the export license is required (see paragraph (c) (2) (iii) of this section and § 380.2(d) (3) of this chapter).

(g) *Export licenses related to complete applications*. Although an export license issued by the Office of Export Control may not set forth all the facts relating to the export transaction that are contained in the license application and supporting documents, any validated export license issued is valid for use only with respect to the specific export transaction described in the license application and supporting documents, unless otherwise provided by the export license or the Export Regulations.

#### § 372.5 How to file an application for a validated license.

(a) *Form and manner of filing*—(1) *Application form and processing card*. An application for a validated license must be submitted on Form FC-419, Application for Export License (Revised on or after January 1956), accompanied by Form FC-420, Application Processing Card (see Supplements S-1 and S-2 for facsimiles).<sup>1</sup> An application is incomplete and will be returned without action to the applicant if it is not accompanied by the Form FC-420 completely and correctly filled in.

<sup>1</sup> Form FC-419 and FC-420 may be obtained at all U.S. Department of Commerce Field Offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

Late revisions of Forms FC-419 and FC-420 refer to the "Export Control Commodity No." instead of the "Schedule B No.". Late revisions of Form FC-419 refer also to the "Commodity Control List" instead of the "Positive List" in the commodity description space. If earlier issuances of forms FC-419 or FC-420 are used, these terms shall be changed, and the forms completed, accordingly.

(2) *Requirements set forth on forms.* All terms, conditions, provisions, and instructions, including the applicant's certification, contained in such form or forms are hereby incorporated as a part of the Export Regulations.

(3) *Facsimiles of Form FC-419.* Exporters may print facsimiles of Form FC-419 (Revised on or after January 1956) with printed answers to many of the questions, provided the facsimiles are identical with the official form in size, color of ink, and typographic arrangement.

(4) *Preparation of Form FC-419.* The following instructions apply to the preparation of applications submitted on Form FC-419, Application for Export License, for all types of validated export licenses issued by the Office of Export Control, except as modified by special licensing procedures and provisions contained in the Export Regulations.

*Item 1.* Enter the date the application is completed.

*Item 2.* The applicant's reference number may be used for applicant's convenience.

*Item 3.* The country of final (ultimate) destination is to be entered, not a country through which the exportation may travel in transit to its final destination. The name of the country shall be stated in accordance with the country designation listed in "Schedule C, Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics", issued by the Bureau of Census, unless otherwise specified in §§ 373.66-373.99 of the Export Regulations. The country designation may be a destination shown in a heading alongside of a Schedule C code number, or a destination listed in a further breakdown under such heading. For example, when an exportation is made to Crete, the name of the country shown in Item 3 of the application may be Greece, which appears alongside of Schedule C code number 484, or it may be Crete, which is listed as a destination in the breakdown under Greece.

Exporters are responsible for placing a statement of ultimate destination and prohibition against diversion on shipper's export declaration, bill of lading, and commercial invoice for various export shipments. Omission of the statement or unauthorized diversion of commodities from country of final (ultimate) destination, not in accordance with the statement, are violations of the export regulations subject to denial of export privileges and to criminal penalties.

*Item 4.* The person named as ultimate consignee shall be the person abroad who is actually to receive the material for the designated end use. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as an ultimate consignee, but should be disclosed as an intermediate consignee.

*Item 5.* An intermediate consignee may be a bank, forwarding agent, or other intermediary in a foreign country who participates as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the purchaser or ultimate consignee. All known intermediate consignees must be named. If no intermediary is to be used, state "None;" if unknown state "Unknown." If no entry is made in this item, the applicant represents that there is no intermediate consignee.

*Item 6.* The name and address of the applicant must be entered.

*Item 7.* The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered. The license will be transmitted only to the applicant or to the person

designated on the license application as the person entitled to receive the license on behalf of the licensee. The license will not be transmitted direct to the Collector at the port of exit, except for an emergency clearance, as set forth in § 372.5(1) and in the Note following § 372.13.

*Item 8.* If applicant is exporting for the account of a foreign principal, the name and address of the foreign principal must be shown and an explanation of the transaction given in full. If no entry is made in this item, the applicant represents that he is exporting for his own account.

*Item 9.* The person named as purchaser should be the person abroad who has entered into the export transaction with the applicant or Order Party. If such person is the same as the ultimate consignee, applicant should state "Same as Item 4"; if such person is the same as the intermediate consignee, applicant should state "Same as Item 5." If no entry is made in this item, the applicant represents that the ultimate consignee is the foreign purchaser.

*Item 10.* Leave blank if applicant is the producer of the commodities to be exported. Applicant so represents where item is blank. If applicant is not the producer, give supplier's name and address, or state "Unknown," if unknown.

*Item 11(a).* Give the quantity to be shipped, using units specified in the Commodity Control List (§ 399.1 of this chapter).

*Item 11(b).* Commodities must be described in terms which correspond with the commodity descriptions in the Commodity Control List (§ 399.1 of this chapter). Additional details as prescribed by the Export Regulations must be furnished to the extent necessary for identification of the specific items so classified. Include characteristics shown on the Commodity Control List such as basic ingredients, composition, type, size, gauge, grade, horsepower, etc. Where the Commodity Control List entry states "specify by name," all of the commodities to be included in the shipment must be listed by name on the application.

*Item 11(c).* The Export Control Commodity number, Processing Code, and related commodity group number, if any, must be shown in this column. All commodities on a single application must have the same processing code and the same related commodity group number.

*Item 11(d).* Unit price should be shown except where a large variety of products within a single Export Control Commodity number makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f.o.b. (factory), f.a.s. (named port), c.i.f., or other form. The particular form of price quotation must be specified. The amounts entered in the total price column on the application shall be rounded to the nearest whole dollar, except where the actual total value is less than \$0.50. For example: If the total price for a commodity listed on the application is \$2,375.49, it should be listed as \$2,375; \$2,375.50 should be listed as \$2,376; \$0.78 should be listed as \$1; and \$0.38 should be listed, unchanged, as \$0.38. Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price at the time of delivery of shipment", or other such general statement of price, will not be acceptable.

*Item 12.* End use of commodities or technical data covered by this application will be an important factor in determining issuance of license. Statement by ultimate consignee (and purchaser, if not same) as to ultimate destination and end use must be submitted for certain exportations as re-

quired by the Export Regulations. (Applicant's reference to such statement does not relieve him of responsibility to fully disclose any additional or different information he may know.) Applicant must indicate clearly the end use intended by the ultimate consignee, stating what will be produced or manufactured, or what services will be rendered, and give the country or countries where this will take place. A complete and detailed description is required.

*Item 13.* Enter additional information pertinent to the transaction or required by the Export Regulations such as special certifications, name of parties in interest not disclosed elsewhere, explanation of documents attached, etc. If this application represents a transaction previously considered by the Office of Export Control, and returned without action or rejected, give prior case number (application number), and indicate prior action by the Office of Export Control.

*Item 14.* Application must be signed by applicant, or by an officer or duly authorized agent of the applicant. (If signed by agent of the applicant, title and firm name of agent must be shown.)

*Item 15.* Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, or through his or their agents abroad, the person in the United States who conducted the direct negotiations with the foreign party and originally received the order (the Order Party) must sign the application and complete this item.

(5) *Preparation of Form FC-420.* (1) A Form FC-420, Application Processing Card, completely and correctly filled in must accompany each license application.

(ii) The applicant's name, date of application, applicant's reference number (if any), country of ultimate destination, Export Control Commodity number, and processing code (and related commodity group number, if any) must be the same as the corresponding entries on Form FC-419. Only a brief commodity description is required to be shown on the Form FC-420.

(b) *Assembly and submission of applications.* (1) All documents or correspondence accompanying the license application should bear the applicant's reference number, if any, and be firmly stapled together in the upper left corner of the application.

(2) Form FC-420, typed side up, should be attached with a paper clip (not stapled) to the upper left corner of Form FC-419.

(3) Applications should be submitted (preferably by mail) to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

(4) Applications which omit essential information will be returned without action.

(c) [Reserved]

(d) *Separate application for each commodity control list entry.* A separate and complete application must be submitted for each Commodity Control List entry to each consignee in each country of destination, except as otherwise specifically provided in the Export Regulations.

(e) *Inclusion of related commodities on a single application—(1) Description of related commodities.* (i) For each entry on the Commodity Control List (§ 399.1 of this chapter) there appears in the column headed "Processing Code and Related Commodity Group No." a

four-letter symbol (ELME, GIEQ, etc.), which is the processing code for that entry. In many instances this code is followed by a number, which is the related commodity group number for that entry. All entries on the Commodity Control List which have both the same processing code and the same related commodity group number are designated related commodities and may be included on a single license application. (See §§ 373.4(f)(2) and 373.51 of this chapter for exception.) Entries on the Commodity Control List which have processing codes not followed by a number are not included in any related commodity group, and a separate application must, therefore, be filed for each such entry. Shipments of commodities for relief or charity may be included on a single license application regardless of the processing code or the related commodity group number.

(ii) The following examples illustrate proper use of a single application for related commodities:

*Example 1.* All entries having the processing code ELME followed by the related commodity group number 2 (ELME 2) may be entered on a single application.

*Example 2.* All entries having the processing code ELME followed by the related commodity group number 2 (ELME 2) may be entered on a single application.

*Example 3.* An entry having the processing code and related commodity group number ELME 1 may not be entered on the same application with an entry having the processing code and related commodity group number ELME 2.

*Example 4.* An entry having the processing code ELME not followed by a related commodity group number may not be combined on an application with any other entry; not even an entry having the same processing code.

*Example 5.* Entries having different processing codes (e.g., ELME, GIEQ, RUBR), regardless of whether followed by a related commodity group number, may not be included on the same application.

(2) *Partial approval.* An application may be approved in whole or in part. Upon specific request, stated on the application form, the application will be considered as a whole and either approved or rejected in its entirety.

(3) *Attachments.* Additional sheets listing related commodities must be attached securely to the application form.

(f) *Applications for licenses to cover partial or periodic shipments.* Where partial or periodic shipments of technical data or of an identical commodity are to be made by the applicant to the same consignee in a foreign country, an application may be filed covering the entire quantity of technical data or commodities to be so exported.

(g) *Applications for licenses to cover shipments by mail—(1) Single shipment.* Only one shipment by mail may be made against a validated license, except as specified in § 379.1(b)(1)(ii) of this chapter.

(2) *Separate licenses for partial shipments.* Where an exporter, at the time of applying for an export license, expects to make several shipments by parcel post against one order, he may submit one application to obtain separate licenses for each anticipated partial shipment by

mail against such an order. The applicant shall indicate, in the commodity description column of the application, the quantity of each partial shipment, and note across the bottom of the column: "Anticipated Partial Shipments by Mail Against One Order."

(h) *Second applications.* (1) A second application covering the same proposed exportation shall not be submitted pending action on the first application.

(2) When an application has been returned without action to the applicant and is being resubmitted, a new application form should ordinarily not be filled out. However, a new application form should be submitted where the necessary alterations on the old application would be too difficult to make or would be illegible. When a new application is submitted the original application must be attached to the new application.

(3) When an export license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the later date for the submission of a new application.

(i) *Emergency clearance.* In case of emergency, the Office of Export Control will, upon approving an application for export license, authorize clearance by telephone or telegraph to the appropriate Collector of Customs, the cost of the telephonic or telegraphic message being charged to the applicant for the export license. In such cases, the license is not sent to the licensee, but to the Collector with whom the clearance has been authorized by the Office of Export Control. The validity period of a license issued under the emergency procedure will end no later than the last day of the first month following the month during which the license is validated. No extension of the validity period will be granted.

(j) *Inquiries and correspondence—(1) When reply should be expected.* Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of two weeks after filing an application for export license before inquiring as to the progress of the application. Certain types of applications do require more time for necessary examination and consideration. Those remaining in process at the end of ten days will be acknowledged by the Office of Export Control including the reason for delay, and the case number.

(2) *Address for inquiries.* A request for information concerning the application of Export Regulations to a specific fact situation, the status of a delayed case, or any other inquiry concerning export license applications should be addressed to the U.S. Department of Commerce, Office of Export Control, Exporter's Service Section (Attn: 8540), Washington, D.C., 20230. Such a communication should not be attached to an application for license but should be mailed in a separate envelope. A memorandum attached to a license application should be limited to informational data relating to that application and should

not include an inquiry requiring individual reply.

(3) *Supporting information.* A supporting letter should give additional information for only the application to which it is attached.

(4) *Status request form.* An inquiry concerning the status of an application may be made only by the applicant or his authorized agent. The Office of Export Control will not furnish status information to other persons. When an inquiry is made, it should be submitted on Form IT- or FC-743-A, "Status Request on Export License Application, in duplicate, in accordance with instructions contained thereon. However, Item 2 need not be completed. After receipt of the form and a determination of the status of an application, the Office of Export Control will return the form, indicating thereon the information requested. A separate form must be submitted for each application. For convenience of mailing, the form is designed for use in a standard window envelope.

(5) *Decisions given on applications only.* Information as to the probable action of the Office of Export Control respecting a proposed shipment or a hypothetical license application will not be given. It will be necessary in each case to submit an application together with pertinent information in order to obtain a decision.

(6) *Telegraphic reply.* When an exporter requests telegraphic reply to an inquiry, the complete address of such person or company, including name, street, city, state, and ZIP code number must be given; or if desired, the Western Union "WUX" designation may be substituted for the address. This will expedite the servicing of such a request by the telegraph company. A telegraphic reply will be made at the expense of the inquirer.

#### § 372.6 License applications for in-transit shipments.

(a) *Information required on application—(1) Additional information.* A license application for commodities moving in transit through the United States which may not be exported under General License GIT,<sup>2</sup> shall include in the "additional information" item of the Form FC-419, Application for Export License, or on an attachment thereto, the following:

(i) The name and address of the foreign consignor who shipped the goods to the United States;

(ii) A statement that the shipment is wholly of foreign origin; and

<sup>2</sup> Form IT- or FC-743-A may be obtained at all U.S. Department of Commerce field offices, and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230. Late revisions of Form IT- or FC-743-A refer to the "Export Control Commodity No." instead of the "Schedule B No." If an earlier issuance of Form IT- or FC-743-A is used, this term shall be changed, and the form completed accordingly.

<sup>3</sup> For in-transit shipments under General License GIT, see § 371.9 of this chapter; and for special clearance procedures applicable to in-transit shipments, see § 379.4(d) of this chapter.

(iii) The notation "Intransit Shipment."

(2) *Evidence of foreign government approval.* In addition, the applicant should submit any evidence available showing the approval or acquiescence of the exporting country (or the country of which the exporter is a resident) with respect to the proposed ultimate destination of the shipment. Such evidence may be submitted in the form of a Transit Authorization Certificate or other document.

(b) *Applicability of special provisions.* Except for a shipment originating in Canada, the applicant must comply, where applicable, with the provisions of § 372.2 of this chapter with respect to confirmation of country of ultimate destination and verification of actual delivery (IC/DV); § 373.65 of this chapter with respect to required consignee/purchaser statements; § 373.67 of this chapter with respect to Swiss Blue Import Certificate; and § 373.70 of this chapter with respect to Yugoslav End Use Certificate.

(c) *Nature of exportations covered by provisions of this section.* A license issued under this section will be valid for only the exportation of an in-transit shipment wholly of foreign origin and for which a Transportation and Exportation (T.&E.) customs entry or an Immediate Exportation (I.E.) customs entry is outstanding covering the shipment. In clearing an in-transit shipment under a validated license, the Collector of Customs may, at his discretion, require the licensee to submit a copy of the Transportation and Exportation (T.&E.) customs entry or an Immediate Exportation (I.E.) customs entry covering such shipment.

(d) *Destination control statement.* An exportation made under a validated export license for a shipment of foreign origin moving in transit through the United States must comply with the destination control provisions (§ 379.10 of this chapter). Under these provisions all copies of the In-transit Shipper's Export Declaration presented to the Collector at the port of exit must contain the destination control statement. In addition, the destination control statement must be shown on all Bills of Lading and commercial invoices in the possession of, or sent to the ultimate consignee or purchaser by, the shipper, exporter, carrier, and agent in the United States.

#### § 372.7 License applications for ship stores, plane stores, supplies, and equipment.

(a) *Exportations requiring validated license.* The provisions of § 371.13 of this chapter establish general licenses for the exportation of ship stores, plane stores, supplies and equipment under prescribed conditions.<sup>4</sup> Where any commodities to be used on operating vessels and aircraft are not authorized to be exported under the provisions of § 371.13 of this chapter, or where commodities

are being exported for vessels under construction and are not authorized to be exported under any general license, the exportation must be authorized by a validated license.

(b) *Preparation of license applications—(1) Vessels under construction.* An application for a license to export any commodity or technical data, including ship stores, supplies, and equipment, to a vessel under construction shall be prepared on Form FC-419 in accordance with the instructions contained in § 372.5, with the following modifications:

(i) *Country of ultimate destination.* Show country in which vessel is being constructed.

(ii) *Ultimate consignee in foreign country.* Show name and address of shipyard where vessel is being constructed.

(iii) *Commodity description.* For a vessel under 40 feet in length, include a statement as to the length of the vessel. For a vessel 40 feet in length or over, show the following information in this item or on an attachment to the application:

(a) Hull number and name of vessel (if known).

(b) Type of vessel.

(c) Name and business address of prospective owner, and his nationality.

(d) Country of registry or intended country of registry.

(iv) *Identification of parties to transaction.* In each case, all parties to the transaction, including the United States or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4(c).

(2) *Aircraft under construction.* An application for a license to export any commodity or technical data, including plane stores, supplies, and equipment, to an aircraft under construction, shall be prepared on Form FC-419 in accordance with the instructions contained in § 372.5 with the following modifications:

(i) *Country of ultimate destination.* Show country in which the aircraft is being constructed.

(ii) *Ultimate consignee in foreign country.* Show name and address of the aircraft plant where the aircraft is being constructed.

(iii) *Commodity description.* Show the following information in this item or on an attachment to the application:

(a) Type of aircraft and model number;

(b) Name and business address of prospective owner and nationality;

(c) Country of registry, or intended country of registry.

(iv) *Identification of parties to transaction.* In each case, all parties to the transaction, including the United States or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4(c).

(3) *Operating vessels and aircraft.* An application for a license to export commodities or technical data, including ship or plane stores, supplies, and equipment (except as provided in paragraph (c) of this section), to an operating vessel or aircraft, whether in operation or

being repaired, shall be prepared on Form FC-419 in accordance with the instructions contained in § 372.5, with the following modifications:

(i) *Country of ultimate destination.* Show country where the vessel or aircraft will take on the commodities or technical data. If it is uncertain at the time of filing the license application as to where the vessel or aircraft will take on the commodities or technical data, but it is known that the commodities or technical data will not be shipped to Country Group W, X, Y, or Z (see § 370.1 (g) of this chapter for country groups), enter the following statement on the license application:

Uncertain; however, shipment(s) will not be made to Country Group W, X, Y, or Z.

An export license issued under this circumstance will bear the following destination restriction:

Shipment(s) may be made to the named (vessel) (aircraft) at any port in any country except Country Group W, X, Y, or Z.

(ii) *Ultimate consignee in foreign country.* Show name of owner and port or place where commodities or technical data will be taken aboard. Also, if a vessel, show name of vessel. If the port or place where the commodities or technical data will be taken aboard is unknown, enter the statement shown in subdivision (i) of this subparagraph.

(iii) *Commodity description.* For a vessel under 40 feet in length, include a statement as to the length of the vessel. For a vessel 40 feet in length or over, show the following information in this item or on an attachment to the application:

(a) Type of vessel.

(b) Business address of owner and his nationality.

(c) Country of registry.

(d) Name of charterer and the terms and type of charter, if under charter.

(iv) *Identification of parties to transaction.* In each case, all parties to the transaction, including the United States or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4(c).

(4) *Subsequent applications.* After the additional information required by the instructions set forth in subparagraphs (1), (2), and (3) of this paragraph has been supplied to the Office of Export Control, a subsequent application for an additional license to export commodities to the same vessel or hull number under construction or the same operating vessel may incorporate the required additional information by reference to the previous application containing that information. Each subsequent application shall include a certification in the space entitled "Additional Information" or on an attachment thereto, that the information previously submitted to the Office of Export Control has not changed, giving the appropriate case number of the previously submitted application or, if the case number is unknown, the applicant's reference number, date of submission, and Export Control Commodity numbers shown on that application. (Whenever possible, the case number

<sup>4</sup> See § 371.13(d) of this chapter on exports to United States and Canadian vessels located at foreign ports.

should be indicated on the application since failure to supply this number may result in delay in processing the license application.)

(5) *Additional information.* The Office of Export Control may require, where necessary, that the exporter submit a letter of confirmation or amplification of the information specified in this paragraph (b).

(c) *Exportations of petroleum and petroleum products, including bunker fuel, for use on vessels and planes departing from the United States.* Applications for licenses to export petroleum or petroleum products, including bunker fuel, for vessels or fuel for planes departing from the United States, may be included on a single Form FC-419. Such application shall indicate, at the top of the Form FC-419, the word "BUNKER" in the case of exportations for the use of vessels, or "PLANE FUEL" in the case of exportations for the use of aircraft. The application shall be prepared on Form FC-419, in accordance with the instructions contained in § 372.5, except as modified below in subparagraphs (1) through (5) of this paragraph with respect to the spaces on the application labelled as follows:

(1) *Country of ultimate destination.* Show the country in which the carrier is registered.

(2) *Ultimate consignee in foreign country.* Show the name of the carrier and the port or point where petroleum or petroleum products are to be taken aboard.

(3) *Purchaser in foreign country.* Show name and address of owner of carrier. If carrier is under charter to or under control of a party other than owner, show names and addresses of both owner and party otherwise in control of carrier.

(4) *Commodity description.* (i) In addition to a description of the commodities to be exported, list for each of the carrier's calls at any point under Far Eastern Communist control\* within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.)

(ii) Also submit the carrier's proposed calls at any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States.

\* "Point under Far Eastern Communist control" means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikiang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Taiwan (Formosa); (2) Communist-controlled area of Viet-Nam; (3) North Korea; (4) Pacific region of the Union of Soviet Socialist Republics which comprises the Maritime Provinces of Primorsky Krai, Khabarovskiy Krai Sakhalin Island and the Kurile Islands under USSR administration.

(iii) If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to the future destinations and areas of operation shall be submitted.

(iv) If the carrier will call at a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or if the carrier is registered in Country Group W, Y, or Z (see § 370.1(g) of this chapter for designation of country groups), or if the carrier is under charter to or control of a national of a Group W, Y, or Z country, state whether any commodities not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter), included on the United States Munitions List (§ 370.5(a) of this chapter), or the United States Atomic Energy List (§ 370.5(d) of this chapter), are carried on board the vessel or aircraft and destined directly or indirectly to any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

(5) *Additional information.* State the reasons why a general license is inapplicable to the proposed exportation unless the reasons are already indicated elsewhere on the application or on an attachment thereto. If additional space is required an attachment may be used. Also state the gross registered tonnage (GRT), type of main engines and rated horse power, with daily fuel consumption rate, total fuel capacity, and fuel supply on board, indicating specifically the number of days' running supply from the port where additional supplies are requested. In the case of aircraft, state make and model.

#### § 372.8 Disclosure of prior action on the shipment.

(a) *Detention of commodities or technical data by Customs.* Any exporter or his agent making application to the Office of Export Control for an export license, who shall know or have reasonable cause to believe that a Collector of Customs has detained commodities or technical data which would be exportable under such license, if granted, shall disclose to the Office of Export Control at the time of applying for such license the fact that the Collector has detained the commodities or technical data. Any license obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

(b) *Exportation without a license.* No application for export license shall be submitted to the Office of Export Control covering a shipment that is already laden aboard the exporting carrier or exported. In cases where such export should not have been made without first securing a validated license authorizing the shipment, the exporter shall send a letter or telegram to the U.S. Department of

Commerce, Office of Export Control, Investigations Division (Attn: 8570), Washington, D.C., 20230, explaining why a validated license was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the license application. The Office of Export Control will inform the exporter of its action and furnish instructions to him by letter. Any license covering such shipments obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

NOTE: See §§ 380.2(1) and 380.4 (c), (d), and (e) of this chapter with respect to amendments to licenses and extensions of validity periods of licenses to authorize shipments described in this § 372.8.

#### § 372.9 Documents accompanying license applications.

(a) *Submission of documents—(1) Copies in lieu of originals.* A document submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action. Accordingly, an applicant need not submit an original document which he may subsequently require, unless such original document is specifically required by the provisions of another section of the Export Regulations. In lieu thereof, a photostatic or other copy of an original document may be submitted. An individual certification of a copy of an original document is not required by the Office of Export Control. By signing Form FC-419 the applicant certifies and represents that any copy of a document submitted with the application, or submitted in support of the application at any time before or after filing the application, is a true copy of the original document, and that the information contained in such document is true, correct, and complete to the best of his knowledge and belief.

(2) *Identification of document.* Any document submitted in connection with an export license application which is submitted separately from an application must be identified clearly as part of that application. Such document must be identified by the following statement:

This document is to be considered as a part of application number \_\_\_\_\_  
(Case No.)

\_\_\_\_\_  
(Signature of applicant)

Unless a document filed separately from the export license application is identified with the application in this manner, it will not be accepted by the Office of Export Control.

(b) *Original must be available.* The Office of Export Control may demand the original of any copy of a document submitted in support of an export license application. Such original\* shall be kept and made available for inspection in ac-

\* After the expiration of twelve months from the beginning of the prescribed retention period, a reproduction of the original document may be substituted (see § 381.11 (d) of this chapter).



cordance with the provisions of § 381.11 of this chapter. (The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(c) *Document submitted with application.* A document which is submitted with an application and which will ultimately become a part of the license, such as a proposed list of consignees, must be submitted in duplicate, affixed to the application. A copy of such document will become a part of the license, if issued, and must remain affixed thereto. Any other document submitted in support of an application which will not become a part of the license, such as evidence of an order, need be submitted in one copy only and should be attached to the application.

(d) *Coded terms, foreign languages.* In the case of an original or copy of a document, all abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. A document in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation.

#### § 372.10 Additional information.

(a) *Requirements in export regulations and related forms.* Any person applying for an individual or other type of validated export license shall, in addition to the information called for in the Export Regulations in connection with such type of license or in the form on which the export license application is made, furnish such information with respect to such application as may be required by the Office of Export Control.

(b) *Identification of information.* Any additional information submitted by an applicant in connection with a license application must be clearly identified as part of such application as provided in § 372.9(a).

#### § 372.11 Issuance and use of validated license.

(a) *Issuance of license document.* When an application for an export license is duly approved by the Office of Export Control, a license to export is issued on Form FC-628, Export License, authorizing subject to the provisions of the Export Regulations and to the terms and provisions of such license, the exportation of the quantity of those commodities described therein. (See §§ 372.5, 372.12, and 379.10.) (See Part 374 of this chapter for procedure covering issuance of license documents for projects.)

NOTE: 1. *Case number.* Each Form FC-419, Application for Export License, when received by the Office of Export Control, is given a case number (the Office of Export Control case number) for identification purposes. Assignment of a case number merely indicates receipt of the application and does not mean that the application has been approved or rejected.

2. *Validation of Form FC-628, Export License.* When a license application is ap-

proved, the license will be issued in the following manner:

(a) *Form FC-628 will be prepared, validated, and issued by the Office of Export Control upon approval of a license application for the exportation of commodities to any destination. The license will be validated and identified by a license number in the upper right corner of the document. The license number is composed of a letter and a series of numerals following the validating symbol; for example A5-2-6-04051, B51011-32141, or C5-117-60161. The digits immediately following the letter indicate the year, month, and day of validation; the last half of the number is the validating sequence. (A5-2-6 signifies a validating action in the year 1965 (5), in the month of February (2), on the sixth day of the month (6). B51011 signifies a validating action in the year 1965 (5), in the month of October (10), on the eleventh day of the month (11). C5-117 signifies a validating action in the year 1965 (5), in the month of January (1), on the seventeenth day of the month (17).) (See Supplement S-3 for facsimile of form.)*

(b) *License continuation sheets and other attachments to licenses will be validated by imprinting a facsimile of the U.S. Department of Commerce seal followed by the letter "D" and a series of numerals indicating the year, month, and day of validation.*

3. *Use of license number.* Exporters are cautioned to use the complete license number (letter, digits indicating date of validation, and digits indicating validating sequence) when preparing Shipper's Export Declarations and other export documents, and when communicating with or requesting services from the Office of Export Control.

(b) *Units of quantity.* Where no unit of quantity is shown in the column on the Commodity Control List headed "Unit" (§ 399.1 of this chapter), the quantity of such commodities authorized for export is licensed by the Office of Export Control in terms of the total dollar value shown on the license. For purposes of consideration of license applications, the Office of Export Control requires that the unit of quantity commonly used in the trade must be shown on the license application for export of such commodities. Although the units of quantity commonly used in the trade may be shown on the export license issued, the quantity of commodities authorized for export by the license is limited entirely by the total dollar value shown on the license.

(c) *Partial shipments.* Partial shipments may be made against a validated license; however, when the exportation is by mail, only one shipment may be made, unless shipment is made in accordance with the provisions of § 379.1(b)(1) of this chapter.

(d) *Validity of licenses—(1) Revocations, suspensions, or revisions.* Outstanding licenses may be revised, suspended, or revoked, or the validity periods thereof may be extended or reduced, by appropriate orders or regulations.

(2) *Six month validity period.* Unless otherwise stated on the face of the license, export licenses will be issued for a validity period ending on the last day of the sixth month following the month during which the license is validated; e.g., a license issued on January 12 would expire on July 31. If the validity period expires on a day when the office of the Collector of Customs is not open for business, the validity period shall automati-

cally be extended to midnight of the first day of business following the expiration date.

(3) *Special provisions.* Refer to Part 373 of this chapter to determine if the special provisions for a commodity include any particular terms regarding the validity period of the individual export license.

#### § 372.12 Reexportation.\*

(a) *Prohibited exportations and reexportations.* Unless the reexportation of a commodity or technical data exported from the United States under a validated license has been specifically authorized by the Office of Export Control or is otherwise authorized under the provisions of paragraph (d) of this section, no person in the United States or in a foreign country may:

(1) Reexport such commodity or technical data, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown on the export license or in the destination control statement on the Shipper's Export Declaration, Bill of Lading, or commercial invoice; or

(2) Export such commodity or technical data from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown on the export license or in the destination control statement appearing on the Shipper's Export Declaration, Bill of Lading, or commercial invoice.

(b) *Reexportation request accompanying license application.* If it is stated on an export license application that the commodity or technical data to be exported is intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized. (See paragraph (c)(2) of this section for special provisions for specified countries.) The only exception to this rule is the Time Limit (TL) License (see Part 377 of this chapter) where reexport authority may be granted on a document other than the license itself.

(1) *Statement on license.* Authorization will be granted or withheld by an appropriate statement on the face of the validated license, as follows:

(i) Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only; or

(ii) Distribution or resale of the commodities listed above is permitted in (name of country of ultimate destination) and (names of other approved countries).

(2) *Limitations on reexportation authorization.* As indicated in paragraph (c)(2) of this section, the authorization by the Office of Export Control of a reexportation from Switzerland or Liechtenstein to any country or a reexportation from any country to the specific destinations listed in paragraph (c)(2)(ii) of this section is limited to a specified

\* See § 371.4 of this chapter for additional reexportation provisions.

† Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

quantity and to a specified person or firm in the country to which the reexportation will be made. Accordingly, where a validated license authorizes distribution or resale from Switzerland or Liechtenstein or distribution or resale in a country listed in paragraph (c) (2) (ii) of this section, such authorization is limited to the specific reexportation transaction for that country as described on the related application for export license. In addition, any authorization to reexport or redistribute commodities or technical data to Country Group W, Y, or Z, whether authorized on the validated export license or separately pursuant to paragraph (c) of this section, expires on the last day of the sixth month following the month in which the reexportation is authorized unless otherwise specified. The United States exporter shall, in connection with each authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexportation authorization. Requests for authorization to reexport from Switzerland or Liechtenstein to any country or to reexport from any country to the destinations listed in paragraph (c) (2) (ii) of this section shall be supported by the information and documentation set forth in paragraph (c) (2) of this section.

**Note:** 1. *Destination control statement.* See § 379.10 of this chapter for requirement for destination control statement on Shipper's Export Declaration, Bill of Lading and commercial invoice covering exports from the United States.

2. *Notice to consignee of distribution and resale authority.* In those cases where the Office of Export Control has disapproved an authorization request for distribution or resale, in whole or part, it is suggested that the United States exporter may wish to advise his foreign consignee of the Office of Export Control decision in advance of the required notification in the form of the Destination Control Statement on the Bill of Lading and commercial invoice.

(c) *Reexportation request subsequent to submission of license application—(1) General requirements.* Where additional distribution or resale authority is required subsequent to the submission of a license application to the Office of Export Control, such request for authority shall be made as follows:

(i) If the license application is still pending with the Office of Export Control, or, if the export license has been issued and the proposed shipment has not been cleared for export by the United States Collector of Customs, Form IA-763 shall be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230, in accordance with the procedure described in § 380.2(g) of this chapter. On the Form IA-763, in the space headed "Amend license to read as follows," the applicant should state, "Add permission to reexport to (name of countries)." (See subparagraphs (2) and (3) of this paragraph for special provisions for specified countries.)

(ii) If the shipment has been cleared for export by the United States Collector of Customs, a letter request, in duplicate, shall be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230. The letter

request shall identify the export license number (if known) and include the commodity description and quantity proposed for distribution or resale in each country of distribution or resale. (See subparagraphs (2) and (3) of this paragraph for special provisions for specified countries.)

(2) *Additional special requirements.* In addition to the provisions of subparagraph (1) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland or Liechtenstein under a validated export license, and the commodity(ies) or technical data covered is to be reexported from Switzerland or Liechtenstein, the request shall include the name and address of each person or firm to whom reexportation will be made, the quantity and value of the commodities to be reexported to each such person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States.

(ii) If the reexportation is to be made to any destination in Country Group W, X, Y, or Z (see § 370.1(g) of this chapter) or to any of the destinations in Country Group V set forth below (regardless of the country to which the commodities or technical data were originally shipped from the United States), additional information shall be furnished as set forth in (a) and (b) of this subdivision.

*Destinations in Country Group V:*

Burundi, Kingdom of.  
Cambodia.  
Congo (Leopoldville).<sup>\*</sup>  
Indonesia.  
Laos.  
Lebanon.  
Liechtenstein.  
Malaysia.  
Rwanda, Republic of.  
Switzerland.  
Thailand.  
Viet-Nam, Republic of.  
Yugoslavia.

(a) The name and address of each person or firm to whom reexportation will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such person or firm, and

(b) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 if the reexportation were a direct export from the United States to the new country. Where this document is a Yugoslav End Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexportation will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexportation.

(3) *Notice to consignee.* Where the Office of Export Control has authorized

<sup>\*</sup> This destination does not include the Republic of Congo (Brazzaville) which was formerly known as the French Congo.

a type of reexportation described in subparagraph (2) (i) or (ii) of this paragraph, the United States exporter shall advise his foreign consignee of the amount of reexportation and name of person or firm to whom the reexportation has been approved.

(i) Any authorization to reexport or redistribute commodities or technical data to Country Group W, Y, or Z whether authorized on the validated export license or separately pursuant to this paragraph (c), expires on the last day of the sixth month following the month in which the reexportation is authorized unless otherwise specified. The United States exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexportation authorization.

(ii) A request for an extension of the validity period of a reexportation or redistribution authorization shall be submitted in the same manner as a request for the reexportation authorization (see subparagraphs (1) and (2) of this paragraph), except that the documentation required by subparagraph (2) (ii) (b) of this paragraph need not be resubmitted if the original documents remain valid. The request for extension shall, in addition to the other information required, include information identifying the original authorization, the date of the authorization, the name of the countries covered, the commodities and quantities originally authorized for reexportation, and the commodities and quantities remaining to be reexported.

(iii) The document authorizing reexportation shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter. (The Export Regulations contain further record-keeping requirements. See § 381.11 of this chapter.)

(d) *Permissive reexportations.* The following reexportations of United States origin commodities or technical data may be made without the need for obtaining prior authorization from the Office of Export Control (for reexportation of technical data see § 385.6 of this chapter):

(1) Reexportations between Switzerland and Liechtenstein.

(2) Reexportations between ultimate consignees covered by the terms of a Project License, see § 374.10 of this chapter.

(3) For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, a reexportation authorization issued by the Office of Export Control which permits reexportation to Italy automatically includes the area of Trieste under Italian civil administration, and similarly an authorization issued by the Office of Export Control which permits reexportation to Yugoslavia automatically includes the area of Trieste under Yugoslav civil administration.

(4) Any commodity of technical data which has been exported from the United

States may be reexported from any destination to any other destination: *Provided*, That at the time of reexportation the commodities or technical data to be reexported may be exported directly from the United States to the new country of destination either (i) under General License G-DEST, GTDP, GTDS, or GTDU, or (ii) where the value of the reexportation, other than the reexportation of a commodity exported under the provisions of §§ 373.3 or 373.4 of this chapter does not exceed the GLV dollar-value limit shown on the Commodity Control List with reference to the country of destination. The permissive reexportation provision in this subparagraph relating to the reexportation of commodities within the established GLV dollar value limits do not apply to exportations, reexportations, or distributions made under the Form FC-43 procedure or the Form FC-243 procedure (see §§ 373.3(b)(4) and 373.4(c)(5) of this chapter).

**§ 372.13 Duplicate license.**

Where a license is lost or destroyed, the licensee may obtain a duplicate of such license by submitting a letter to the Office of Export Control certifying:

(a) That the original license assigned case number ----- and Export License number ----- (if known) issued to (Name and address of licensee) has been lost or destroyed;

(b) The circumstances under which it was lost or destroyed;

(c) The quantity and value of commodities, if any, that have been shipped under the original license and at what port the license was filed; and

(d) If the original license is found, the licensee agrees to return either the original or duplicate license to the Office of Export Control.

NOTE: Where a partial shipment has been made, the duplicate license issued by the Office of Export Control will be mailed directly to the Collector's office at the port where the license was filed.

**§ 372.14 Return of revoked, expired, or unused license.**

If a license is revoked or expires or if shipment is not to be made, the license shall be returned immediately to the Office of Export Control, with a notation explaining the reason for such return. If the license is not in his possession at that time, the licensee shall so notify the Office of Export Control.

**§ 372.15 Reports.**

Any person to whom a validated license has been issued shall file with the Office of Export Control such reports as the Office of Export Control shall, from time to time, require.<sup>16</sup>

**§ 372.16 License application for commodities which transit Country Group Y or Z enroute to any other destination.**

(a) An application for a license to export any commodity which will be unladed from a vessel or aircraft in Country Group Y or Z or which will move in

transit through Country Group Y or Z en route to any other destination (see § 370.10 of this chapter) shall be prepared on Form FC-419 in accordance with the instructions contained in § 372.5 and in this § 372.16. (See § 370.1(g) of this chapter for country groups.) Where the intermediate consignee in the Country Group Y or Z country of unloading or transit is unknown at the time of filing the license application, the Country Group Y or Z country of unloading or transit shall be shown in the "additional information" item of the application form or on an attachment thereto, by a statement such as:

To be transhipped at (name of transshipment point) and destined to (name of country); or, To be shipped to (name of country of destination) via (name of country).

(b) Except as set forth in paragraph (c) of this section, a validated license issued under the provisions of this § 372.16 will name the intermediate consignee in the Country Group Y or Z country of unloading or transit approved by the Office of Export Control.

(c) Where the license application indicates that the intermediate consignee in the Country Group Y or Z country of unloading or transit is unknown, the license will name the Country Group Y or Z country of unloading or transit approved by the Office of Export Control. However, in accordance with the provisions of § 372.4(c)(2)(iii), the exporter is obliged to obtain an amendment of the export license before shipment is made in those instances where the license does not include the name of the intermediate consignee in the Country Group Y or Z country of unloading or transit.

**PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS**

**Subpart A—How To Use Part 373**

- Sec. 373.01 Scope.
- 373.02 Other special provisions.
- 373.03 Organization of sections.
- 373.04 How to determine whether any special provision is applicable.

**Subpart B—Multiple Commodity Section Provisions**

- 373.1 Export licensing general policy.
- 373.2 Confirmation of country of ultimate destination and verification of actual delivery.
- 373.3 Statement by foreign importer of aircraft or vessel repair parts.
- 373.4 Distribution of United States commodities by foreign-based subsidiary, affiliate, or branch.
- 373.5 Licensing policy for agricultural commodities and manufactures thereof covering shipments to Country Groups Y and Z.
- 373.6 Commodities exported for exhibition, demonstration, or testing purposes.
- 373.7-373.10 [Reserved]

**Subpart C—Individual Commodity Section Provisions**

**COMMODITY SECTION 0**

- 373.11 Applicability of multiple commodity section provisions to Commodity Section 0.
- 373.12-373.13 [Reserved]

**COMMODITY SECTION 1**

- Sec. 373.14 Applicability of multiple commodity section provisions to Commodity Section 1.
- 373.15-373.16 [Reserved]

**COMMODITY SECTION 2**

- 373.17 Applicability of multiple commodity section provisions to Commodity Section 2.
- 373.18 Walnut logs, bolts, hewn timber, lumber, furniture stock, and hardwood small dimension stock.
- 373.19 Iron and steel.
- 373.20 Nonferrous commodities, including ores, concentrates, or unrefined products.
- 373.21-373.24 [Reserved]

**COMMODITY SECTION 3**

- 373.25 Applicability of multiple commodity section provisions to Commodity Section 3.
- 373.26-373.30 [Reserved]

**COMMODITY SECTION 4**

- 373.31 Applicability of multiple commodity section provisions to Commodity Section 4.
- 373.32-373.33 [Reserved]

**COMMODITY SECTION 5**

- 373.34 Applicability of multiple commodity section provisions to Commodity Section 5.
- 373.35 Machinery and parts.
- 373.36-373.40 [Reserved]

**COMMODITY SECTION 6**

- 373.41 Applicability of multiple commodity section provisions to Commodity Section 6.
- 373.42 Iron and steel.
- 373.43 Nonferrous commodities, including ores, concentrates, or unrefined products.
- 373.44 [Reserved]

**COMMODITY SECTION 7**

- 373.45 Applicability of multiple commodity section provisions to Commodity Section 7.
- 373.46 Iron and steel.
- 373.47 Machinery and parts.
- 373.48 Aircraft and equipment, parts, accessories, and components therefor.
- 373.49-373.53 [Reserved]

**COMMODITY SECTION 8**

- 373.54 Applicability of multiple commodity section provisions to Commodity Section 8.
- 373.55 Iron and steel.
- 373.56 Machinery and parts.
- 373.57-373.61 [Reserved]

**COMMODITY SECTION 9**

- 373.62 Applicability of multiple commodity section provisions to Commodity Section 9.
- 373.63 Iron and steel.
- 373.64 [Reserved]

**Subpart D—Destination Provisions**

- 373.65 Ultimate consignee and purchaser statement.
- 373.66 Republic of South Africa.
- 373.67 Switzerland and Liechtenstein.
- 373.68 Viet-Nam.
- 373.69 [Reserved]
- 373.70 Yugoslavia.
- 373.71 Trieste.
- 373.72-373.75 [Reserved]

SUPPLEMENT No. 1 [Reserved]  
 SUPPLEMENT No. 2: AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES.

<sup>16</sup> Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

**SUPPLEMENT NO. 3: QUESTIONS AND ANSWERS REGARDING EXPORT LICENSING OF CIVIL AIRCRAFT AND RELATED COMMODITIES.**

**AUTHORITY:** The provisions of this Part 373 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

**Subpart A—How To Use Part 373**  
**§ 373.01 Scope.**

The special requirements for validated licenses set forth in this Part 373 are in addition to or modify the general requirements applicable to all exportations requiring validated licenses. The provisions of this Part 373, however, apply only to particular commodities or particular destinations.

**§ 373.02 Other special provisions.**

In addition to this Part 373, the Commodity Control List (§ 399.1 of this chapter) includes certain other special requirements which apply only to particular commodities. As examples, the Commodity Control List indicates that for certain commodities the commodity description shown on an application for export license shall "specify the copper content," "specify the horsepower," etc., or that the quantity on the application shall be shown in "barrels of 42 gallons," or shall "specify the tonnage by grade," etc. Therefore, both this Part 373 and the specific entry on the Commodity Control List shall be consulted to determine all the special provisions applicable to a particular commodity.

**§ 373.03 Organization of sections.**

(a) *General organization.* (1) The sections of this Part 373, while numbered consecutively in the usual manner, are arranged into three separate divisions under the following main headings:

Multiple Commodity Section Provisions (§§ 373.1-373.10).

Individual Commodity Section Provisions (§§ 373.11-373.64).

Destination Provisions (§§ 373.65-373.75).

(2) The basis for the organization of the first two divisions is the "commodity section." Commodity sections are the major classifications of commodities exported from the United States as set forth on page 4 of § 399.1 of this chapter. There are 10 such sections, numbered 0 to 9, inclusive. The commodity section number of any commodity is the same as the first digit of the Export Control Commodity No.

(b) *Commodity provisions.* Under the heading "Multiple Commodity Section Provisions" are those sections (§§ 373.1-373.10) which apply to commodities in several or all commodity sections and cannot therefore be identified with a single commodity or commodity section. Under the heading "Individual Commodity Section Provisions" are those sections (§§ 373.11-373.64) containing the provisions for each commodity section 0 to 9, inclusive, each such section being identified by the appropriate subheading "Commodity Section 1," "Commodity Section 2," etc.

(c) *Destination provisions.* Under the heading "Destination Provisions" are all provisions relating solely to exportations to particular destinations without regard

to the commodity involved; i.e., all commodities requiring a validated license for export are subject to these provisions when exported to one of these destinations.

**NOTE:** The special provisions for particular commodity sections, "Individual Commodity Section Provisions" (§§ 373.11-373.64), relate in some cases both to particular commodities and particular destinations. These provisions are considered "commodity" provisions since they apply only to particular commodities when exported to these destinations, rather than to all commodities.

**§ 373.04 How to determine whether any special provision is applicable.**

(a) *Commodity provisions.* To determine whether this Part 373 contains any special provisions applicable to a particular commodity, an applicant for export license need only take the first figure in his Export Control Commodity No. and then refer to the similar section number. For example, ball bearings, Export Control Commodity No. 71970, are in Commodity Section 7, as indicated by the first digit of the Export Control Commodity No. Special provisions for this commodity, as well as any other commodity having an Export Control Commodity No. beginning with the number 7, will be found in the sections under the subheading "Commodity Section 7" (§§ 373.45-373.53). If a commodity is subject to a multiple commodity provision (§§ 373.1-373.10), a provision to this effect appears in the first section under the appropriate commodity section heading. Multiple commodity section provisions are not repeated in the individual commodity section provisions but are referred to whenever applicable. Section 373.45, the first section under the heading "Commodity Section 7," contains a provision to that effect. An applicant need not, therefore, refer to any of the multiple commodity section provisions in §§ 373.1-373.10 unless specifically directed to do so by the provisions appearing in the first section under the individual commodity section heading. If so directed, the applicant should refer to the other sections under the same commodity section heading to determine which of them apply to the commodity.

(b) *Destination provisions.* To determine whether there are special provisions applicable to a particular destination, an applicant need only consult the provisions under the heading "Destination Provisions," §§ 373.65-373.75. The section titles indicate the destinations covered; e.g., § 373.67, "Switzerland and Liechtenstein."

**Subpart B—Multiple Commodity Section Provisions<sup>1</sup>**

**§ 373.1 Export licensing general policy.**

The following general, but not exclusive, policy for export licensing and related procedures is hereby established.

(a) *National security and welfare.* It is the policy to deny any request or ap-

<sup>1</sup> Applicants should first consult the special provisions for the particular commodity sections in which commodities are classified before referring to the provisions in §§ 373.1-373.10. (See "How to Use Part 373," §§ 373.01-373.04.)

plication for authorization to export or reexport either commodities or technical data to any nation or combination of nations threatening the national security of the United States, if such export or reexport makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States.

(b) *End use.* Where commodities are licensed for export on the basis of the specific end uses, applications will be considered for approval only if they conform to appropriate end uses.

(c) *Foreign government recommendations.* The U.S. Department of Commerce reserves the right in all respects to determine to what extent any recommendations made by foreign governments should be followed. However, the U.S. Department of Commerce will not seek or undertake to give consideration to recommendations from foreign governments as to the United States exporters whose export license applications should be approved.

(d) *Commodity advisory panels and committees.* Commodity advisory panels and committees will be consulted regarding problems arising in the administration of the provisions of this section.

**§ 373.2 Confirmation of country of ultimate destination and verification of actual delivery.**

(a) *Scope—(1) General.*<sup>2,3</sup> The provisions of this § 373.2 shall apply to shipments for which a validated license is required covering the following commodities proposed for export or exported to the following countries:

(i) *Commodities.* The commodities subject to the provisions of paragraph (d) of this section, "Submission of Import Certificate," are those commodities identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter). (See paragraph (i)(2) of this section for commodities from which the symbol "A" is deleted after the Import Certificate has been submitted.)

(ii) *Countries.* (a) Austria, Belgium, Denmark, France, Greece, Hong Kong (see paragraph (c) of this section), Italy (including the area of Trieste under Italian civil administration), Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, United Kingdom, and West Germany (Federal Republic of Germany, Western Sectors of Berlin, and Saar). (See Supplement No. 2 to this Part 373 for list of addresses where foreign importers may obtain Import Certificates. Facsimiles of Import Certificates issued by each of these countries may be inspected at any U.S. Department of Commerce Field Office, or at the Office of Export Control, U.S. Department of Commerce, Washington, D.C., 20230.)

<sup>2</sup> Submission of an Import Certificate does not relieve the parties to the transaction from compliance with the reexportation provisions. (See § 372.12 of this chapter.)

<sup>3</sup> In certain exceptional instances, an Import Certificate may be required for transactions not involving an exportation from the United States under a validated license. (See § 368.1(b)(7) of this chapter.)

(b) The provisions of this § 373.2 do not apply to the overseas territories of the countries listed in (a) of this subdivision unless such territories are specifically included in the list.

(2) *Exemptions.* The provisions of paragraph (d) of this section shall not apply to:

(i) A shipment or an application for export license covering a shipment under a Project License (see Part 374 of this chapter);

(ii) An application for a license to export commodities classified in a single entry on the Commodity Control List the total value of which, as shown on the export order, is less than \$500, except where a multiple transactions Import Certificate is filed in accordance with paragraph (d) (2) of this section;

(iii) An application for a license to export a commodity to a foreign government or government agency when such government or government agency actually placed the order with the applicant and will take delivery of the exportation when it is received in the importing country (see § 373.65(a) (2) (iv) for definition of "government agency");

(iv) A shipment made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, to a member agency in the foreign country;

(v) An application for a license supported by a Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, or by a Form FC-143, Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers, or by current Station Number or validation number of either of these forms (see §§ 373.3 and 373.4); or

(vi) An application for a license to export commodities for exhibition, demonstration, or testing purposes (see § 373.6).

(b) *Definitions.* (1) As used in this § 373.2, the terms "Import Certificate," "Delivery Verification," "Hong Kong Import License," or "Landing Certificate," refer to the documents issued by governments of countries listed in paragraph (a) (1) of this section to importers in such countries, and are the equivalent documents to the Form FC-826, Import Certificate, and Form FC-908, Delivery Verification, issued to United States importers (see § 368.1 of this chapter).

(2) These documents contain an undertaking by the government issuing the Import Certificate or the Delivery Verification to exercise legal control over the disposition of the commodities covered. This control is in addition to the conditions and restrictions placed on the exportation by the Office of Export Control. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an Import Certificate or Delivery Verification.

(3) In accordance with international practice, the issuing office may stamp a triangular symbol on the Import Certificate. This symbol is a notification that the importer does not intend that the commodities will be imported into or remain in the country issuing the import

certificate, but that the issuing country represents that in any case the commodities will not be delivered to any destination except in accordance with its export regulations.

(c) *Special provisions for Hong Kong.* With regard to exports to Hong Kong, wherever the term "Import Certificate" appears in this § 373.2, it shall be construed as meaning the duplicate copy of Form 3, Hong Kong Import License, issued by the Hong Kong authorities containing one of the following stamped endorsements which shall bear the signature of an official of the Hong Kong Government:

(1) For consumption in Hong Kong. Diversion en route prohibited. Re-export not permitted except under special license and subject in addition to general or specific concurrence of government of supplying country concerned.

(2) For re-export to -----  
(Approved destination)

Diversion en route prohibited. To be delivered by shipping or airline company concerned to Govt-designated godown. Overseas delivery not permitted. Release from godown subject to approval of export license.

Wherever the term Delivery Verification appears in this § 373.2, it shall be construed as meaning the C&I Form 229, Hong Kong Delivery Verification, or the C&I Form 42, Hong Kong Landing Certificate. C&I Form 42 is acceptable only where the Hong Kong Government does not issue its C&I Form 229 Delivery Verification. (See paragraph (g) of this section for delivery verification requirements.)

(d) *Submission of Import Certificate.*—(1) *Single transaction Import Certificate.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the original Import Certificate,<sup>4</sup> bearing the official authentication of the government authorities in the importing country, issued to the named importer or his agent and covering the commodity or commodities described in the export license application. (See Supplement No. 2 to this Part 373 for list of addresses where importers may obtain Import Certificates.)

**NOTE: 1. Reproduced copy of Import Certificate not acceptable.** As indicated above, the original Import Certificate, whether a single transaction or multiple transactions Import Certificate shall be attached to the license application. A reproduced copy (photostat or other type) of the Import Certificate will not be accepted by the Office of Export Control.

**2. Furnishing commodity description with request for Import Certificate.** In requesting an Import Certificate from his foreign consignee, whether a single transaction or multiple transactions Import Certificate, the United States exporter should furnish his consignee the commodity description shown on the Commodity Control List and advise him to use this description when applying for the Import Certificate from his government. In addition, where the commodity is a new or highly technical product, it is advisable to furnish also a manufacturer's catalog or bulletin, or printed pages describing the commodity. This will be helpful to the foreign government in determin-

ing whether the commodity meets the criteria for the issuance of an Import Certificate.

(ii) Where the single transaction Import Certificate covers commodities for which more than one export license application is submitted, the original Import Certificate<sup>4</sup> shall be attached to the first such application. On each subsequent application the following certification shall be inserted in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the (Name of country) Import Certificate (or Hong Kong Import License) number -----, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate.

This Import Certificate was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity numbers and processing codes shown on that application).

**NOTE:** Whenever possible, the case number should be indicated on the certification set forth above since failure to supply the case number may result in delay in processing the license application.

(2) *Multiple transactions Import Certificate.* (i) Instead of a single transaction Import Certificate, the applicant may submit a multiple transactions Import Certificate. A multiple transactions Import Certificate is an officially authenticated original of an Import Certificate which covers more than one proposed transaction.

(ii) Where an Import Certificate specifies the amount of the commodities (in terms of either quantity or value), all export licenses, including a commodity shown on the export license in a value of less than \$500, will be charged against the amount of the commodities shown on the Import Certificate.

(iii) The applicant shall attach to the first license application covered by the multiple transactions Import Certificate, the original Import Certificate,<sup>4</sup> bearing the official authentication of governmental authorities in the importing country. On each subsequent application for export license submitted against the multiple transactions Import Certificate, one of the following certifications (depending on whether a quantity or value is shown on the Import Certificate) signed by the applicant shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

(a) If quantity or value is shown on the certificate:

I (We) certify that the quantities (values) of commodities shown on all export licenses based on the (Name of country Import Certificate) (or Hong Kong Import License) number -----, when added to the quantities (values) shown on all additional applications pending in the Office of Export Control based on the same Import Certificate, including the present application, do not total more than the quantities (values) shown on that Import Certificate. This Import Certificate

<sup>4</sup>For Hong Kong, see paragraph (c) of this section.

was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity numbers and processing codes shown on that application).

(b) If the amount of commodities in terms of quantity or value is not shown on the certificate:

I (We) certify that this application is supported by the multiple transactions (Name of country Import Certificate) (or Hong Kong Import License) number -----, which was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity numbers and processing codes shown on that application).

Note: See Notes 1 and 2 following subparagraph (1) (i) of this paragraph.

(3) *Requirements applicable to both single and multiple transactions Import Certificates—(i) Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. An explanation or translation of an Import Certificate shall be submitted on a separate document attached to the Import Certificate. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

(ii) *Purchase order.* The Import Certificate may cover more than one purchase order and may be concerned with several commodities, however, the Import Certificate shall relate only to purchase orders placed by a single importer located in a single foreign country with a single United States exporter.

(iii) *Parties named on the Import Certificate.* The Import Certificate may be accepted from either the ultimate consignee or the purchaser if they are different parties located in the same country. If the ultimate consignee and the purchaser are not located in the same country, an Import Certificate, an ultimate consignee statement, or other applicable equivalent document is required from the party located in the country of ultimate destination. The United States exporter named in the Import Certificate must appear as applicant, supplier, or order party on the applications for export license submitted to the Office of Export Control.

(iv) *Validity period.* The Import Certificate must be submitted to the Office of Export Control within the period shown on each document, which in no case will exceed six months from the date it is issued by the foreign government. In addition, any application for export license supported by such Import Certificate must be submitted to the Office of

Export Control within 12 months from the date the Import Certificate was initially submitted to the Office of Export Control. The expiration of an Import Certificate will in no way affect the validity period for which an export license is granted.

(v) *Applicant's responsibility for full disclosure.* In submitting an Import Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the Import Certificate. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the Import Certificate and which were brought to his notice by the foreign importer or any other person subsequent to the date the Import Certificate is issued.

(vi) *Triangular transactions.* Whenever an Import Certificate bearing a triangular symbol is submitted to the Office of Export Control, all parties to the transaction,<sup>5</sup> including parties located outside the country which issued the Import Certificate, shall be disclosed. This information should be submitted to the Office of Export Control by the exporter. If the importer objects to disclosing this information to the United States exporter, the information may be submitted directly to the Office of Export Control through a United States Foreign Service Post or by means of a sealed envelope sent to the United States exporter and clearly marked "To be opened by the Office of Export Control only."

(4) *Import Certificate as a factor in licensing.* (i) The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which a foreign government has issued an Import Certificate.

(ii) Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the Import Certificate and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Import Certificate.

(iii) The Office of Export Control will not seek, or undertake to give consideration to, recommendations from a foreign government as to which United States exporter's license application should be approved. An Import Certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based, since end use and other considerations remain important factors in export licensing.

(e) *Return of Import Certificate.* (1) The United States exporter may be requested by his foreign importer to return an unused or partially used Import Certificate. In such case, the United States

exporter shall forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted application for export license, or an appeal.

(2) Failure on the part of the United States exporter to comply with his foreign importer's request will result in the importer's inability to fulfill his obligations to his government and may result in the foreign importer being denied further Import Certificates. This action obviously would prevent the United States exporter's participation in further export transactions with such foreign importer. In addition, the foreign importer may be subjected to other penalties for his failure to return the Import Certificate.

(3) The Office of Export Control will not return an Import Certificate to the United States exporter where the total quantity shown on the Import Certificate has been shipped or is covered by an outstanding export license(s), except as indicated in this subparagraph. In order to comply with a foreign importer's request for the return of an unused or partially used Import Certificate, an Import Certificate on file in the Office of Export Control will be returned to the exporter in accordance with the procedures described below:

(i) *Import Certificate quantity greater than license application.* Where an Import Certificate covers a quantity in excess of the export license application submitted against it, or does not specify the quantity covered, the Office of Export Control will retain the Import Certificate until such time as the exporter requests return thereof. When requesting return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, case numbers to which the Import Certificate applies, Import Certificate number, and statement that such Import Certificate will not be used in connection with a new or resubmitted application for export license. Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(ii) *Import Certificate and license application in same quantities.* The Office of Export Control will automatically return the applicable Import Certificate to the United States exporter (applicant) whenever an application for export license covers the same type and amount of the commodity as that shown on the Import Certificate but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Office of Export Control. In some cases the Import Certificate covering an application rejected by the Office of Export Control will be returned directly to the government which issued the certificate. In such cases the applicant will be notified of this action. In any event, the government issuing the Import Certificate will be notified if the export license application which it covers is rejected.

(iii) *Unshipped quantities.* Where the United States exporter does not intend to ship the total quantity of com-

<sup>5</sup> See § 370.1(o) of this chapter for definition of parties.

modities for which a license has been issued and desires the return of the Import Certificate, he shall submit his request in writing for return of the Import Certificate in accordance with the procedure described below:

(a) *Unexpired export license.* If the license has not expired and no further shipment is intended to be made, the written request for return of the Import Certificate shall either be accompanied by the license, or include the name of the port where the license is filed. In the latter event the exporter shall request the Collector of Customs to forward the license to the Office of Export Control. The license will then be cancelled by the Office of Export Control. If a further shipment(s) is intended to be made, the request shall be submitted together with a request for amendment of the license to show the total quantity the exporter intends to ship against the license. The amendment request in such case shall be submitted on Form IA-763 as provided by the regular amendment procedure set forth in § 380.2 of this chapter.

(b)(1) *Expired export license.* If the license has expired, the written request shall either be accompanied by the license, or include the name of the port where the license is filed. Form IA-763 shall not be submitted with a request for return of an Import Certificate where the license has expired.

(2) Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(f) *Requests for amendments.*<sup>6</sup> A new or appropriately amended Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Import Certificate previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Import Certificate, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number -----, if granted, will not exceed the total quantity authorized under the (Name of country) Import Certificate (or Hong Kong Import License) number -----.

(g) *Submission of delivery verification—(1) Notification of requirement.*

(i) The licensee may be requested by the Office of Export Control to submit a Delivery Verification with respect to any commodities exported under a validated license to a country listed in paragraph (a) of this section, including commodities not subject to paragraph (d) of this section and exemptions and exceptions granted under the provisions of paragraphs (a) (2) and (j) of this section. Where a Delivery Verification is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form IA-

863". In addition, Form IA-863 Notification of Delivery Verification Requirement will be attached to the license. Where a Form IA-863 is attached to a license forwarded by the Office of Export Control to an agent or freight forwarder of the licensee, it shall be the responsibility of such agent or freight forwarder to notify the licensee that a Delivery Verification is required. (See Supplement No. 2 to this Part 373 for list of addresses where importers may obtain Delivery Verifications.) Facsimiles of Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office or at the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

(ii) The requirement that a Delivery Verification be submitted for a particular export transaction is cancelled automatically if subsequent to the issuance of a license, (a) the symbol "A" is removed from the last column of the Commodity Control List, and (b) the exporter returns the original copy of Form IA-863 to the Office of Export Control with a statement that the symbol "A" has been removed from the last column of the Commodity Control List.

(2) *Submission to the Office of Export Control.* When notified to do so by the Office of Export Control, any person issued a license covering a shipment within the scope of this § 373.2 shall:

(i) Transmit to the foreign importer a written request for delivery verification at the time of making each shipment under the license (whenever possible, this request shall be submitted together with the related Bill of Lading or Air Waybill). The request shall include the number of the Import Certificate for the particular transaction which is referred to in the Form IA-863, Notification of Delivery Verification Requirement. In addition, the request shall also notify the foreign importer that this same Import Certificate number should be shown on the Delivery Verification;

(ii) Obtain from the named importer a Delivery Verification which has been issued to the importer by his government covering the commodities described on the particular export license, or so much thereof (when complete shipment against the license will not be made) as the licensee has shipped; and

(iii) Send the original copy of the Delivery Verification to the Office of Export Control within a reasonable time after clearance of the last exportation made under the license. If a Delivery Verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license, the licensee shall obtain a Delivery Verification for each partial shipment and retain it in his files until all Delivery Verifications respecting shipments against the license have been received by him. The licensee shall then send the original copies of all such Delivery Verifications to the Office of Export Control in one parcel. (See Supplement No. 2 to this Part 373 for list of addresses where foreign consignees may obtain Import Certificates and Delivery Verifications.)

(3) *Inability to obtain a delivery verification.* If an exporter is unable to obtain the required Delivery Verification from his importer, he shall promptly notify the Office of Export Control and upon request, make available to the Office of Export Control all information and records, including correspondence, regarding his attempt to obtain the Delivery Verification.

**NOTE: 1. Delivery verifications.** It is the policy of the Office of Export Control to require Delivery Verifications on a selective basis where Import Certificates are required. Also, Delivery Verifications may be required relative to export licenses issued for exportation to any of the countries participating in the Import Certificate/Delivery Verification procedure, even though the licensed commodities are not subject to paragraph (d) of this section, or are commodities for which exemptions and exceptions have been granted under the Import Certificate/Delivery Verification procedure.

**2. Coded terms and translation requirements.** See paragraph (d)(3)(1) of this section.

(h) *Effective dates.* Whenever the scope of this § 373.2 is extended by adding a commodity or country (see paragraph (a) of this section), such change shall become effective 45 days from the time the new commodity or country is added.

(i) *Relationship to consignee/purchaser statement—(1) Where Import Certificate required.* The requirement for submission of a consignee/purchaser statement specified in § 373.65 shall not be applicable wherever an Import Certificate is submitted pursuant to the requirements of this § 373.2.

(2) *Where Import Certificate not required.* (i) Where an Import Certificate is not specifically required by the provisions of this § 373.2, an exportation to a country listed in paragraph (a) (1) (ii) of this section is subject to the requirement for submission of a consignee/purchaser statement as specified in § 373.65, and an Import Certificate may not be substituted for that statement.

(ii) In any case where the symbol "A" is deleted from an entry on the Commodity Control List, the commodities covered by that entry are removed from the Import Certificate and Delivery Verification requirements of this § 373.2. Neither a new Import Certificate nor an Import Certificate previously submitted to the Office of Export Control will be accepted in lieu of the required consignee/purchaser statement in support of an export license application which is submitted to the Office of Export Control after the deletion of the symbol "A".

(j) *Request for exception.* An applicant for an export license subject to the requirement for an Import Certificate in accordance with the provisions of paragraph (d) of this section, may request an exception to this requirement.

(1) *Grounds for exception.* Favorable consideration of a request for exception generally will be given where the requirement for an Import Certificate:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., the foreign government refuses to issue an Import Certificate and such refusal constitutes discrimination against the United States exporter); or

<sup>6</sup> § 380.2 of this chapter contains other provisions applicable to amendments of applications covered by an Import Certificate.

(ii) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse for subsequent distribution in one or more countries); or

(iii) Is not applicable to the transaction (e.g., the commodities will not be imported for consumption into the named country of destination).

An exception will not be granted where such exception will be contrary to the objectives of the United States export control program.

(2) *Types of requests.* A request for exception may involve either a single transaction or multiple transactions.

(i) The request for a single transaction exception relates to a single export order and, if granted, will cover the application or applications which the exporter submits to ship the single export order.

(ii) The request for a multiple transactions exception, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted. For example, a multiple transactions request submitted on April 1, 1965 may cover all applications for shipment to the ultimate consignee filed on or before June 30, 1966, unless an earlier termination date is requested or directed. A multiple transactions request for exception will be considered by the Office of Export Control only where the reason necessitating the request is continuing in nature.

(3) *When to submit request.* The request for exception shall be submitted together with the application to which it relates. Where the request for exception relates to more than one application, the request shall be submitted together with the first application to which it relates.

(4) *How to submit request.* Each request for exception shall be by letter, in duplicate, addressed to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540) Washington, D.C., 20230. The request shall be accompanied by a statement from the ultimate consignee and purchaser in accordance with § 373.65, unless such statement is already on file in the Office of Export Control. As a minimum, the letter of request shall include:

(i) The type of request, i.e., whether for a single transaction or multiple transactions (see subparagraph (2) of this paragraph);

(ii) A full explanation of the reasons for requesting the exception;

(iii) The nature and duration of the business relationship between the applicant and the importer shown on the license application;

(iv) Whether the exporter has previously submitted to the Office of Export Control any Import Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied;

(v) Whether a statement from the ultimate consignee and purchaser, in accordance with § 373.65, is on file with the Office of Export Control;

(vi) Name and address of the ultimate consignee;

(vii) The location of the foreign trade zone or bonded warehouse if the commodities will be exported to a foreign trade zone or bonded warehouse;

(viii) Name and address of the purchaser, if different than the ultimate consignee;

(ix) The requested date of expiration if a multiple transactions exception is requested (see subparagraph (2) of this paragraph) and the exporter wishes the exception period to expire before June 30 of the next year; and

(x) Any other facts which would justify the granting of an exception.

(5) *Action by Office of Export Control—(1) Single transaction request.* For a single transaction request, the Office of Export Control will act on the request for exception together with the application for export license with which the request for exception was submitted. In those cases where the related application is approved, the issuance of the export license will serve also as an automatic notice to the exporter that the exception is approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Office of Export Control will advise the exporter by letter.

(ii) *Multiple transactions request.* Where the request involves multiple transactions, the Office of Export Control will advise the exporter by letter of the action taken on the request for exception. The letter will contain any conditions or restrictions which the Office of Export Control finds necessary as a condition to approval of the request for exception. In addition, a written acceptance of these conditions will be required from the parties to the transaction.

(6) *Submission of additional application.* On any additional application for export license which is subject to an approved request for exception to the Import Certificate requirement the following certification shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the circumstances shown in the original request for exception to submission of an Import Certificate (or Hong Kong Import License) also exist with respect to this application. The request for exception was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the request for exception was attached, and Export Control Commodity numbers and processing codes shown on that application).

(7) *Relationship to reexportation.* The granting of an exception to submission of an Import Certificate in no way relieves the applicant or any other party to the transaction from obtaining reexportation authorization from the Office of Export Control when so required by the Export Regulations.

#### § 373.3 Statement by foreign importer of aircraft or vessel repair parts.

(a) *Definitions—(1) Foreign importer of aircraft or vessel repair parts.* As

used in this § 373.3, the term "Foreign Importer of Aircraft or Vessel Repair Parts" means a person or firm which is located in any foreign country except Country Group W, Y, or Z (see § 370.1(g) of this chapter for country groups), and which is either;

(i) Engaged in the repair, maintenance or servicing of aircraft or vessels, either exclusively or as part of a related business; or

(ii) Engaged in supplying United States origin parts, accessories, equipment, or components directly to aircraft or vessels for use on such aircraft or vessels, either exclusively or as part of a related business. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard provided that he is engaged in one of the activities set forth in this procedure.

(2) *Station number.* As used in this § 373.3, a Station Number is that number assigned by the Office of Export Control on Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, to an approved foreign importer of aircraft or vessel repair parts.

*NOTE: 1. Examples of qualifying foreign businesses.* The following examples illustrate the types of foreign businesses which may qualify under the procedure set forth in this § 373.3: (a) The foreign importer may be in the business of repairing vessels or aircraft and, as part of this business, he uses United States origin parts to accomplish the repair, or (b) the foreign importer may be in the business of repairing vessels or aircraft, and, in addition to using United States origin parts in such repair, he also sells United States origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft, or (c) the foreign importer may not be in the vessel or aircraft repair business but does sell United States origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft.

*2. Examples of non-qualifying foreign businesses.* The procedure set forth in this § 373.3 does not apply to a foreign importer who imports United States origin commodities for general resale (including resale to repairmen) or for reexportation of the commodities in the form received; nor does it apply to a foreign importer whose normal business is the repair of components for aircraft or vessels, e.g., engines, radar, etc., unless the foreign importer installs the components on or returns them to the vessel or aircraft for use on such vessel or aircraft.

*3. Foreign importers engaged in both qualifying and non-qualifying types of businesses.* In some instances a foreign importer may be engaged in several types of businesses but not all of them may qualify under the procedure set forth in this § 373.3. For example, the importer may be engaged in repairing aircraft or vessels, as well as in selling commodities to other repairmen, or in reexporting the commodities to other countries. The fact that the importer is engaged in several types of businesses does not preclude him from qualifying under this procedure with respect to United States origin commodities which are used by him in the repair, maintenance or servicing of vessels or aircraft. However, with respect to commodities which the importer purchases in the United States for end uses not authorized under this procedure, both the importer and the exporter must meet the standard documentation and reexportation provisions of the Export Regulations.



(b) *General.* (1) Sections 373.2, 373.65, 373.67, and 373.70 require, under specified circumstances, the foreign consignee to send his United States exporter an Import Certificate, a Hong Kong Import License, a consignee/purchaser statement, a Swiss Blue Import Certificate, or a Yugoslav End Use Certificate for use in connection with the submission of an application for an export license to the Office of Export Control. In addition, before United States origin parts, accessories, equipment, or components may be used abroad in the repair, maintenance or servicing of a vessel or aircraft, authorization must be obtained from the Office of Export Control, either on the validated license or by other type of Office of Export Control authorization. As an alternative to these requirements, a foreign importer may submit Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts (see Supplement S-23 for facsimile of Form FC-43), for approval to the Office of Export Control in accordance with the procedure described in this § 373.3.

(2) A foreign importer qualifying under this procedure will not be required to submit to his United States exporter any of the documents set forth in subparagraph (1) of this paragraph; nor will his United States exporter be required to submit these documents to the Office of Export Control.

(3) A foreign importer qualifying under this procedure is authorized to use the United States-origin parts in the repair, maintenance or servicing of any vessel or aircraft, provided the vessel or aircraft is not registered in, or not owned or controlled by, or not chartered or leased to a Country Group W, Y, or Z country (see § 370.1(g) of this chapter), or a national of any of these countries.

*Note:* Any undertaking made prior to January 29, 1962, that commodities imported will not be used in the repair, maintenance, or servicing of vessels or aircraft owned or operated by, or chartered or leased to, the Armed Forces of the Dominican Republic is no longer binding and the person entering this undertaking is released therefrom.

(4) Unless otherwise authorized by the Export Regulations, a foreign importer may not reexport the United States origin commodities in the form received, or otherwise dispose of the commodities in any manner without the prior approval of the Office of Export Control. The permissive reexportation provisions of §§ 371.4(b) and 372.12(d)(5) of this chapter relating to the reexportation of certain commodities within the GLV dollar value limitation shown on the Commodity Control List do not apply to commodities exported from the United States under the provisions of this § 373.3.

(c) *Request for qualification.* In order to qualify as an approved foreign importer, any person or firm meeting the terms of the definition set forth in paragraph (a) (1) of this section shall submit to the Office of Export Control five

completed copies of Form FC-43,<sup>7</sup> Revised April 1, 1961. Copies bearing an earlier printing date are not acceptable. All items on the form shall be completed and the foreign importer shall signify agreement to the conditions and obligations set forth on the form by signature of an official of the foreign firm.

*NOTE:* The undertaking that the commodities imported will not be used in the repair, maintenance, or servicing of vessels or aircraft owned or operated by, or chartered or released to, the Armed Forces of the Dominican Republic, may be deleted from the Certification (Item 7.b) of all Forms FC-43 (Revised April 1, 1961) submitted for consideration to the Office of Export Control.

(d) *Office of Export Control action on request.* After consideration of the request, the Office of Export Control will notify the foreign importer of the action taken. If approved, the foreign importer will be furnished a validated copy of Form FC-43, which will contain a Station Number and an expiration date. (The expiration date generally will be on June 30 of the year following the date on which the Form FC-43 is signed by an official of the foreign firm, unless an earlier termination is requested by that firm.) If the request is denied, the foreign importer will be so notified.

*NOTE:* The approval of a foreign importer under the procedure set forth in this § 373.3 does not eliminate the requirement that a United States exporter must submit an application for export license and obtain a validated export license before making shipment, where so required by the export regulations.

(e) *Use of station number on license application.* (1) Where a foreign importer has been approved under this procedure, he shall supply the designated Station Number to his exporter(s) in the United States, instead of an Import Certificate, Hong Kong Import License, consignee/purchaser statement, Swiss Blue Import Certificate, or Yugoslav End Use Certificate as otherwise required by the Export Regulations.

(2) A United States exporter applying for an export license to ship to a foreign importer approved under this procedure shall insert the following statement on the Form FC-419, Application for Export License, in the space entitled "Additional Information" or on an attachment thereto:

<sup>7</sup> Copies of Form FC-43 may be obtained at all U.S. Department of Commerce Field Offices, and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

Late revisions of the Form FC-43 include Rumania in the list of countries in item 7.b and do not include the reference to the Armed Forces of the Dominican Republic. If an earlier issuance of Form FC-43 is used, the list of destinations in item 7.b shall be revised accordingly.

Foreign importers may obtain copies of this form from their United States exporter or from United States diplomatic and consular offices.

The ultimate consignee named in this application is an approved foreign importer of aircraft or vessel repair parts and has been assigned Station Number (insert station number).

An application for an export license supported by this designated Station Number will be considered by the Office of Export Control provided it is received prior to the expiration date shown on the approved Form FC-43.

(f) *Records and reports.* (1) Any foreign importer approved under this procedure shall maintain records, in the detail set forth below, of commodities imported from the United States and supplied to vessels or aircraft, for a period of three years from the date the commodities are supplied to such vessel or aircraft. These records shall be made available for inspection, upon demand, by the U.S. Department of Commerce or by a United States Foreign Service post or by any other accredited representative of the United States Government. In the event the foreign importer is prohibited by governmental regulation or statute from permitting a United States Government representative to inspect his records, the U.S. Department of Commerce will consider granting a waiver to this requirement and the substitution therefor of a calendar quarterly report setting forth the information contained in the records. Such request for waiver shall be part of the submission of Form FC-43 to the Office of Export Control, and shall include a citation to the governmental regulation or statute prohibiting the inspection of records, together with a certification that a calendar quarterly report, containing the information specified below, will be submitted to the Office of Export Control if the waiver request is granted.

(2) As a minimum, the records or reports shall include the following with respect to each vessel or aircraft on which United States origin parts, accessories, equipment, or components are supplied:

- (i) Name, business address and nationality of the owner;
- (ii) Country of registry;
- (iii) Type of aircraft and model number;
- (iv) If a vessel, the name of the vessel or other identification, and type of vessel;
- (v) Date the commodities are supplied to the vessel or aircraft; and
- (vi) The commodity description and units of quantity or value of the commodities supplied to the vessel or aircraft.

(The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(g) *Extension of validity period of Form FC-43.* (1) If there are no changes with respect to the facts and commitments set forth in the Form FC-43 previously approved by the Office of Export Control, a foreign importer may request the extension of an expiring

Form FC-43 by submitting a letter to the Office of Export Control, in an original and four copies, which includes the certification set forth below. However, if there will be a change, to take effect upon validation of the extension, with respect to the facts previously certified on the previously approved Form FC-43, a new Form FC-43 must be submitted to the Office of Export Control.

I (We) certify that:

(1) I (We) have reread the Form FC-43 which was executed on \_\_\_\_\_, and which expires on \_\_\_\_\_.

(ii) The facts contained in that Form have not changed to date and accurately and completely reflect the intended use and disposition of the commodities to be imported under Station No. \_\_\_\_\_ for the period ending (insert June 30 next year or an earlier termination date if desired).

(iii) The commodities imported will not be used in the maintenance, repair, or servicing of vessels or aircraft under the registry, ownership, operation, charter, lease or control of any country in the Soviet Bloc, Communist China, North Korea, the Communist-controlled area of Viet-Nam, Poland (including Danzig), Rumania, or Cuba, or a national of any of these countries, unless prior approval is received from the Office of Export Control.

(iv) I (We) will maintain records, in the detail set forth in the United States Export Regulations, of commodities imported from the United States and supplied to vessels or aircraft, for a period of three years from the date the commodities are supplied to such vessel or aircraft. These records will be available for inspection, upon demand, by the Office of Export Control or by a United States Foreign Service post.

(v) I (We) shall obtain the approval of the Office of Export Control with respect to any change in the facts or intentions which may occur after the signing of this certification.

-----  
(Name of foreign firm)

-----  
(Signature of official of foreign firm)

-----  
(Date of signing)

-----  
(Typed or printed signature)

(2) If the request for extension is approved, one copy of the foreign importer's letter will be returned to him imprinted with the seal of the U.S. Department of Commerce. Where the request for extension is not approved, the foreign importer will be advised by letter.

#### § 373.4 Distribution of United States Commodities by foreign-based subsidiary, affiliate, or branch.

(a) *Definitions.* As used in this § 373.4 (and in the related forms), the following terms are defined:

(1) *Form FC-243 procedure.*<sup>9</sup> The provisions for the distribution of United States commodities by the United States exporter or his subsidiary, affiliate, or branch set forth in this § 373.4 are referred to as the "Form FC-243 procedure."

(2) *Foreign-based stock.* The term "foreign-based stock" is a stock of United

States-origin commodities, not identified by the symbol "B" in the last column of the Commodity Control List (see § 399.1 of this chapter), which has been duly licensed by the Office of Export Control for stocking outside the United States by a United States exporter, his subsidiary, affiliate, or branch for the purpose of distribution in one or more countries to customers approved by the Office of Export Control.

(3) *Distributor.* The term "distributor," as used in this subchapter, refers to, and is limited to, a subsidiary, affiliate, or branch of the United States exporter wherein:

(i) The subsidiary, affiliate, or branch is under the full and active control of the United States exporter;

(ii) The United States exporter owns a majority of any existing voting stock in the subsidiary, affiliate, or branch;

(iii) The subsidiary, affiliate, or branch distributes or sells United States commodities covered by a validated Form FC-243 exclusively to customers approved by the Office of Export Control under this Form FC-243 procedure<sup>9</sup> for: (a) delivery from foreign-based stocks, or (b) shipment directly from the United States, pursuant to instructions<sup>10</sup> of the subsidiary, affiliate, or branch to fill an urgent need or a specialized requirement for a commodity covered by this Form FC-243 procedure but not available for shipment through the foreign-based stock, or (c) shipment directly from the United States to an approved customer of commodities to be used in repairing equipment originally manufactured by the United States exporter; and

(iv) The subsidiary, affiliate, or branch is located in a country other than Country Group W, Y, or Z.

(4) *Customer.* The term "customer," as used in this regulation, means a person or firm in a country other than Country Group W, Y, or Z, who is supplied United States-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

(b) *Establishment of alternative procedure for the distribution of United States commodities by a subsidiary, affiliate, or branch of United States exporter.* (1) A United States exporter is required, under specified circumstances, to obtain and submit to the Office of Export Control certain documentation in support of his application for an export license. (See §§ 373.2, 373.65, 373.67, and 373.70.) In addition, a reexportation to a third country must be authorized by means of a specific individual authorization. (See §§ 371.4 and 372.12 of this chapter.)

(2) An alternative to these provisions is hereby established as described below, permitting a United States exporter either to stock United States commodi-

ties abroad at a central location for distribution to customers in the country where the stock is located or in other countries; or, when necessary to fill an urgent need or a specialized requirement which cannot be filled from the foreign-based stock, to ship the commodities directly to these customers from his United States stocks.

(c) *Exportations, reexportations, and distributions under the Form FC-243 procedure.* (1) A United States exporter who qualifies under the provisions of paragraph (d) of this section may apply for and obtain licenses for any commodities not identified by the symbol "B" in the last column of the Commodity Control List to be exported to an approved destination for the purpose of maintaining a foreign-based stock. In addition, the United States exporter may apply for an export license to ship directly to his distributor's customer either:

(i) Upon instructions from his distributor, when shipment directly from the United States is necessary to supply promptly an urgent need or specialized requirement for commodities which are covered by this Form FC-243 procedure but are not available from the foreign-based stock, or

(ii) For shipment to an approved customer of parts and components to be used in repairing equipment originally manufactured by the United States exporter.

These exportations may be made without obtaining or submitting documents otherwise required by the Export Regulations and referred to in paragraph (b) of this section.

(2) The Form FC-243 procedure also permits the distributor, until the expiration or revocation of his validated Form FC-143, Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers,<sup>11</sup> to distribute or reexport the commodities stocked abroad, without obtaining prior Office of Export Control approval for each separate individual transaction, to any customer who has been approved by the Office of Export Control in accordance with the provisions of paragraph (e) of this section, whether such customer is in the country where the foreign-based stock is located or in any other country.

(3) Only a distributor, as defined in paragraph (a) (3) of this section, will be qualified under the Form FC-243 procedure.

(4) Where a commodity, customer, distributor, or destination is not approved under the Form FC-243 procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Country

<sup>9</sup> See paragraph (c) (4) of this section regarding use of other procedures.

<sup>10</sup> The instruction from the distributor to ship directly from the United States to his approved customer, together with the related export order shall be retained by the United States exporter, as provided by § 372.4(f) (4) of this chapter and paragraph (h) of this section.

<sup>11</sup> Copies of Forms FC-143 and FC-243 may be obtained at all U.S. Department of Commerce Field offices, and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

Late revisions of Form FC-143 refer in item 7.b to Country Groups W, Y, and Z. If an earlier issuance of Form FC-143 is used, the list of destinations in item 7.b shall be revised accordingly.

<sup>8</sup> Copies of Form FC-243 may be obtained at all U.S. Department of Commerce field offices, and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

Group W, Y, or Z will not be approved as distributors under the Form FC-243 procedure. Customers in Country Group W, Y, or Z may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

(5) Except as provided in paragraph (e) (4) of this section, in no case may an exportation, reexportation, distribution, or resale be made under the Form FC-243 procedure to any person or firm until the exporter has received a validated Form FC-243 showing the Office of Export Control approval of that person or firm as a customer.

(6) The permissive reexportation provisions of the Export Regulations relating to the reexportation of commodities within the established GLV dollar value limits (see §§ 371.4(b) and 372.12(d) (5) of this chapter) shall not apply to exportations, reexportations, or distributions under this procedure.

(d) *Qualification of United States exporter and his distributor to participate in Form FC-243 procedure.* (1) A United States exporter desiring to qualify for participation in the Form FC-243 procedure shall complete and submit to the Office of Export Control, six copies of Form FC-143.

(2) After consideration of the request, the Office of Export Control will notify the United States exporter of the action taken. If approved, he will be furnished two validated copies of the Form FC-143, each of which will contain the validation number and expiration date. One copy shall be retained by the exporter, and one copy shall be forwarded to his distributor. Generally, the expiration date will be on June 30 of the year following the date on which the Form FC-143 is signed by the United States exporter, unless an earlier termination date is requested. If the request for approval is denied, the exporter will be notified by the return of the Form FC-143 and a rider which will state the reason for rejection.

(e) *Approval of customer of distributor of foreign-based stocks.* (1) Except as provided in subparagraph (4) of this paragraph, each customer to whom distribution is proposed, whether in the country where the foreign-based stock is located or in any other country, must complete and submit to the distributor, or directly to the United States exporter, six copies of Form FC-243, Multiple Transactions Statement by Customer of Distributor of United States Commodities Stocked Abroad. These forms shall be forwarded by the United States exporter to the Office of Export Control either with or subsequent to the submission of Form FC-143.

(2) If the Form FC-243 is approved, two validated copies of the approved form will be sent to the United States exporter. Generally, the expiration date shall be on June 30 of the year following the date on which the Form FC-243 is signed by the customer, unless an earlier expiration date is requested. If the customer is not approved, the form with a rider will be returned to the United States exporter explaining the reason for rejection. One copy of either the approved

or rejected form shall be retained by the exporter at his United States office and one copy shall be sent to the foreign office from which the distribution is controlled. These forms shall be used in assuring that distribution under the Form FC-243 procedure will be made only to customers for which the Office of Export Control has approved a Form FC-243.

(3) In addition, where the customer is located in Switzerland or in Yugoslavia, the exporter or his distributor must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the commodities to be distributed. However, neither the Swiss Blue Import Certificate nor the Yugoslav End-Use Certificate need be submitted to the Office of Export Control. Instead, these documents shall be retained in accordance with the provisions in paragraph (h) of this section.

(4) A Form FC-243 need not be obtained in any case where the customer is an agency of the United States Government (as described in § 371.14(b) of this chapter) or of a foreign government (as defined in § 373.65(a)(2)(iv)), provided the commodities are to be distributed to the government agency. Instead of a Form FC-243, the name and address of the foreign government agency shall be submitted for approval by means of a letter in six copies to the Office of Export Control, and if approved, two validated copies of the letter will be returned by the Office of Export Control. The approval will remain valid until the expiration of the related Form FC-143 or any extension thereof. Notice to, and approval of, the Office of Export Control is not required where the distributor makes a sale under this procedure to a United States Government agency.

(f) *Application for export license—(1) Types of applications.* A United States exporter who has received a validated Form FC-143 may apply for three different types of export licenses under this procedure:

(i) A license to export commodities to his distributor for subsequent distribution, as set forth in paragraph (c)(2) of this section.

(ii) A license to export directly to his distributor's approved customer commodities which are not available from the foreign based stock but for which shipment directly from the United States is necessary to meet an urgent need or a specialized requirement of the distributor's customer.

(iii) A license to export directly to his distributor's approved customer parts and components which are not stocked by the distributor and which are to be used in the repair of equipment originally manufactured by the United States exporter, in an amount based on the United States exporter's estimate of the quantity which he expects to ship during the next six calendar months.

(2) *General provisions.* An application for export license described in subparagraph (1) of this paragraph shall be completed in accordance with the provisions of § 372.5 of this chapter except as modified by this subparagraph (2) or by

subparagraphs (3), (4), or (5) of this paragraph. All commodities having the same processing code may be included on one application, regardless of the related commodity group number of the commodities.<sup>22</sup> Commodity Control List descriptions and Export Control Commodity numbers, however, must be shown for each commodity in accordance with the provisions of § 372.5 of this chapter. In submitting an application, the applicant is not required to provide the Office of Export Control with an Import Certificate, Statement by Consignee and Purchaser or any other supporting document other than Form FC-143 or Form FC-243.

(3) *Shipment to distributor.* An application covering shipments to the distributor of commodities set forth on the validated Form FC-143 (see subparagraph (1)(i) of this paragraph) must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC-143 or on an extension thereof. In completing the application, the applicant shall enter the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved distributor of United States commodities stocked abroad and has been assigned validation number (insert Form FC-143 validation number).

(4) *Urgent direct shipment to distributor's customer.* This type of license application (see subparagraph (1)(ii) of this paragraph) may be submitted where the United States exporter is advised by his distributor that an order has been received from an approved customer for a commodity which has been approved on the customer's validated Form FC-243 but which is not in the distributor's foreign-based stock and for which the customer has an urgent need or a specialized requirement. The license application must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC-243 or an extension thereof. In addition, the application shall include the following statement in the space entitled, "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor. Our distributor (insert Form FC-143 validation number) requests that shipment be made directly from the United States to fill an urgent need or specialized requirement.

(5) *Shipments of parts and components direct to distributor's customer.* This type of license application (see subparagraph (1)(iii) of this paragraph) may be submitted where all of the following conditions are met:

(i) The license application is received in the Office of Export Control prior to the expiration date shown on the customer's validated Form FC-243 or an extension thereof.

(ii) The commodities described on the license application represent parts and

<sup>22</sup> For license applications see § 373.51 covering aircraft and equipment, parts, accessories, and components thereof.

components which will be used by the distributor's customer in repairing equipment originally manufactured by the United States exporter or which will be supplied by the distributor's customer to another party exclusively for this purpose. If the parts and components are reexported for this purpose, the re-exportation will be made only to the countries specified on the customer's validated Form FC-243. In addition, the parts and components will not be used in repairing equipment owned or controlled by, or leased or chartered to a country in Country Group W, Y, or Z, or a national of any of these countries.

(iii) Each order received from the distributor's customer should, whenever possible, include a certification from the customer that he will comply with all the provisions of subdivision (ii) of this subparagraph. Regardless of whether the certification appears on the order, the United States exporter will, at the time of filing the order, transmit a written notification to the customer setting forth these restrictions.

(iv) The commodities set forth on the license application are included on the customer's validated Form FC-243 and are in a quantity which the exporter expects to ship to the customer during the next six calendar months for use in repairing equipment originally manufactured by his firm.

(v) The license application includes the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor (insert Form FC-143 validation number). Before making any shipment under this license, if granted, we shall: (1) obtain an export order from the ultimate consignee, (2) wherever possible, obtain a written certification from the ultimate consignee on the export order with regard to the restrictions set forth in § 373.4(f)(5)(ii) of the Comprehensive Export Schedule, and (3) for each shipment notify the ultimate consignee, in writing, of these restrictions.

If the quantity licensed under this procedure proves insufficient to meet the requirements of a particular customer, a request for an amendment to increase the quantity authorized for export may be submitted in accordance with the provisions of Part 380 of this chapter. However, no amendment will be granted to extend the validity period of such a license. Instead, the exporter should submit a new application for license 30 days prior to the expiration date of an outstanding license. The new application shall be accompanied, in addition to the requirement set forth in this subdivision (v), by a statement from the applicant setting forth the total quantity and value of each commodity shipped under the previous license, as of the date of the new application.

(g) *Special destination control statement*—(1) *Shipments to distributor.* The United States exporter has the option of entering either of the two destination control statements set forth in subdivisions (i) and (ii) of this subparagraph on the Shipper's Export Declaration, commercial invoice, and Bill of Lading covering exportations from the

United States made under the Form FC-243 procedure to the distributor for his foreign-based stock:

(i) These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

The country where the foreign-based stock is located shall be shown as the ultimate destination in this statement. Use of this destination control statement in no way prohibits the distributor from distributing these commodities to other countries provided that the distribution is restricted to customers approved by the Office of Export Control on a Form FC-243.

(ii) These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name(s) of country(ies)). Diversion contrary to United States law prohibited.

The country where the foreign-based stock is located shall be shown in the first blank space. The country where approved customers are located shall be shown in the second blank space.

(2) *Shipments to customers.* (i) As indicated in paragraph (c)(1)(i) and (ii), and (2) of this section, shipments may be made to an approved customer by the distributor and, under certain restrictive conditions, by the United States exporter. Where the shipment is made by the distributor, the destination control statement shall be entered on each commercial invoice and Bill of Lading. If the shipment is made by the United States exporter, the destination control statement shall be entered on the Shipper's Export Declaration, commercial invoice, and Bill of Lading.

(ii) If reexportation has been authorized on the approved Form FC-243, the destination control statement set forth in subparagraph (1)(ii) of this paragraph shall be used with the customer's country of location entered in the first blank space of the statement and the authorized country(ies) to which reexportation is authorized entered in the second blank space. In instances where reexportation has not been authorized on the approved Form FC-243, the destination control statement set forth in subparagraph (1)(i) or (ii) of this paragraph may be used. However, if the statement set forth in subparagraph (1)(ii) of this paragraph is used, the customer's country of location shall be entered in the first blank space of the statement and the word "none" shall be entered in the second blank space.

**NOTE:** In accordance with the provisions of paragraph (c)(5) of this section, no shipment may be made by either the United States exporter or the distributor to a customer of the distributor until a validated Form FC-243, showing Office of Export Control approval of the customer, has been received by the United States exporter. (See paragraph (e)(4) of this section for shipments to government agencies.)

(h) *Records and reports.* (1) The United States exporter shall retain one copy of each validated or rejected Form FC-143 and FC-243 at his office in the United States and one copy at his distributor's office abroad from which the distribution of the foreign-based stock

is controlled. These forms shall be retained for a period of three years from the date of validation or rejection.

(2) All other forms, documents, correspondence, memoranda, books, and other records, as required to be retained by this procedure, relating to any exportation from the United States under the Form FC-243 procedure shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter.

(3) All records regarding a distribution, sale, or reexportation from a foreign-based stock under this Form FC-243 procedure (including distributions to government agencies under the provisions of paragraph (e)(4) of this section) shall be retained at the office from which the distribution is controlled for a period of three years from the date of distribution. In addition, any Swiss Blue Import Certificate or Yugoslav End-Use Certificate obtained in accordance with the requirements of this procedure shall also be retained by the distributor for a period of three years from the date the commodities are distributed. As a minimum, these records shall contain for each distribution the following:

- (i) Validated Form FC-243 number assigned to the customer;
- (ii) Full description of each commodity shipped from the foreign-based stock;
- (iii) Units of quantity or value of each commodity distributed; and
- (iv) Date of shipment.

(4) All of the above-mentioned records shall be made available for inspection upon request, by the U.S. Department of Commerce, by a United States Foreign Service post, or by any other accredited representative of the United States Government. In the event that a foreign governmental regulation or statute prohibits a United States Government representative from inspecting these records in the foreign country, the exporter shall, upon instruction from the U.S. Department of Commerce, obtain these records from his distributor and forward them, in original form or in duplicate or reproduction, to his United States office or directly to the U.S. Department of Commerce.

(5) However, in the event that it becomes necessary to forward records to the United States, copies of validated Forms FC-143 and FC-243 shall be forwarded only if specifically requested.

(6) A United States exporter shall retain for each shipment made under a license obtained under the provisions of paragraph (f)(5) of this section, records which shall include, as a minimum, the following:

- (i) Validated license number;
- (ii) Validated Form FC-243 number assigned to the customer;
- (iii) A full description of each commodity shipped directly from the United States;
- (iv) Units of quantity or value of each commodity shipped;
- (v) Date of shipment; and
- (vi) A copy of the export order.

The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.

(i) *Extension of validity period*—(1) *Form FC-143.* (i) In lieu of a new Form FC-143, a request for extension of the validity period of a previously approved Form FC-143 will be considered for approval by the Office of Export Control if there are no changes in the facts, intentions, or responsibilities set forth in the form previously approved. The request for extension shall be submitted by the United States exporter by means of a letter, in six copies, which shall include the certification shown below. If the request for extension is approved, two copies of the exporter's letter will be returned to him imprinted with the seal of the U.S. Department of Commerce. If the request for extension is not approved, the exporter will be advised by letter.

(ii) The following certification shall be signed by the exporter:

I (We) certify that I (we) have reread the Form FC-143 which was executed on ----- and which expires on -----, and I (we) hereby specifically reaffirm all of the facts, intentions, and responsibilities set forth thereon for the period ending (insert June 30 next year or an earlier termination date if desired). The commodities covered will be distributed exclusively to customers approved by the Office of Export Control and under no circumstances will they be distributed, directly or indirectly, to Country Group W, Y, or Z, without prior approval from the Office of Export Control or to any person in any country if there is reason to believe that the commodities will be reexported to an unauthorized destination.

The Form FC-143 originally approved and the validated copies of this extension, if approved, shall be retained for a period of three years from the date of the validation of this extension, and all records relating to any distribution, sale, or reexportation under the Form FC-243 procedure shall be retained in accordance with the Export Regulations.

A supplementary statement will be submitted for the approval of the Office of Export Control disclosing any change of facts or intentions which may occur after the submission of this extension request.

-----  
(Name of firm)  
-----  
(Signature of official of firm)  
-----  
(Date of signature)  
-----  
(Typed or printed signature)

(2) *Form FC-243.* (i) If there are no changes in the facts, intentions, or responsibilities of the United States exporter with respect to his previously approved Form FC-143, in lieu of submitting a new related Form FC-243, the coverage period of the currently valid Form FC-243 on file in the Office of Export Control may be similarly extended by the submission to the Office of Export Control of (a) a certification completed by the customer and (b) a copy of the distributor's letter to his customer requesting the completion of such certification. Such certification and letter shall meet, as a minimum, the requirements described below and shall be submitted in six copies. If the request for extension is approved, two copies of the certification will be returned to the United States exporter imprinted with the seal of the U.S. Department of Commerce. If the request for extension is not approved, the exporter will be advised by letter.

One copy of either the approval or rejection letter shall be retained by the exporter at his United States office and one copy shall be sent to the foreign office from which the distribution is controlled.

(ii) The following certification shall be signed by the customer:

I (We) certify that:

(1) I (We) have reread our Form FC-243, Multiple Transactions Statement by Customer of Distributor of United States Commodities Stocked Abroad, dated -----;

(2) The facts contained in this Statement which will expire on ----- have not changed to date;

(3) The facts contained in this Statement accurately and completely reflect our past and present relationship with (name of distributor) and our intended use and disposition of commodities received during the period ending (June 30 of next year, unless an earlier termination date is desired);

(4) I (We) shall promptly send a supplemental statement to the named distributor disclosing any change of facts or intentions which occurs after the signing of this certification; and

(5) With respect to any shipment which I (we) propose to dispose of contrary to the representations made in the above described Form FC-243, or contrary to limitations on countries of distribution which I (we) receive on my (our) commercial invoice or comparable documents, I (we) will notify the named distributor, and will secure the United States Government approval through this distributor prior to such disposition.

-----  
(Date of signing)  
-----  
(Print or type) (Name of customer)  
-----  
(Address of customer)  
-----  
(Signature of official of firm named)  
-----  
(Name and title of person signing statement)

(iii) The distributor's letter to his customer requesting the above certification shall, among other things, include the following instructions: (a) the original Form FC-243 shall be reexamined to make sure that the facts and intentions have not changed; (b) the commodities shall be used in the authorized countries only; (c) the commodities shall not be diverted or transhipped from authorized destinations to other destinations without prior United States Government approval; and (d) the exporter must be informed of any future change of facts or intentions from those stated in the certification.

(iv) The certification completed by the customer and the copy of the distributor's letter to his customer requesting the completion of such certification, must be received in the Office of Export Control before the expiration date of the Form FC-243 or any previous extensions thereof.

(3) *Change in facts, intentions, or responsibilities.* If there has been a change in the facts, intentions, or responsibilities set forth on a Form FC-143 by the United States exporter, a new Form FC-143 must be submitted to the Office of Export Control. If this change in any way affects the facts, intentions, or responsibilities of a customer of the distributor, a new Form FC-243 is also

required from each such customer. An extension of a customer's outstanding Form FC-243 will be considered for approval by the Office of Export Control only if no changes in the facts, intentions, or responsibilities set forth thereon result from either changes in the Form FC-143 or from any other cause.

(j) *Effect of other regulations.* Insofar as consistent with the provisions of this section, all of the other provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this § 373.4.

**§ 373.5 Licensing policy for agricultural commodities and manufactures thereof covering shipments to Country Groups Y and Z.**

(a) *Exportations and reexportations to Country Group Z.* It is the general policy of the Office of Export Control to deny applications for validated licenses to export, and requests for authorizations to reexport, any agricultural commodity or manufacture thereof to Country Group Z.

(b) *Exportations and reexportations of wheat and wheat flour*—(1) *Destinations and estimated total to be licensed.* The Office of Export Control will consider applications for export licenses to Country Group Y. All such export licenses issued will bear an expiration date of May 31, 1964.

(2) *Percentage of participation.* No American exporter will be permitted to participate in these wheat and wheat flour export transactions to an extent greater than 25 percent of the total quantity expected to be purchased in the United States. License applications which meet all the requirements for approval will be processed promptly if there is sufficient evidence that the provisions of the 25 percent participation rule is met.

(3) *Certification.* The exporter shall enter the following certification on the license application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that with respect to the commodities described on this application (1) the price will be on the basis of the prevailing world price at the time the contract is concluded; (2) the payment will be made in United States dollars or gold; (3) the terms of sale will be cash or normal commercial credit; (4) the exportation from the United States will not be financed under Public Law 480; (5) the sale does not involve (me) (us) in any barter arrangement; (6) the commodities were produced in the United States; (7) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in United States flag ocean carriers; and (8) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the U.S. Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

NOTE: Notifications of shipping arrangements should be addressed to the U.S. Maritime Administration, Office of Ship Operations, 441 G Street NW., Washington, D.C., 20235.

(4) *Additional information.* The following information shall be entered on the license application in the space entitled "Additional Information," or on an attachment thereto:

(i) The proposed shipping date, if known;

(ii) The specific terms of sale, i.e., cash, credit and credit terms if applicable;

(iii) All the details of the financing arrangements, including the names of financial institutions or facilities participating in the financing. (If the financing arrangements are not completed at the time of application submission, the applicant shall state on the application that the Office of Export Control will be provided this information promptly as soon as the financing arrangements are completed. The notification shall refer to the application case number, or if the case number is unknown, the export license number, the applicant's reference number, or the date of submission of the application.); and

(iv) The name and address of the firm which registered the export sale transaction with the U.S. Department of Agriculture, together with the registration number assigned by the U.S. Department of Agriculture. If the export sale transaction has not been registered with the U.S. Department of Agriculture at the time of application submission, the applicant shall state on the application that the Office of Export Control will be advised promptly as soon as the U.S. Department of Agriculture registration is made. The notification to the Office of Export Control shall refer to the application case number, or if the case number is unknown, the export license number, the applicant's reference number, or the date of submission of the application.

*Note:* The applicant is not required to complete item 10 of the application with regard to the name and address of the supplier.

(5) *Single transaction statement by consignee and purchaser.* Each application shall be accompanied by a Form FC-842, Single Transaction Statement by Consignee and Purchaser, completed in accordance with the provisions of § 373.65.

*Note:* In accordance with the provisions of §§ 371.4 and 372.12 of this chapter, wheat and wheat flour may not be reexported to Country Group Y or Z unless specific authorization is received from the Office of Export Control.

(c) *Exportations and reexportations of agricultural commodities and manufactures thereof other than wheat or wheat flour—(1) Destinations.* License applications covering agricultural commodities and manufactures thereof, other than wheat or wheat flour, will be considered for approval in accordance with the provisions of this paragraph (c) for exportations to Country Group Y.

(2) *Certification.* The exporter shall enter on the license application in the space entitled "Additional Information" or on an attachment thereto, whichever

one of the following certifications is applicable:

(1) I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the exportation from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; (4) the sale will not involve (me) (us) in any barter arrangements; (5) at least 50 percent of the commodities exported under any export license resulting from this application will be exported in United States flag ocean carriers; and (6) promptly upon entering into a charter or other shipping arrangement for each shipment of commodities to be exported under any export license resulting from this application, the Maritime Administration will be notified of the name of the ship, the name of the ship operator, the ship's flag of registration, the quantity of such shipment, and the export license number under which the shipment is made.

*Note:* This certification shall be entered on a license application covering the exportation to the Union of Soviet Socialist Republics of any of the commodities described below:

Export control commodity No.	Commodity description
04210.....	Rice, unmilled.
04220.....	Rice, milled.
04300.....	Barley, unmilled.
04400.....	Unmilled corn, except seed.
04510.....	Rye, unmilled.
04520.....	Oats, unmilled.
04590.....	Inbred grain, sorghum seed.
04590.....	Grains, unmilled, n.e.c.

(ii) I (We) certify that with respect to the commodities described on this application (1) the terms of sale will be cash or normal commercial credit; (2) the exportation from the United States will not be financed under Public Law 480; (3) the commodities were produced in the United States; and (4) the sale will not involve (me) (us) in any barter arrangement.

*Note:* This certification shall be entered on a license application covering the exportation to the Union of Soviet Socialist Republics of any agricultural commodity or manufacture thereof, except for wheat or wheat flour and except for a commodity listed in example (i). It shall also be entered on a license application covering the exportation to any other country in Country Group Y of any agricultural commodity or manufacture thereof, except for wheat or wheat flour.

(3) *Terms of sale.* The specific terms of sale, i.e., cash, credit and credit terms if applicable, shall be entered on the license application in the space entitled "Additional Information" or on an attachment thereto.

(4) *Financing arrangements.* All the details of the financing arrangements, including the names of the financing institutions or facilities participating in the financing, shall be entered on the license application. If the financing arrangements are not completed at the time of application submission, the applicant shall state on the application that the Office of Export Control will be provided this information promptly as soon as the financing arrangements are completed. The notification shall refer to the application case number, or if the case number is unknown, the export license number, the applicant's reference

number, or the date of submission of the application.

(5) *Completed Form FC-842.* Each application shall be accompanied by a Form FC-842, Single Transaction Statement by Consignee and Purchaser, completed in accordance with the provisions of § 373.65.

(6) *Reexportations.* Requests for authorization to reexport agricultural commodities and manufactures thereof, other than wheat and wheat flour, will be considered for approval in accordance with the provisions of this subparagraph (6) for shipment to Country Group Y if the exportation from the United States was not financed under the Public Law 480 program, or the Agency for International Development program, and if the terms of sale of the exportation from the United States were cash or normal commercial credit. Such requests shall be submitted by letter to the Office of Export Control by the United States exporter in accordance with the provisions of § 372.12 of this chapter and shall contain the following certification:

I (We) certify that with respect to the commodities described herein (1) the exportation from the United States was not financed under the Public Law 480 program, or the Agency for International Development program; and (2) the terms of sale of the exportation from the United States were cash or normal commercial credit.

§ 373.6 *Commodities exported for exhibition, demonstration, or testing purposes.*

(a) *Applicability.* These provisions apply to the exportation of a commodity requiring a validated export license, where the exportation is for the purpose of display at a trade fair or other exhibition, or for demonstration, or testing purposes, provided that the exporter retains title to the commodity, and intends to return the commodity to the United States, forward it to another trade fair, exhibition, demonstration or testing site, or sell it abroad to a yet undetermined purchaser during or after the trade fair, exhibition demonstration, or test. The term "testing" as used in this § 373.6 includes the testing of the commodity being exported from the United States as well as the use of the commodity being exported in testing other commodities (e.g., instruments and/or equipment exported for testing aircraft engines).

(b) *Submission of application.* An application for an export license covering an exportation described in paragraph (a) of this section need not be supported by an Ultimate Consignee Purchaser Statement (§ 373.65), an Import Certificate (§ 373.2), a Swiss Blue Import Certificate (§ 373.67), a Yugoslav End-Use Certificate (§ 373.70), or any other documentation issued by either the consignee or the country of ultimate destination. Instead, the license application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto.

The commodities described on this application are to be exported for display at

(official name of trade fair or exhibition) or for (demonstration or testing) to be held at (street address, city, and country) and returned to the United States at the conclusion of such (display, demonstration or testing). If these commodities are not returned to the United States at the end of the (trade fair) (exhibition) (demonstration) (test) they will not be (displayed, demonstrated, tested) or otherwise disposed of without prior written authorization from the Office of Export Control.

In addition, since the applicant retains title to the commodities, he shall be shown on the license application as the ultimate consignee, in care of the person who will have custody of the commodities abroad.

(c) *Return of commodities to the United States.* Where commodities are returned to the United States after display at a trade fair, exhibition, demonstration, or test in Country Group W, Y, or Z, the applicant shall notify the Office of Export Control in writing of the case number shown on the related United States validated export license, the customs import entry number (if any) of the returned shipment, the date of return, and the port of entry at which all or any part of the commodities were returned to the United States. If only a part of the commodities are covered by the notification, a full explanation shall be included, and an additional written notification shall be sent for each partial return until the entire shipment described on the related United States validated export license is returned.

(d) *Commodities not returned to the United States.* If it is decided that the commodities are no longer intended to be returned to the United States, the required request made to the Office of Export Control for authorization to dispose of the commodities shall be made by letter, setting forth the proposed disposition, the license number, the case number, the ultimate destination, the commodity description, the Schedule B number of the commodity, the quantity and value, as well as the name, address, and identity of each party to the transaction. In addition, except where the request is for permission to display the commodities at another trade fair or exhibition, or to transfer the commodities to another destination for demonstration or testing, the letter shall be accompanied by all documents required in support of an application for an export license to the proposed destination. The Office of Export Control will validate and issue Form IA-L-196, Authorization to Dispose of Commodities Exported for Exhibition, Demonstration, or Test Purposes, for approved requests. If it is subsequently desired to make any other use or disposition of the commodities not authorized by the validated Form IA-L-196, an amendment of the form shall be requested by means of a letter to the Office of Export Control containing the same information and documentation as that described in this paragraph.

### §§ 373.7-373.10 [Reserved]

#### Subpart C—Individual Commodity Section Provisions

##### COMMODITY SECTION 0

#### § 373.11 Applicability of multiple commodity section provisions to Commodity Section 0.

All commodities within Commodity Section 0 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

### §§ 373.12, 373.13 [Reserved]

##### COMMODITY SECTION 1

#### § 373.14 Applicability of multiple commodity section provisions to Commodity Section 1.

(a) All commodities within Commodity Section 1 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions as set forth in § 373.2.

### §§ 373.15, 373.16 [Reserved]

##### COMMODITY SECTION 2

#### § 373.17 Applicability of multiple commodity section provisions to Commodity Section 2.

All commodities within Commodity Section 2 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

#### § 373.18 Walnut logs, bolts, hewn timber, lumber, furniture stock, and hardwood small dimension stock.

(a) *Purpose.* The purpose of the regulation set forth in this section 373.18 is (1) to conserve the rapidly diminishing supply of United States walnut timber by restricting, by means of an export licensing quota, the shipment of walnut logs which are in short supply, and (2) to assure the effectiveness of this control by allowing walnut lumber, furniture stock, and hardwood small dimension stock to be exported without being charged against this quota only where the end-use of the commodities conforms to normal use patterns. These export controls are coupled with steps taken by the government and industry to reduce the consumption of walnut logs domestically. The export quota established herein for walnut logs, bolts, and hewn timber represents a proportionate share of the anticipated total consumption for the next year, and is intended to maintain the same ratio of exports to domestic use as the average for 1961 and 1962. The continuance in effect of these

export controls after February 13, 1965, will be contingent upon the domestic consumption being reduced to approximately 15,000,000 board feet during the first year of controls.

(b) *Scope.* The following Positive List commodities will be licensed in accordance with the provisions of this § 373.18:

Dept. of Commerce Export Control No.	Commodity description
24231--	Walnut sawlogs, veneer logs, and bolts, in the rough.
24232--	Walnut sawlogs, veneer logs, and bolts, roughly squared, quartered, or halved.
24331--	Walnut lumber, rough sawed, if 2½ inches or over in thickness, and 2 feet or over in length.
24332--	Walnut lumber, dressed, worked, or patterned (planed, tongued, grooved, or otherwise surface worked), including small dimension stock, if 2½ inches or over in thickness and 2 feet or over in length.

(c) *Walnut logs, bolts, and hewn timber—*(1) *Establishment of export licensing quota.* An annual export licensing quota of 7,300,000 board feet, Doyle Scale, has been established. Of this quantity, 3,285,000 board feet, Doyle Scale, has been set aside for the licensing period February 14, 1964, through June 30, 1964, the remainder to be licensed between July 1, 1964, and February 13, 1965. This quantity will be divided among the various countries in proportion to the amounts of this commodity exported from the United States to each country during the calendar years 1961, 1962, and 1963. In addition, a small quantity of the quota will be reserved for countries which did not participate in United States exportations of this commodity during 1961, 1962, and 1963.

(2) *Application filing period.* Application for validated licenses against the July-February 1965 export quota were required to be filed from July 2, 1964 through August 17, 1964.

(3) *Completion of application.* Each application for export license shall be completed in accordance with the procedures set forth in § 372.5 (a) (4) of this chapter. In setting forth the quantity of thousand board feet on the application, the applicant is required to state that the quantity is in Doyle Scale.

(4) *Issuance of license based on past participation in exports.* A base period of the calendar years 1961, 1962, and 1963 has been established for the purpose of distributing the quota equitably among exporters. Validated licenses will be granted to those applicants who have participated in the exportation of this commodity during the base period in proportion to the extent of their exportations during this period. However, a small proportion of the quota will be reserved for exporters who have no record of participation during the base period. Each applicant for a validated export license is required to submit a signed state-

ment showing annual total exports in board feet, Doyle Scale, shipped in the exporter's name, i.e., for his own account, to each foreign country during each of the calendar years 1961, 1962, and 1963. This statement shall be submitted either prior to, or together with, the applicant's first application and be addressed to the U.S. Department of Commerce, Office of Export Control, Attn: 8540, Washington, D.C., 20230. Subsequent applications for licenses are not required to be accompanied by this statement.

(d) *Walnut lumber, furniture stock, and hardwood small dimension stock—*  
(1) *No application filing period.* No application filing period is established and applications may be submitted at any time.

(2) *Completion of application.* Each application for an export license shall be completed in accordance with the procedures set forth in § 372.5(a)(4) of this chapter. In addition, in describing the commodities on the application, the exporter shall enter each thickness of the commodity to be exported and the quantity in thousand board feet and value separately for each thickness.

(3) *Issuance of licenses based on end-use information.* (1) Applications will be considered for approval without being charged against any export licensing quota provided the commodities will not be used in the manufacture of walnut veneer. In order to establish that the commodity will not be used in the manufacture of walnut veneer, applications for exportations of these commodities must be supported by the following certification, signed by the importer (ultimate consignee):

I (We) hereby certify that none of the walnut lumber, furniture stock, or hardwood small dimension stock ordered or to be ordered from (U.S. person or firm with whom order has been or will be placed) between the date of this certification and (insert February 14, 1965 or earlier date, as appropriate) and for which application for export license from the United States will be made by (name of U.S. exporter) will be used or resold for use in the manufacture of veneer.

(ii) For exportations to Country Groups V, W, X, Y, and Z the requirements of §§ 373.65, 373.67, and 373.70 for an ultimate consignee/purchaser statement, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate are not applicable to this procedure, and such statements or certificates need not be obtained and filed with applications for licenses for these commodities.

NOTE: See § 379.3 (c) (3) (iv) and (e) (6) of this chapter for special requirements for filing Shipper's Export Declarations covering shipments of walnut logs, bolts, hewn timber, lumber, furniture stock, hardwood small dimension stock, and veneers.

#### § 373.19 Iron and steel.

(a) *Export price.* Except as modified by paragraph (b) of this section, the export price on applications for any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List may be shown on the application form in terms of either the total price, including price per unit, or the supplier's price plus a specified

mark up. This latter method may be used only where the supplier files or has filed with the Office of Export Control his price schedule maintained for the sale of iron and steel items for which export licenses are or may be requested and a statement that the supplier will inform the Office of Export Control promptly (within 10 days) of any changes which may occur in his price schedule. In case the unit price varies according to size or specifications, the applicant must show unit price for each separate size or specification.

(b) *Iron and steel scrap.* (1) A Form FC-419, Application for Export License, covering any types of iron and steel scrap, except scrap of magnetic material, need not include the quantity and value for each grade of scrap proposed for export. In completing such an application, the applicant shall enter on the application in the space entitled "Department of Commerce Export Control Commodity No. and Commodity Description" the Export Control Commodity No. "28200" and "Iron and steel scrap, except scrap of magnetic materials." In addition, one total quantity and one total value (see paragraph (a) of this section) for all the iron and steel scrap shall also be entered. No unit price need be shown on the application.

(2) The export license will be issued in the same terms as shown on the application and shipments may be made interchangeably under such license in any grades of scrap, except scrap of magnetic material. However, when exportation is made, the Shipper's Export Declaration shall show separately the quantity and value of exports under each Schedule B number represented in the shipment, in accordance with the regulations of the Bureau of the Census.

#### § 373.20 Nonferrous commodities, including ores, concentrates, or unrefined products.

(a) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, copper-base alloy ingots, and other crude forms—*(1) *General.* Except as indicated in subparagraph (3) of this paragraph, license applications to export any of the copper commodities listed below shall disclose the foreign consumer as required by § 373.41(a)(2). In the case of unrefined copper, a processor may be identified as the foreign consumer.

Dept. of Commerce Export Control Commodity No.	Commodity description
23311	Copper ores and concentrates.
28312	Matte and other unrefined copper.
28402	Copper scrap (new and old).
28402	Copper-base alloy scrap (new and old).
63221	Refined copper in cathodes, billets, ingots, wire bars, and other crude forms including copperweld rods.
68221	Copper-base alloy ingots and other crude forms.

(2) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements in the space entitled "Additional

Information" or on an attachment thereto:

The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country" space on this license application.

or, if the foreign consumer is not the same as that shown in the ultimate consignee in foreign country space:

The name and address of the foreign consumer is -----

(3) *Toll or conversion agreements.* The provisions of subparagraph (2) of this paragraph do not apply to an application for a license to export refined copper produced in the United States under a toll or conversion agreement from materials received from foreign sources. In these cases the applicant shall make the following certification on the license application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the refined copper described in this license application was produced in the United States under a toll or conversion contract from materials received from foreign sources.

(4) *Validity period.* Export licenses issued for the exportation of copper scrap, or of copper-base alloy scrap, Export Control Commodity No. 28402, will be valid for a period of three months. In addition, the validity period of licenses for these commodities generally will not be extended.

§§ 373.21-373.24 [Reserved]

#### COMMODITY SECTION 3

#### § 373.25 Applicability of multiple commodity section provisions to Commodity Section 3.

All commodities within Commodity Section 3 which are identified by the symbol "A" on the last column of the Commodity Control List (399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 372.2 of this chapter.

§§ 373.26-373.30 [Reserved]

#### COMMODITY SECTION 4

#### § 373.31 Applicability of multiple commodity section provisions to Commodity Section 4.

(a) All commodities within Commodity Section 4 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2

(b) All applications for licenses to export agricultural commodities and manufactures to Country Groups Y and Z shall conform with the special provisions set forth in § 373.5.

§§ 373.32-373.33 [Reserved]

#### COMMODITY SECTION 5

#### § 373.34 Applicability of multiple commodity section provisions to Commodity Section 5.

(a) All commodities within Commodity Section 5 which are identified by the



symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

(b) All applications for licenses to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(c) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions set forth in § 373.5.

#### § 373.35 Machinery and parts.<sup>13</sup>

Applications for licenses to export machinery, equipment, and apparatus, with the processing codes CONS, ELME, FINP, GIEQ, RARA, SATE, TOOL, and TRAN must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

(c) For machinery, equipment, or apparatus, if production and exportation cannot be completed within six months, the Office of Export Control will consider the issuance of a license with a validity period of one year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

#### §§ 373.36-373.40 [Reserved]

#### COMMODITY SECTION 6

#### § 373.41 Applicability of multiple commodity section provisions to Commodity Section 6.

(a) All commodities within Commodity Section 6 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions as set forth in § 373.5.

#### § 373.42 Iron and steel.

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List are subject to the provisions set forth in § 373.19.

#### § 373.43 Nonferrous commodities, including ores, concentrates, or unrefined products.

Copper-base alloy ingots and other crude forms and refined copper in cath-

odes, billets, ingots, wire bars and other crude forms including copperweld rods, Export Control Commodity No. 68221, are subject to the provisions set forth in § 373.20.

#### § 373.44 [Reserved]

#### COMMODITY SECTION 7

#### § 373.45 Applicability of multiple commodity section provisions to Commodity Section 7.

All commodities within Commodity Section 7 which are identified by the symbol "A" in the last column of the Commodity Control List (§ 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements as set forth in § 373.2.

#### § 373.46 Iron and steel.

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List are subject to the provisions set forth in § 373.19.

#### § 373.47 Machinery and parts.<sup>14</sup>

Applications for licenses to export machinery, equipment, and apparatus, with the processing codes CONS, ELME, FINP, GIEQ, RARA, SATE, TOOL, and TRAN and identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter), must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

(c) For machinery, equipment, or apparatus, if production and exportation cannot be completed within six months, the Office of Export Control will consider the issuance of a license with a validity period of one year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

(d) An application for a license to export ball or roller bearings, or balls for bearings (Export Control Commodity Nos. 71970 and 71993 to Country Groups W, Y, and Z (see § 370.1(g) of this chapter for country groups) shall include the following information in addition to the other information required by the provisions of this § 373.47:

(1) For exportations of ball or roller bearings:

- (i) The name of the manufacturer;
- (ii) The bearing number as listed in the manufacturer's catalog; and
- (iii) The inner bore diameter of the bearing.

(2) For exportations of balls for bearings:

- (i) The type of metal;

<sup>13</sup> Parts, accessories, and equipment which are to be scrapped are classified as scrap (e.g., Export Control Commodity Nos. 28200, 28402, 28404, and 67280). See § 399.2 of this chapter, Int. 10.

(ii) The grade of the ball (in accordance with standards adopted by the Anti-Friction Bearing Manufacturer's Association); and

(iii) The basic size of the ball.

#### § 373.48 Aircraft and equipment, parts, accessories, and components therefor.

(a) *Spare parts accompanying aircraft.* Notwithstanding the provisions of § 372.5 (a), (d) and (e) of this chapter, where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Country Group W, Y, or Z (see § 370.1(g) of this chapter), the applicant may (1) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group numbers; and (2) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each Commodity Control List entries, entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Export Control Commodity number. The provisions of this § 373.48 do not relieve the applicant from classifying the commodities shown on the application in accordance with Commodity Control List entries, or from describing the commodities in accordance with the commodity description terminology shown on the Commodity Control List.

(b) *Exchange of aircraft equipment, parts, accessories, and components by airlines.* (1) Any airline<sup>15</sup> operating abroad which has received commodities from the United States for use in the maintenance, repair, or operation of its aircraft may, for the purpose of maintaining in operation aircraft of another airline, lend or sell such commodities to that airline, without written authorization from the Office of Export Control, provided that:

(i) The transaction is subject to an agreement or arrangement that the lender will not receive any monetary profit from the transaction and either that the same or like commodities will be returned to the lender or that payment for the commodities will be limited to no more than the original purchase price to the lender plus any expenses incurred in handling the commodities, e.g., transportation costs, warehousing costs, etc.;

(ii) The commodities will not be supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to a country in Country Group W, Y, or Z, or a national of one of these countries; and

(iii) The commodities will not be supplied for use on any aircraft located in Country Group W, Y, or Z.

(2) Transactions meeting the provisions of this paragraph (b) are authorized notwithstanding any restrictions upon reexportation, diversion, or transshipment set forth on the applicable destination control statement, on the

<sup>15</sup> See § 370.1(p) of this chapter for definition of airline.

<sup>14</sup> Parts, accessories, and equipment which are to be scrapped are classified as scrap (e.g., Export Control Commodity Nos. 28200, 28402, 28404, and 67280). See § 399.2 of this chapter, Int. 10.

validated export license, on any supporting documentation therefor, or in the general license provisions relating to the original exportation from the United States.

(3) If the transaction does not meet the provisions of this paragraph (b), prior written authorization shall be obtained from the Office of Export Control unless the transaction is authorized elsewhere in the export regulations.

(4) Records shall be maintained by the airline which provides the commodities, in the detail set forth in this subparagraph, for a period of three years from the date of the transaction. These records shall be made available for inspection, upon demand, by the U.S. Department of Commerce or by a United States Foreign Service post or by any other accredited representative of the United States Government. In the event the airline is prohibited by governmental regulation or statute from permitting a United States Government representative to inspect its records, the airline shall submit a report of such transactions, similar in content to its records, at the end of each calendar quarter during which one or more transactions occur. The report shall be submitted to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540), Washington, D.C., 20230. As a minimum, the records and reports shall include the following with respect to each transaction:

- (i) Date the commodities are provided;
- (ii) Name, business address, and nationality of the airline which received the commodities;
- (iii) If the aircraft is leased or chartered, the name, business address, and nationality of the owner of the aircraft which received the commodities;
- (iv) Country of the aircraft's registry and location of the aircraft at time the commodities were installed thereon; and
- (v) Description of the commodities provided, including quantity and value thereof.

(The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(c) *Questions and answers—aircraft.* Supplement No. 3 to this Part 373 contains questions and answers relating to export licensing of civil aircraft and related commodities.

#### §§ 373.49–373.53 [Reserved]

#### COMMODITY SECTION 8

#### § 373.54 Applicability of multiple commodity section provisions to Commodity Section 8.

All commodities within Commodity Section 8 which are identified by the symbol "A" in the last column of the Commodity Control List (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

#### § 373.55 Iron and steel.

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List are subject to the provisions set forth in § 373.19.

#### § 373.56 Machinery and parts.<sup>16</sup>

Applications for licenses to export machinery, equipment, and apparatus, with the processing codes CONS, ELME, FINP, GIEQ, RARA, SATE, TOOL, and TRAN must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

(c) For machinery, equipment, or apparatus, if production and exportation cannot be completed within six months, the Office of Export Control will consider the issuance of a license with a validity period of one year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

#### §§ 373.57–373.61 [Reserved]

#### COMMODITY SECTION 9

#### § 373.62 Applicability of multiple commodity section provisions to Commodity Section 9.

(a) All commodities within Commodity Section 9 which are identified on the last column of the Commodity Control List (see § 399.1 of this chapter) are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

(b) Applications for licenses to export agricultural commodities and manufactures thereof to Country Groups Y and Z shall conform with the special provisions as set forth in § 373.5.

#### § 373.63 Iron and steel.

Any iron and steel products with the processing code STEE and not identified by the symbol "B" in the last column of the Commodity Control List are subject to the provisions set forth in § 373.19.

#### § 373.64 [Reserved]

#### Subpart D—Destination Provisions

#### § 373.65 Ultimate consignee and purchaser statement.

(a) *Scope*—(1) *General.* The provisions of this § 373.65 apply to all proposed shipments of commodities for which validated export licenses are required where the country of ultimate destination is in Country Group V, W, X, Y, or Z, and to any proposed shipments under the Time Limit (TL) licensing procedure (see Part 377 of this chapter) to Country Group T. (See § 370.1(g) of this chapter for country groups.)

(2) *Exemptions.* The provisions of this § 373.65 do not apply if the license application covering the proposed shipment shows that one or more of the following conditions are present:

(i) An Import Certificate is required in support of the license application in accordance with § 373.2 (or, as applicable, a Swiss Blue Import Certificate as provided in § 373.67, or a Yugoslav End-Use Certificate as provided in § 373.70);

(ii) The total value, as shown on the export order covering the application, of the commodity(ies) classified in a single entry on the Commodity Control List is less than \$500 and the shipment is not supported by a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, submitted in accordance with § 373.65(c) (3);

(iii) Shipment will be made under a Project License issued or to be issued as set forth in Part 734 of this chapter;

(iv) (a) The ultimate consignee named in the license application is a foreign government or foreign government agency, and the foreign purchaser is also a foreign government or foreign government agency. However, if one of the parties to the transaction, either purchaser or ultimate consignee, is a party other than the foreign government or government agency, then a Statement from that purchaser or ultimate consignee is required;

(b) For the purpose of this section the term "government agency" is construed as follows:

(1) National governmental departments operated by government paid personnel performing governmental administrative functions; e.g., Finance Ministry, Ministry of Defense, Ministry of Health, etc. Municipal or other local government entities must submit consignee statements.

(2) National government-owned public service entities; e.g., nationally owned railway, postal, telephone, telegraph, broadcasting, and power systems, etc.

(c) The term "government agency" does not include government corporations, quasi-government agencies, and state enterprises engaged in commercial, industrial, and manufacturing activities, such as petroleum refining, production, and distribution plants, mines, steel mills, retail stores, automobile manufacturing plants, airlines, or steamship lines which operate between two or more countries, etc.;

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, to a member agency in the foreign country;

(vi) The license applicant is the same person as the ultimate consignee in the country of ultimate destination, provided that the applicant furnishes all the applicable information on the license application which is required in the consignee/purchaser statement. This exemption does not apply where the applicant and the consignee are separate entities, such as parent and subsidiary, or affiliated or associated firms;

(vii) The application for a license is supported by a Form FC-43<sup>17</sup>, Statement

<sup>16</sup> Parts, accessories, and equipment which are to be scrapped are classified as scrap (e.g., Export Control Nos. 28200, 28402, 28404, and 67280).

<sup>17</sup> Forms FC-43, FC-143, FC-842, and FC-843, may be obtained at all U.S. Department of Commerce field offices, and from the U.S. Department of Commerce, Office of Export Con-

by Foreign Importer of Aircraft or Vessel Repair Parts; by a Form FC-143<sup>17</sup>, Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers; or by the current Station Number or validation number of either of these forms (see §§ 373.3 and 373.4); or

(viii) Exportation of commodities will be made for display at a trade fair or exhibition, or for demonstration, or testing purposes (see § 373.6).

(b) *Statements required from ultimate consignee and purchaser*—(1) *General.* The applicant shall furnish a statement from the ultimate consignee and purchaser, Form FC-842 or FC-843,<sup>17</sup> dated on or after January 1, 1956, named in the application, certifying to certain facts relating to the proposed transaction. This statement is required by the Office of Export Control to make certain that foreign consignees and purchasers are fully aware of their responsibility not only for the representations made to the Office of Export Control, but also for the proper disposition of the licensed commodities only in those foreign countries where the Office of Export Control has authorized disposition. In addition, the requirement curtails the time-consuming supplementary inquiries by the Office of Export Control which otherwise often may be necessary.

(2) *Signature by ultimate consignee.* The consignee/purchaser statement must be manually signed by the ultimate consignee (the person abroad who is actually to receive the material for the designated end use), or by a responsible official of the ultimate consignee who has personal knowledge of the information included in the statement, who has authority to bind the ultimate consignee, and who has the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this document may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement may be located in the United States or in a foreign country; his official title shall be included with his signature.

(3) *Signature by purchaser.* If the purchaser (the person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee) named in the export license application is a different person from the named ultimate consignee, the purchaser must either sign the statement executed by the ultimate consignee, or the applicant must also attach to the application an additional statement executed by the purchaser. This statement from the purchaser shall meet the same requirements of signature, etc., as are stated in subparagraph (2) of this paragraph for the ultimate consignee, and it must cover the same subject matter as required from the ultimate consignee in subsequent paragraphs of this

§ 373.65. The purchaser's statement may be a Form FC-842, Single Transaction Statement by Consignee and Purchaser, or a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, and shall be completed in accordance with the procedure described in paragraph (c) of this section.

(4) *Alterations.* After a consignee purchaser statement, Form FC-842 or FC-843, has been signed by the consignee or purchaser, no corrections, additions or alterations may be made by any person other than the consignee or purchaser. (For this purpose, the signing of the exporter's certification on the form is not construed to be a correction, addition or alteration of the form.) If the signed statement is incomplete or incorrect in any respect, the applicant shall obtain a corrected statement from the consignee and/or purchaser. (See paragraph (c) (1) (iv) (j) (3).)

(5) *Amendments to statements.* Where a consignee/purchaser statement, Form FC-842 or FC-843, is on file in the Office of Export Control an amendment to the Statement may be submitted in the form of an additional Form FC-842 or FC-843, a wire or cable, or a copy of the wire or cable from the ultimate consignee. Sufficient identifying information shall be submitted with the amendment to permit the Office of Export Control to identify the amendment with the Statement on file in the Office of Export Control, such as: Form number (Form FC-842 or FC-843); name of consignee or purchaser and date of signing; case number of the license application with which the statement was submitted to the Office of Export Control; applicant's reference number, etc. However, no amendment will be granted to extend the validity period of a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser.

(6) *Applications filed without statements.* An application not supported by a consignee/purchaser statement, Form FC-842 or FC-843 (where required), from the ultimate consignee or purchaser will be returned without action to the applicant. However, an applicant who can show to the satisfaction of the Office of Export Control that he has made diligent efforts to obtain such statement and has been unable to get it, may so advise the Office of Export Control in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement and the application will receive consideration for approval.

(7) *30-day grace period.* Whenever the requirement for a consignee/purchaser statement for any commodity is extended by reason of the addition of a country group(s) in the column headed "Validated License Required for Country Groups Shown Below" on the Commodity Control List, an export license application for such commodity and country group(s) need not conform to the requirements of this § 373.65 for a period of 30 days from the date such commodity becomes subject to the additional country group(s) requirements. (See § 370.1(g) of this chapter for country

groups.) In lieu of the end-use and ultimate consignee statements during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee, ultimate destination, and the end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and consignee, or other documents received from the consignee.

(c) *Information required in consignee statements*—(1) *General.* (i) Where an application to export a commodity involves a single transaction, a statement shall be submitted on Form FC-842, Single Transaction Statement by Consignee and Purchaser. In the event of an emergency, the statement may be submitted in the form of a wire or cable provided it contains the same information as required on the form.

(ii) Exporters who have a continuing and regular business relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same commodities to the same destinations and for the same end uses, may submit to the Office of Export Control a multiple transactions statement executed on Form FC-843, Multiple Transactions Statement by Consignee and Purchaser (see Supplement S-13 for facsimile of form). An applicant for a Time Limit (TL) License (see Part 377 of this chapter) must submit Form FC-843 for each ultimate consignee and purchaser named on the application. Statements submitted under the multiple transactions procedure will not be accepted on any form other than Form FC-843. The exporter shall attach to Form FC-843 a list in original only of the Office of Export Control licensing divisions responsible for licensing those commodities listed on the statement, and shall submit the original plus one additional copy of the Multiple Transactions Statement for each Office of Export Control licensing division responsible for licensing these commodities. (A list of Office of Export Control licensing divisions and the commodity processing codes for which each licensing division has licensing authority, is set forth in § 399.4 of this chapter.) Since there are three licensing divisions in the Office of Export Control which license commodities, a maximum of an original plus three additional copies will be required. If the commodities to which the statement applies are assigned processing codes under a single licensing division, the original plus only one additional copy of the statement will be required.

(iii) This Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, shall cover all proposed exportations of such commodities regardless of value (including those based on export orders amounting to less than \$500) for which applications for export licenses will be submitted to the Office of Export Control during all or any part of the period ending on June 30 of the year following the year during which the

control, Washington, D.C., 20230. Foreign importers may obtain copies of these forms from their United States exporter or from United States diplomatic and Consular offices.

statement is executed (unless an earlier termination date is desired and is specified on the Multiple Transactions Statement). For example, a Statement executed on April 3, 1965, may cover proposed exportations for which license applications are filed on or before June 30, 1966.

(iv) All of the items of information specified in this paragraph (c), or on Form FC-842 or Form FC-843, shall be furnished if applicable to the transaction. If such information is unknown, that fact also should be disclosed. Special provisions applicable to the Form FC-842, Single Transaction Statement by Consignee and Purchaser, are set forth in subparagraph (2) of this paragraph; special provisions applicable to the Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, are set forth in subparagraph (3) of this paragraph; and the information required on both the Single and Multiple Transactions Statements is set forth below:

(a) Name and address of the ultimate consignee;

(b) Name of the United States exporter or person with whom the order has been placed;

(c) Description of the commodity or commodities to which the statement applies. The commodities shall be described in terms which will enable the Office of Export Control to determine that the commodities described on the statement are the same as those described on the related application for export license. Where the commodity description on the consignee/purchaser statement is not readily identifiable with that shown on the license application, the applicant should add an explanatory note in the space entitled "Commodity Description," or on an attachment thereto to make the relationship clear;

(d) The nature of the consignee's usual business, including whether he is the user, seller, etc., of the commodities to which the statement applies;

(e) The ultimate destination of the commodity or commodities to which the consignee/purchaser statement applies, showing whether the commodities will be reexported from the country indicated in the ultimate consignee item of the statement, and if the commodities are for reexport, the name of the country or countries to which reexportation is proposed (in the space entitled "Disposition of Commodities"). (See § 373.68 with respect to the filing of consignee/purchaser statements which make reference to Viet-Nam.) It is emphasized that nothing shown on Form FC-842 or Form FC-843 shall be construed as an authorization by the Office of Export Control to reexport the commodities to which the consignee/purchaser statement applies without the approval of specific countries from the Office of Export Control. Such authorization to reexport is not granted on the basis of information on these forms, but as a result of a specific request by the United States exporter on the license application or upon request of the consignee through the United States exporter after

the license is issued (see § 372.12 of this chapter);

(f) A specific and detailed description of the end use to which the commodity or commodities will be put by the ultimate consignee in the country of ultimate destination (in the space entitled "Specific Use"). If the ultimate consignee will use the commodity or commodities to produce other end products, show the names of the end products, the country or countries where the production or manufacture will take place, and the country or countries in which the end product will be distributed, if these facts are known. The end-use information shall be set forth in as much detail as is known to the person(s) signing the consignee/purchaser statement;

(g) Any additional facts relating to the transaction which the consignee or purchaser believes will be of value to the Office of Export Control in the consideration of license applications submitted in his behalf by the United States exporter in the space entitled "Additional Information" or on an attachment thereto;

(h) The name of any person, other than the employees of the ultimate consignee or purchaser, who assisted in the preparation of the consignee/purchaser statement;

(i) A certification by the consignee and/or purchaser, as defined in paragraph (b) (2) and (3) of this section, that the facts contained in the consignee/purchaser statement are true and correct to the best of their knowledge and belief; a certification by the consignee and/or purchaser that they will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in their statement(s) which occurs after the statement has been prepared and forwarded; and that with respect to any shipment which they propose to dispose of contrary to the representations made in the statement, or contrary to the limitations on countries of distribution which may be received on the Bill of Lading, commercial invoice or other comparable documents, they will notify the United States exporter and secure approval of the Office of Export Control through the United States exporter prior to such disposition; and

(j) The applicable information described below should be submitted to the Office of Export Control by the applicant for the export license or the duly authorized agent of the applicant in those instances where the consignee or purchaser statement, Form FC-842 or FC-843, contains corrections, additions, or alterations. Consignee or purchaser statements which do not contain this information may be returned to the applicant for clarification.

(1) Where the statement contains corrections, additions, or alterations which appeared on the statement at the time of receipt from the ultimate consignee or purchaser, the following certification shall be attached to the statement<sup>18</sup>:

<sup>18</sup> Late revisions of Forms FC-842 and FC-843 provide a printed certification for this purpose.

I (We) certify that no corrections, additions or alterations were made on the attached Form (FC-842) (FC-843) by me (us) after the form was signed by the (ultimate consignee) (purchaser).

(2) Where the consignee/purchaser statement has been partially or completely filled in by the applicant or his agent prior to signing by the ultimate consignee or purchaser, the name of the person assisting in preparing the statement shall be shown in the space entitled "Assistance in Preparing Statement". If in so assisting, any corrections, additions, or alterations are made on the Form, the applicant shall advise the Office of Export Control, in writing, of (i) the changes made, (ii) the reason(s) for making the changes, and (iii) shall include the certification shown in (1) of this subdivision (iv) (j).

(3) In accordance with paragraph (b) (4) of this section, after a consignee/purchaser statement, Form FC-842 or FC-843, has been signed by the consignee or purchaser, no corrections, additions, or alterations may be made by any person other than the consignee or purchaser. However, in those instances where an explanatory note by the applicant will aid in identifying the commodity description of the export transaction shown on the consignee/purchaser statement with that shown on the related license application, the applicant may add this explanatory note on the related license application or on an attachment thereto. In all other instances where a correction, addition, or alteration to a Form FC-842 or FC-843 appears necessary after the form was signed by the consignee or purchaser, the applicant shall return the form for correction to the consignee or purchaser, as applicable.

(2) *Special provisions applicable to the single transaction statement.* In addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the Form FC-842, Single Transaction Statement by Consignee and Purchaser:

(i) The form shall be submitted to the Office of Export Control within 90 days from the date of signing by the consignee or purchaser, whichever date is later;

(ii) The quantity and (if known) the value of commodities ordered by the consignee or purchaser from the United States exporter shall be shown on the statement in the "Quantity" and "Value" spaces of the form. If the actual value is not known, an estimated value should be shown and the entry should be labeled "estimate". If it is impossible to determine an estimated value, the word "Unknown" should be entered therein together with an explanation of the reason why an actual or estimated value cannot be provided; and

(iii) The end use of the commodities by the ultimate consignee shall be inserted in the space entitled "Specific End Use", including, if known, the end use of the commodities by the customers of the ultimate consignee. If the end use by the customers is unknown, enter the word "Unknown."

Note: 1. *Commodities licensed in terms of dollar value.* If the commodity is licensed

in terms of dollar value, an application for an export license will not be approved for a quantity significantly in excess of the actual or estimated value shown on the Form FC-842. Where the Form FC-842 indicates that the value is unknown, the Office of Export Control will consider the approval of one application against the related Form FC-842, provided that the applicant states on the license application that the transaction described on the license application is the same as that described on the Form FC-842.

2. *Commodities not licensed in terms of dollar value.* If the commodity is not licensed in terms of dollar value, the Office of Export Control uses the value information shown on Form FC-842 primarily as an aid to identifying the commodity. Applications covering this type of commodity will not be approved for a quantity significantly in excess of the quantity shown on the related Form FC-842.

(3) *Special provisions applicable to the multiple transactions statement.* In addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the Form FC-843, Multiple Transactions Statement by Consignee and Purchaser:

(i) A representation that the statement shall be considered a part of every application for license filed by the named United States exporter or person with whom the order is placed, for export to the consignee of the commodity or commodities to which the statement applies, during the period stipulated shall be entered in the space entitled "Request"; and

(ii) The nature of the consignee's business relationship with the United States exporter named on the Form FC-843, and how long the relationship has existed, shall be entered in the space entitled "Name of business and relationship with U.S. exporter named in Item 2."

*NOTE: Proper number of copies of statement.* United States exporters may wish to advise their foreign importers (ultimate consignees and purchasers) to submit these statements in as many copies as the exporter requires for submission to the Office of Export Control for all license applications to be submitted in connection with the importer's order(s) (see subparagraph (1) of this paragraph).

(d) *Applications supported by consignee statements—(1) Applications supported by a multiple transactions statement.* An application for an export license supported by a Multiple Transactions Statement shall contain the following statement in the space entitled "Additional Information" or on an attachment thereto:

This application is supported by the Multiple Transactions Statement dated ----- from the named consignee to this applicant.

(2) *Applications supported by a single transaction statement.* Where a Form FC-842, Single Transaction Statement by Consignee and Purchaser, covers a purchase order for a commodity or commodities that require more than one license application, each license application supported by the Single Transaction Statement shall contain the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Single Transaction Statement dated -----, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Single Transaction Statement, including the present application, do not total more than the quantities shown on that statement. This Single Transaction Statement was submitted in support of application number: (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Single Transaction Statement was attached, and Export Control Commodity numbers and processing codes shown on that application.)

(3) *Requirements applicable to both single and multiple transactions statements—(i) Purchase order.* The statement from the ultimate consignee and purchaser shall relate only to purchase orders placed by one ultimate consignee and one purchaser with one United States exporter. A purchase order covered by any consignee statement may involve several commodities. The Form FC-842, Single Transaction Statement by Consignee and Purchaser, shall relate to only one purchase order. The Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, may cover more than one purchase order.

(ii) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. Exporters may provide their foreign customers with Forms FC-842 and FC-843 translated into the foreign language of the customers. Copies of Form FC-842 and Form FC-843 in foreign languages will not be provided by the Office of Export Control. An explanation or translation of a consignee/purchaser statement shall be submitted on a separate document attached to the consignee/purchaser statement. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

(iii) *Applicability of statements on consignee/purchaser statement to license application and export license.* Information supplied by a consignee or purchaser on a consignee/purchaser statement (Forms FC-842 or FC-843) cannot be construed as extending or expanding the specific information on a license application or an export license resulting therefrom. With regard to disclosure of facts pertaining to an individual export transaction, the export license application covering the transaction must be self-contained. The authorizations contained in the resulting export license are not extended by the general information contained in the consignee/purchaser statement with regard to reexportation from the country of destination or with regard to any other facts

relative to the transaction as reported on the application.

(iv) *Liability of ultimate consignee or purchaser.* Misrepresentations, either through failure to disclose facts, concealing a material fact, or furnishing false information in the required consignee/purchaser statement, will subject the ultimate consignee and/or purchaser to administrative action by the Office of Export Control, including suspension, revocation, or denial of licensing privileges and denial of other participation in exports from the United States.

(v) *Applicant's responsibility for full disclosure.* In submitting Statements (Forms FC-842 or FC-843) from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the first or any supplementary statement from the ultimate consignee or purchaser and which change was brought to his notice by the ultimate consignee or purchaser or any other person subsequent to the date the statement was made.

(vi) *Applicant is not named on consignee statement.* If the license applicant is not named on the consignee/purchaser statement, the provisions of § 372.4(a)(2) of this chapter must be observed.

(e) *Letterheads and order forms.* The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(f) *Request for amendment.*<sup>19</sup> (1) A new consignee/purchaser statement, Form FC-842 or FC-843, shall accompany a request for an amendment of an export license which proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Office of Export Control.

(2) A new Form FC-842, Single Transaction Statement by Consignee and Purchaser, or a letter, wire, or cable from the ultimate consignee and purchaser (if applicable) confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Single Transaction Statement by Consignee and Purchaser previously submitted to the Office of Export Control. If a proposed

<sup>19</sup> Section 380.2 of this chapter contains other provisions applicable to amendments of licenses covered by a consignee/purchaser statement.

quantitative amendment is in accordance with the previously submitted Single Transaction Statement by Consignee and Purchaser, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number \_\_\_\_\_, if granted, will not exceed the total quantity covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

Where the export license is based on a Form FC-843, Multiple Transactions Statement, an additional statement is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the request for amendment:

I (We) certify that the license listed above is supported by a Multiple Transactions Statement.

#### § 373.66 Republic of South Africa.

In considering applications to export or requests to reexport any commodity to the Republic of South Africa, the policy of the Office of Export Control is generally to deny any applications covering arms, ammunition, military vehicles, or items used primarily in the manufacture or maintenance of arms, ammunition, or implements of war.

#### § 373.67 Switzerland and Liechtenstein.

##### (a) Import certificate requirement—

(1) *Submission of certificate.* A license application for export of commodities, regardless of value, to Switzerland or Liechtenstein must be accompanied by the original Swiss Blue Import Certificate issued to the importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed exportation from the United States. Where the Import Certificate covers commodities for which more than one license application is submitted, the original of the Swiss Blue Import Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Swiss Blue Import Certificate No. \_\_\_\_\_, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same Certificate, including the present application, do not total more than the quantities shown on that Certificate. This Swiss Blue Import Certificate was submitted in support of application number: (Insert case number, or if case number is unknown, the applicant's reference number, date of submission of application to which the Swiss Blue Import Certificate was attached, and Schedule B numbers and processing codes shown on that application).

(2) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control

List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. An explanation or translation of a Swiss Blue Import Certificate shall be submitted on a separate document attached to the Import Certificate. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

(3) *Purchase order.* The Swiss Blue Import Certificate may cover more than one purchase order and may be concerned with several commodities. However, the Certificate shall relate only to purchase orders placed by a single importer with a single United States exporter.

(4) *Applicant's responsibility for full disclosure.* In submitting a Swiss Blue Import Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the Swiss Blue Import Certificate. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the Swiss Blue Import Certificate and which was brought to his notice by the foreign importer or any other person subsequent to the date the Swiss Blue Import Certificate is issued.

##### (5) Certificate as a factor in licensing.

(i) The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Swiss Government has issued an Import Certificate.

(ii) Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the Swiss Blue Import Certificate, and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Certificate.

(iii) The Office of Export Control will not seek or undertake to give consideration to recommendations from the Government of Switzerland or Liechtenstein as to the United States exporter whose license application should be approved. A Swiss Blue Import Certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based, since quotas, end uses, and other considerations are important factors in export licensing.

(b) *Exemptions—(1) 45-day grace period.* Whenever the requirement for a Swiss Blue Import Certificate for any commodity is extended by reason of Country Group V being added to the column headed "Validated License Required for Country Groups Shown Below" on the Commodity Control List, an export license application for such commodity need not conform to the requirements of this § 373.67 for a period of 45 days from the date such commodity becomes subject to the Swiss Blue Import Certificate re-

quirement. (See § 370.1(g) of this chapter for destinations in Country Group V.)

(2) *Shipments to government agencies.* An application for license to export commodities to a Swiss or Liechtenstein Government agency is exempted from the requirement to submit a Swiss Blue Import Certificate where the Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Switzerland or Liechtenstein.

NOTE: For definition of "government agency," see § 373.65(a)(2)(iv).

(3) *Approved Form FC-43 or FC-143.* An application for a license to export commodities to Switzerland or Liechtenstein is exempted from the requirement for the submission of a Swiss Blue Import Certificate if such license application is supported by Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts; or by a Form FC-143, Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers; or by the current Station Number or validation number of either of these forms. However, this exemption does not relieve an exporter, or his distributor, of the requirement that this Certificate be obtained and held available for inspection under the Form FC-243 Procedure. (See §§ 373.3 and 373.4.)

(4) *Shipments for exhibition, demonstration, or testing purposes.* An application for a license to export commodities for exhibition, demonstration, or testing purposes in Switzerland or Liechtenstein is exempted from the requirement for submission of a Swiss Blue Import Certificate.

(c) *Return of Swiss Blue Import Certificate.* The Swiss Blue Import Certificate provides that the importer has pledged himself to import the commodities directly into the Swiss customs territory and that any reexportation of these goods is prohibited. If the importer is unable to obtain the commodities covered by a Swiss Blue Import Certificate, he is required by the Swiss Government to produce evidence of such inability. Therefore, United States exporters may be requested by their foreign importers to return unused or partially used Import Certificates. In such case, the United States exporter should forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted license application, or an appeal. In order to meet these requests, Import Certificates on file in the Office of Export Control will be returned to exporters in accordance with the procedures indicated below:

(1) *Import Certificate quantity greater than license application.* Where an Import Certificate covers a quantity in excess of the license application(s) submitted against it, the Office of Export Control will retain the Swiss Blue Import Certificate until such time as the exporter requests the return thereof. When requesting the return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named im-

porter, applicable case numbers to which the Import Certificate applies, Import Certificate number, and a statement that such Import Certificate will not be used in connection with a new or resubmitted application for export license. Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(2) *Import Certificate and license application in same quantities.* The Office of Export Control will automatically return the applicable Swiss Blue Import Certificate to the United States exporter (applicant) whenever an application for export license covers the same type and amount of the commodity as that shown on the Import Certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Office of Export Control.

(3) *Unshipped quantities.* Where the United States exporter does not intend to ship the total quantity of commodities for which a license has been issued and desires the return of the Swiss Blue Import Certificate, he shall submit his request in writing for return of the Certificate in accordance with the procedure described in this subparagraph:

(i) *Unexpired export license.* If the license has not expired and no further shipment is intended to be made, the written request for return of the Import Certificate shall either be accompanied by the license, or include the name of the port where the license is filed. In the latter event, the exporter shall request the Collector of Customs to forward the license to the Office of Export Control. The license will then be cancelled by the Office of Export Control. If a further shipment is intended to be made, the request should be submitted together with a request for amendment of the license to show the total quantity the exporter intends to ship against the license. The amendment request in such case shall be submitted on Form IA-763 as provided by the regular amendment procedure set forth in § 380.2 of this chapter.

(ii) *Expired export license.* If the license has expired, the written request shall either be accompanied by the license, or include the name of the port where the license is filed. Form IA-763 shall not be submitted with a request for return of a Swiss Blue Import Certificate where the license has expired. Appropriate notation will be made on the Swiss Blue Import Certificate by the Office of Export Control.

(d) *Request for exception.* An applicant for an export license subject to the requirement for a Swiss Blue Import Certificate in accordance with the provisions of paragraph (a) of this section, may request an exception to this requirement.

(1) *Grounds for exception.* (i) Favorable consideration of a request for exception generally will be given where the requirement for a Swiss Blue Import Certificate:

(a) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., the Swiss Government refuses to issue a Blue Import Certificate and such refusal

constitutes discrimination against the United States exporter);

(b) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse in Switzerland or Liechtenstein for subsequent distribution in one or more countries); or

(c) Is not applicable to the transaction (e.g., the commodities will not be imported for consumption into Switzerland or Liechtenstein).

(ii) An exception will not be granted where such exception will be contrary to the objectives of the United States export control program.

(2) *Types of request.* A request for exception may involve either a single transaction or multiple transactions.

(i) The single transaction exception relates to a single export order and, if granted, will cover the application or applications which the exporter submits to ship the single export order.

(ii) The multiple transactions exception, if granted, will cover all applications submitted by the exporter during all or any part of the period ending not later than June 30 of the year following the year during which the request is submitted. For example, a multiple transactions request submitted on April 1, 1965, may cover all applications for shipment to the ultimate consignee filed on or before June 30, 1966, unless an earlier termination date is requested or directed. A multiple transactions request for exception will be considered by the Office of Export Control only where the reason necessitating the request is continuing in nature.

(3) *When to submit request.* The request for exception shall be submitted together with the application to which it relates. Where the request for exception relates to more than one application, the request shall be submitted together with the first application to which it relates.

(4) *How to submit request.* Each request for exception shall be by letter, in duplicate, addressed to the U.S. Department of Commerce, Office of Export Control (Attn: 8542), Washington, D.C., 20230. The request shall be accompanied by a statement from the ultimate consignee and purchaser in accordance with § 373.65, unless such statement is already on file in the Office of Export Control. As a minimum, the letter of request shall include:

(i) The type of request, i.e., whether for a single transaction or multiple transactions (see subparagraph (2) of this paragraph);

(ii) A full explanation of the reason(s) for requesting the exception;

(iii) The nature and duration of the business relationship between the applicant and the importer shown on the license application;

(iv) Whether the exporter has previously submitted to the Office of Export Control any Swiss Blue Import Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied;

(v) Whether a statement from the ultimate consignee and purchaser, in accordance with § 373.65, is on file with the Office of Export Control;

(vi) Name and address of the ultimate consignee;

(vii) If the commodities will be exported to a foreign trade zone or bonded warehouse in Switzerland or Liechtenstein, include the location of the foreign trade zone or bonded warehouse;

(viii) Name and address of the purchaser, if different than the ultimate consignee;

(ix) If a multiple transactions exception is requested (see subparagraph (2) of this paragraph) and the exporter wishes the exception period to expire before June 30 of the next year, state the requested date of expiration; and

(x) Any other facts which would justify the granting of an exception.

(5) *Action by Office of Export Control—(i) Single transaction request.* Where the request involves a single transaction the Office of Export Control will act on the request for exception together with the application for export license with which the request for exception was submitted. In those cases where the related application is approved, the issuance of the export license will serve also as an automatic notice to the exporter that the exception is approved. However, if any restrictions are placed on the approval, or if the request is disapproved, the Office of Export Control will advise the exporter by letter.

(ii) *Multiple transactions request.* Where the request involves multiple transactions, the Office of Export Control will advise the exporter by letter of the action taken on the request for exception. The letter will contain any conditions or restrictions which the Office of Export Control finds necessary as a condition to approval of the request for exception. In addition, a written acceptance of these conditions will be required from the parties to the transaction.

(6) *Submission of additional application.* On any additional application for export license which is subject to an approved request for exception to the Swiss Blue Import Certificate requirement the following certification shall be inserted on the application in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the circumstances shown in the original request for exception to submission of a Swiss Blue Import Certificate also exist with respect to this application. The request for exception was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the request for exception was attached, and Export Control Commodity numbers and processing codes shown on that application).

(7) *Relationship to reexportation.* The granting of an exception to submission of a Swiss Blue Import Certificate in no way relieves the applicant or any other party to the transaction from obtaining reexportation authorization from the Office of Export Control when so required by the Export Regulations.

(e) *Requests for amendments.*<sup>20</sup> A new or appropriately amended Swiss

<sup>20</sup> Section 380.2 of this chapter contains other provisions applicable to amendments of licenses covered by a Swiss Blue Import Certificate.

Blue Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Swiss Blue Import Certificate previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Swiss Blue Import Certificate, the amendment request shall include the following certification on Form IA-763 or on a signed attachment thereto:

I (We) certify that this request for amendment of export license No. \_\_\_\_\_, if granted, will not exceed the total quantity authorized under Swiss Blue Import Certificate No. \_\_\_\_\_.

#### § 373.68 Viet-Nam.

All license applications (Form FC-419), consignee/purchaser statements (Form FC-842 or FC-843, see § 373.65), and destination control statements (see § 379.10(c) of this chapter) which make reference to Viet-Nam shall also specify which of the following areas is referred to:

(a) Communist-controlled areas of Viet-Nam.

(b) Republic of Viet-Nam (area not under Communist control).

#### § 373.69 [Reserved]

#### § 373.70 Yugoslavia.

##### (a) End-Use certificate requirement—

(1) *Submission of certificate.* A license application for export of commodities, regardless of value, to Yugoslavia (including the area of Trieste under Yugoslav civil administration) must be accompanied by the original End-Use Certificate issued to the Yugoslav importer by the Federal Economic Chamber in Belgrade, covering the proposed exportation from the United States. Where the End-Use Certificate covers commodities for which more than one export license application is submitted, the original of the End-Use Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Yugoslav End-Use Certificate No. \_\_\_\_\_, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same End-Use Certificate, including the present application, do not total more than the quantities shown on that Certificate. This End-Use Certificate was submitted in support of application number (insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the End-Use Certificate was attached, and Export Control Commodity numbers and processing codes on that application).

(2) *Relationship to purchase order.* The Yugoslav End-Use Certificate may cover more than one purchase order and may be concerned with several commodities. However, the End-Use Certificate shall relate only to purchase orders

placed by a single importer with a single United States exporter.

(3) *Coded terms and translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction shall be explained. Commodities shown in quantities other than Commodity Control List units shall be converted into Commodity Control List units. Documents in a foreign language shall be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, shall be certified by the applicant to be a correct translation. An explanation or translation of a Yugoslav End-Use Certificate shall be submitted on a separate document attached to the Certificate. (See § 381.8 of this chapter with regard to an alteration of an export control document.)

##### (4) Certificate as a factor in licensing.

(i) The Office of Export Control reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Yugoslav Government has issued an End-Use Certificate.

(ii) Generally, commodities licensed by the Office of Export Control on the basis of dollar value will not be licensed in excess of the dollar value shown on the Yugoslav End-Use Certificate and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Certificate.

(iii) The Office of Export Control will not seek or undertake to give consideration to recommendations from the Yugoslav Government as to the United States exporter whose license application should be approved. A Yugoslav End-Use Certificate will be used by the Office of Export Control as only one of the considerations upon which licensing action will be based since quotas, end uses, and other considerations remain important factors in export licensing.

(5) *Applicant's responsibility for full disclosure.* In submitting a Yugoslav End-Use Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end-use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the End-Use Certificate. In accordance with the provisions of § 381.5 of this chapter, the applicant shall promptly bring to the attention of the Office of Export Control any change in the facts which were set forth in the Yugoslav End-Use Certificate and which was brought to his notice by the foreign importer or any other person subsequent to the date the Yugoslav End-Use Certificate is issued.

(b) *Exemptions—(1) 45-day grace period.* Whenever the requirement for a Yugoslav End-Use Certificate for any commodity is extended by reason of Country Group V being added to the column headed "Validated License Required for Country Groups Shown Below" on the Commodity Control List, an export license application for such commodity need not conform to the requirements of

this § 373.70 for a period of 45 days from the date such commodity becomes subject to the Yugoslav End-Use Certificate requirement. (See § 370.1(g) of this chapter for destinations in Country Group V.)

(2) *Shipments to Yugoslav Government agencies.* An application for license to export commodities to a Yugoslav Government agency is exempted from the requirement to furnish the Yugoslav End-Use Certificate where the Yugoslav Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Yugoslavia.

NOTE: For definition of "government agency," see § 373.65(a) (2) (iv).

(3) *Approved Form FC-43 or FC-143.* An application for a license to export commodities to Yugoslavia is exempted from the requirement for the submission of a Yugoslav End-Use Certificate if such license application is supported by Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts; or by a Form FC-143, Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers; or by the current Station Number or validation number of either of these forms. However, this exemption does not relieve an exporter, or his distributor, of the requirement that this Certificate be obtained and held available for inspection under the Form FC-243 procedure (see §§ 373.3 and 373.4).

(4) *Shipments for exhibition, demonstration, or testing purposes.* An application for a license to export commodities for exhibition, demonstration, or testing purposes in Yugoslavia is exempted from the requirement for submission of a Yugoslav End-Use Certificate.

(c) *Return of End-Use Certificate.* The Yugoslav End-Use Certificate provides a certification by the Yugoslav importer to his government that he will import the commodities through the Yugoslav customs frontier and that he will not reexport the commodities without obtaining permission from his government. If the Yugoslav importer is unable to obtain the commodities covered by the End-Use Certificate, he is required by the government of Yugoslavia to produce evidence of such inability. Therefore, where United States exporters are requested by the foreign importers to return unused or partially used End-Use Certificates, United States exporters shall return such Certificates in the same manner as established for the return of a Swiss Blue Import Certificate (see § 373-67(c)).

(d) *Exceptions.* (1) The Office of Export Control will consider the granting of an exception to the requirement for submission of the Yugoslav End-Use Certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the United States export control program. The Office of Export Control may waive the requirement of the submission of the Yugoslav End-Use Certificate where the refusal by the foreign government to issue the Certificate constitutes



discrimination against the United States exporter, or for any other valid reason of similar importance. Each such request for exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8542) Washington, D.C., 20230. The letter request should include, among other things:

(i) The nature and duration of the business relationship between the applicant and the importer shown on the license application;

(ii) The reason or reasons for the foreign importer's inability to obtain the Yugoslav End-Use Certificate from his government;

(iii) A statement as to whether the exporter has previously submitted to the Office of Export Control any Yugoslav End-Use Certificate issued in the name of the importer and a listing of the case numbers to which these certificates applied; and

(iv) Any other facts which would justify the granting of an exception.

The applicant should also attach to his letter request, or have on file in the Office of Export Control, a statement from the consignee and purchaser in accordance with § 373.65. No request will be considered or granted unless such statement is submitted or is on file in the Office of Export Control.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (case number if known, or applicant's reference number) to the application to which the original letter request was attached.

(c) *Requests for amendments.*<sup>21</sup> A new or appropriately amended Yugoslav End-Use Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Yugoslav End-Use Certificate previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Yugoslav End-Use Certificate, the amendment request shall include the following certification on Form IA-763 or on a signed attachment thereto:

I (We) certify that this request for amendment of export license No. \_\_\_\_\_, if granted, will not exceed the total quantity authorized under Yugoslav End-Use Certificate No. \_\_\_\_\_

Note: 1. Coded terms and translation requirements. See paragraph (a)(3) of this section.

<sup>21</sup> Section 380.2(d) of this chapter contains other provisions applicable to amendments of licenses covered by a Yugoslav End-Use Certificate.

2. *End-Use Certificates.* Foreign consignees may obtain these certificates from Yugoslav Federal Economic Chamber, Knez Mihailova 10, Belgrade.

§ 373.71 Trieste.

For export control purposes, the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore,

any application for export license (Form FC-419) which makes reference to Trieste, shall also specify which of the following areas is referred to:

(a) The area of Trieste under Italian civil administration.

(b) The area of Trieste under Yugoslav civil administration.

§§ 373.72-373.75 [Reserved]

SUPPLEMENT No. 1 [RESERVED]

SUPPLEMENT No. 2

AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES<sup>1</sup>

Country	Authority	System administered <sup>2</sup>
Austria	Bundesministerium für Handel und Wiederaufbau, Stubenring 1, Vienna I.	IC
	Bundeministerium für Handel und Wiederaufbau—Aussenstelle, Metternichgasse 4, Vienna III.	DV
Belgium	Ministere des Affaires Economiques, Office Central des Contingents et Licences II, Parc du Cinquanteaîre, Bruxelles.	IC/DV
Denmark	Handelsministeriets Licenskontor Gothersgade 49, Copenhagen K. IC/DV also issued by Danmarks Nationalbank, Itølmens Kanal 17, Copenhagen K.	IC/DV
France	Customs-house. Ministere des Finances et des Affaires Economiques, Direction des Relations Economiques Exterieures, Service des Autorisations Commerciales 8, rue de la Tour-des-Dames, Paris (9eme).	DV IC/DV
West Germany (Federal Republic of Germany). Western sectors of Berlin.	Bundesamt für gewerbliche Wirtschaft, Bockenheimer Landstrasse 38, Frankfurt am Main. Senator für Wirtschaft und Kredit Zentrale Genehmigungsstelle, Martin Luther-Strasse 61-66, Berlin-Schöneberg.	IC/DV IC/DV
Greece	Banque de Grece, Direction des Transactions Commerciales avec l'Etranger Athens.	IC/DV
Hong Kong	Import Control Branch, Department of Commerce and Industry, Fire Brigade Building, Hong Kong. Department of Commerce and Industry, Connaught Road, Central, Hong Kong.	IO
Italy	Ministero del Commercio con l'Estero Direzione Generale delle Importazioni e delle Esportazioni, Div. VII, Rome. Dogana Italiana (of the town where the import takes place). Bureau of International Trade and Industry in Tokyo, Osaka, Fukuoka, Sapporo, Sendai, Nagoya, Marugame, Hiroshima, Shimonoeki, Kobe, Yokohama, and Shimizu.	DV IC DV IO
Japan	Japanese Customs Offices.	DV IC/DV
Luxembourg	Office des Licences, 21, rue Glesener, Luxembourg-Gare.	IC/DV
Netherlands	Centrale Dienst voor In- en Uitvoer, van Stolkweg 14, The Hague.	IC/DV
Norway	Handelsdepartementet, Direktoratet for Eksport-og-Importregulering, Fr. Nansens plass 5, Oslo.	IC/DV
Portugal	Reparticao do Comercio Externo, Direcao-Geral do Comercio, Secretaria de Estado do Comercio, Ministerio da Economia, Lisbon.	IC/DV
Turkey	Ministry of Commerce, Department of Foreign Commerce, Ankara Head Customs Office at the point of entry.	IO DV IO
United Kingdom	Board of Trade, Export Licensing Branch, Hillgate House, 35 Old Bailey, London, E.C.4. H.M. Customs and Excise, Section 22 King's Beam House, Mark Lane London, E.C.3	DV

<sup>1</sup> Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce field office, or at the U.S. Department of Commerce, Office of Export Control, 1201 E St. N.W., Washington, D.C. 20230.

<sup>2</sup> IC—Import Certificate. DV—Delivery Verification.

SUPPLEMENT No. 3

QUESTIONS AND ANSWERS REGARDING EXPORT LICENSING OF CIVIL AIRCRAFT AND RELATED COMMODITIES

EXPORT LICENSING AUTHORITY OF U.S. DEPARTMENTS OF COMMERCE AND STATE

1. Q. Since both the U.S. Department of State and the U.S. Department of Commerce license aircraft and equipment, parts, accessories, or components therefor, how can an exporter determine which agency has the licensing authority?

A. The United States Munitions List lists only aircraft and related commodities which are licensed by the Department of State (see § 370.5(a) of this chapter). Any aircraft or related commodity which is not listed in the United States Munitions List is licensed by the Department of Commerce. In addition, Interpretation No. 20 (§ 399.2 of this chapter) provides criteria for determining aircraft commodities under Commerce Department licensing authority.

As a general rule, civil aircraft and equipment, parts, accessories, or components therefor, are licensed by the Department of Commerce. Military aircraft and equipment, parts, accessories, or components which are used exclusively for military aircraft are licensed by the Department of State. General purpose equipment, parts, accessories, or components which can be used for either military or civilian aircraft are licensed by the Department of Commerce.

2. Q. If an aircraft is exported to the military establishment of a foreign government, would the exportation necessarily be under the licensing authority of the Department of State?

A. No. The fact that the importer is a foreign government military establishment is not a determining factor as to whether the Department of State or the Department of Commerce has the licensing authority. (Also see Question No. 3 below.)

3. Q. If equipment, parts, accessories, or components for aircraft are certificated by

the Federal Aviation Agency but are also listed in a military catalog, are they licensed by the Department of Commerce or the Department of State?

A. The listing of equipment, parts, accessories, or components for aircraft in a military catalog is not a determining factor as to which department has the licensing authority. However, equipment, parts, accessories, or components certificated by the Federal Aviation Agency and listed in a military catalog are usually general purpose and, as such, are under the licensing authority of the Department of Commerce. Interpretation No. 20 (see § 399.2 of this chapter) sets forth the aircraft and equipment, parts, accessories, or components therefor under the licensing authority of the Department of Commerce, while the United States Munitions List (see § 370.5 of this chapter) lists those commodities under licensing authority of the Department of State.

4. Q. Is flight training equipment licensed by the Department of Commerce?

A. Only non-military types of flight training equipment are licensed by the Department of Commerce. These include non-military types of link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.

Military types of these trainers are under the licensing authority of the Department of State. Other military flight training equipment licensed by the Department of State includes such equipment as attack trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, and mobile training units.

5. Q. Does the Department of Commerce license for export an aircraft which bears a military designation?

A. Yes. Types C-46, C-47, and C-54 cargo and passenger transports are licensed by the Department of Commerce, provided such aircraft have not been equipped with, or modified to include, military equipment, such as gun mounts, turrets, rocket launchers, etc.

#### IMPORT LICENSES

6. Q. Does the Department of State maintain import control on civil aircraft and equipment, parts, accessories, or components therefor?

A. Yes. (Also see Question No. 7.)

7. Q. Is an import license required from the Department of Commerce to import civil aircraft into the United States?

A. No. An import license is not required for any commodities under Department of Commerce export licensing authority, unless the commodity was acquired abroad pursuant to the Foreign Excess Property Disposal Program. In such cases an import permit must be obtained from the Business and Defense Services Administration. (Also see Questions Nos. 26 and 27.)

#### CATEGORIES OF DEPARTMENT OF COMMERCE LICENSES

8. Q. How does the Department of Commerce license exports?

A. The Department of Commerce has two categories of licenses: the general license and the validated license.

A general license is a general authorization which permits exporters to make shipments under certain specified conditions without the need for submitting an application or receiving a license document from the Department of Commerce.

A validated license is a license document issued only after an application for license has been submitted to the Department of Commerce. Commodities which are for consumption in Canada may be shipped to that country without a general or validated license.

#### VALIDATED LICENSES

9. Q. What types of validated licenses are available?

A. An "Individual license" and bulk types of licenses known as "Project License" (see Part 374 of this chapter), "Blanket License" (see Part 375 of this chapter), "Periodic Requirements License" (see Part 376 of this chapter), "Time Limit License" (see Part 377 of this chapter), and "Technical Data License" (see Part 385 of this chapter).

10. Q. Is an exporter or an importer of civil aircraft or equipment, parts, accessories, or components therefor, required to register with the Department of Commerce before or at the time of filing a license application?

A. No. However, an exporter or an importer who intends to file applications with the Department of State covering military aircraft, or any other commodities under licensing authority of the Department of State, may need to retain his registration with the Department of State.

11. Q. Does the Department of Commerce charge any fee for issuing an export license?

A. No.

12. Q. What is the usual time for processing a license application in the Department of Commerce?

A. Currently the Department of Commerce processes approximately 95 percent of applications within five days after receipt, and approximately 99 percent within ten days. An application which involves a new foreign policy or security question which the Office of Export Control has not previously resolved may require a longer period of time for processing.

13. Q. How may an exporter obtain information as to the status of his license application?

A. A status inquiry should be made on Form FC-743-A and addressed to the U.S. Department of Commerce, Office of Export Control, Operations Division Exporter's Service Section (Attn: 8540), Washington, D.C. 20230, or to any United States Department of Commerce field office (see page 1). Item 2 of Form FC-743-A need not be completed. Generally, an applicant should allow a period of two weeks after submitting a license application before making a status inquiry.

14. Q. In case of an emergency, may an exporter request special processing of a license application?

A. Yes. In an emergency situation properly justified by the exporter—for example, a shipment of repair parts to a grounded aircraft—the exporter may request emergency clearance from the Department of Commerce. The request may be made direct to the Office of Export Control in Washington, or through a United States Department of Commerce field office or a Collector of Customs. Where no license application has been filed, the exporter may submit the application to the field office or Collector of Customs at the time emergency clearance is requested. If the exportation is approved, the Collector of Customs will be notified by telephone or telegraph to permit clearance of the shipment (see § 372.5(1) of this chapter).

15. Q. What is the usual validity period of a license issued by the Department of Commerce?

A. Generally, an individual license or a Blanket License has a validity period of six months and consideration will be given to the extension of the license upon request of the licensee. However, the Department of Commerce will consider issuing a license with a validity period of more than six months for long-cycle production commodities. A Time Limit License or a Periodic Requirements License has a validity period of one year but will not be extended. A Project License is also valid for one year but may be extended.

16. Q. How does the licensee apply for extension or other amendment of his license?

A. Except for an extension of a Project License, the licensee makes application on Form IA-763. A request for extension of a Project License should be made on Form FC-957.

17. Q. Must the application for export license be made by the firm receiving the export order from the foreign customer?

A. Generally, yes. However, if the firm receiving the order is not the same as the applicant for the license, the firm receiving the order must also sign the license application in item 15 (see § 372.4(a) (2) of this chapter).

18. Q. When an export order covers a number of individual parts under one entry on the Commodity Control List, does each part have to be listed separately on the export license application?

A. No. All parts coming under one entry on the Commodity Control List may be included in one entry on the export license application, using the Commodity Control List description for that entry, unless the Commodity Control List entry states that the application must specify the parts by name.

19. Q. Where one export order covers a number of different commodities, all of which are licensed by the Department of Commerce, may all commodities be included in one license application, using a general description and one total price?

A. A single license application may include only those commodities shown on the Commodity Control List as having the same processing code and the same related commodity group number. Where such commodities are covered in separate Commodity Control List entries, they must be listed separately on the license application, with a separate price shown for each listing (see § 372.5 (d) and (e) of this chapter).

One exception to this rule is permitted. Where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Country Group W, Y, or Z (see § 370.1(g) of this chapter for country groups) the applicant may (1) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group number; (2) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Export Control Commodity number. This exception does not relieve the applicant from classifying the commodities shown on the application in accordance with the Commodity Control List or from describing the commodities in accordance with Commodity Control List or commodity description terminology. Exporters are reminded that the value must be shown on the Shipper's Export Declaration in accordance with the regulations of the Bureau of Census, even though the value may not appear on the export license.

20. Q. Should the price shown on the license application be shown in terms of price quotation to the foreign purchaser?

A. Yes. The total price should be shown in the customary form of quotation such as f.o.b. (factory), f.a.s. (named port), c.i.f., or other form.

21. Q. What documents should accompany an application for export license?

A. The documents required for license applications are specified in several sections of Part 373 of this chapter. (A summarization of the required documents is included in Table III of the Digest of Export Regulations.)

22. Q. May a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, be used in support of an application for license to export to a foreign distributor

who will resell to customers in the same country?

A. Yes. Item 4 of Form FC-843 provides a space for the importer to indicate that he is a distributor.

23. Q. If a United States exporter leases an aircraft to a foreign individual or firm to be used abroad, is the export of the aircraft subject to export control?

A. Yes. The export of an aircraft for use overseas under a lease is subject to the same export control procedures as the export of an aircraft involving a sale.

24. Q. May an existing Department of Commerce Project License be used to export aircraft equipment, parts, accessories, or components not identified by the symbol "B" in the last column of the Commodity Control List?

A. Yes, provided the aircraft equipment, parts, accessories, or components are being exported to the approved consignees on the Project License for the use specified in the license, and provided the anticipated shipments will not exceed the grand total approved on the license. A complete aircraft, however, may not be exported under a Project License.

#### GENERAL LICENSES

25. Q. Is there more than one type of general license?

A. Yes, there are a number of different general licenses, each of which is designed to meet a specified type of shipment. These general licenses are described in Part 371 of this chapter. Exporters of civil aircraft will be particularly interested in the following general licenses: General License GIT (see § 371.9 of this chapter), GLV (see § 371.10 of this chapter), PLANE STORES (see § 371.13 (b) of this chapter), RCS (see § 371.13 (d) of this chapter), GLO (see § 371.15 of this chapter), GLR (see § 371.18 of this chapter), GTDP (see § 385.2 (b) of this chapter), GTDU (see § 385.2 (c) of this chapter), GTDS (see § 385.2 (d) of this chapter), and GATS (see § 371.25 of this chapter).

26. Q. Does the U.S. Department of Commerce require a validated license for a shipment transiting the United States?

A. No. An in-transit shipment of foreign-origin commodities under the licensing authority of the U.S. Department of Commerce is permitted to enter the United States without a license and may leave the United States under General License GIT. This general license does not apply to any shipment to Country Group W, X, Y, or Z (see § 370.1 (g) of this chapter for country groups), however, unless such shipment could be made direct from the United States to that destination under some other general license. (Also see Question No. 27.)

27. Q. Is a validated license required for aircraft equipment, parts, accessories, or components manufactured in Canada which are being exported from Canada through a United States port to a third country?

A. No. A shipment from Canada moving in transit through the United States may leave the United States under General License GIT, provided the shipper presents to the Collector of Customs a copy of Form B-13, Canadian Custom Entry, authorizing the shipment. Where any pertinent detail of such shipment is not the same on the United States Shipper's Export Declaration as that shown on the Canadian Customs Entry, either a validated United States export license or a new Form B-13 authorizing the shipment is required unless the shipment is exportable to the new destination from the United States under another general license.

28. Q. If a new engine is installed in an aircraft while it is in the United States, is a validated license required to cover exportation of the new engine?

A. Exportation of the engine is covered by General License PLANE STORES except if

the engine is installed on an aircraft registered in a country in Country Group W, Y, or Z or an aircraft controlled by or under charter to a country in Country Group W, Y, or Z or a national of any of these countries. Where General License PLANE STORES does not apply, a validated license is required. (Also see Questions Nos. 29 and 30.)

29. Q. Where an aircraft is brought to the United States for repair or overhaul, must a validated license be obtained to return the aircraft to the country from which it came to the United States?

A. The aircraft usually may be returned under General License GLR. This general license does not apply, however, to aircraft being exported to Country Group W, X, Y, or Z, or to aircraft disposed of by a United States government agency under the Foreign Excess Property Disposal Program (see § 371.18 of this chapter).

30. Q. If an aircraft is brought to the United States to be converted from piston to turbo-prop, is a validated license required to return the converted plane?

A. The aircraft may be returned under General License GLR to any destination except Country Group W, X, Y, or Z. A validated license is required for the return of the aircraft to Country Group W, X, Y, or Z.

31. Q. May an aircraft be exported under General License GLR for purposes of repair and return to the United States?

A. Yes. General License GLR may be used to export the complete aircraft, or any equipment, parts, accessories, or components therefor, to the foreign country in which it was manufactured or from which it was imported into the United States, except to Country Group W, X, Y, or Z, for purposes of repair and return to the United States.

32. Q. Which types of aircraft may depart from the United States under General License GLO?

A. Only an aircraft which is operating under an Operating Certificate (Air Carrier, Commercial, or Air Taxi) from the Federal Aviation Agency may depart from the United States under General License GLO.

33. Q. Where an aircraft leaving the United States for a temporary sojourn does not qualify for exportation under General License GLO, is a validated license required for its departure?

A. No. United States aircraft leaving for temporary sojourn abroad, or a foreign aircraft which has been on temporary sojourn in the United States, may depart under General License GATS, provided all of the requirements of that general license are met (see § 371.25 of this chapter).

34. Q. If a foreigner purchases an aircraft in the United States, may he fly the aircraft out of the United States under the provisions of General License GATS?

A. No. General License GATS permits aircraft of foreign registry to depart from the United States under its own power only if the aircraft was initially brought into the United States for a temporary sojourn or, if the aircraft is registered in the United States, it may depart from the United States for a temporary sojourn abroad and subsequent return to the United States.

35. Q. May an aircraft be exported under the provisions of General License BAG-GAGE or General License TOOLS OF TRADE?

A. No. For a temporary sojourn abroad, an aircraft may depart from the United States under General License GATS (see § 371.25 of this chapter).

36. [Reserved]

#### TECHNICAL DATA

37. Q. If technical data relating to the manufacture of aircraft are to be exported, is a validated license required? If so, which agency has the export licensing authority?

A. If the technical data bear a United States government security classification, such as "Confidential," "Secret," or "Top

Secret," the exportation must be authorized by an export license issued by the Department of State. If the technical data do not bear a United States government security classification, their exportation may be under the licensing authority of either the Department of State or the Department of Commerce as follows: (1) The Department of State has export licensing authority over all technical data relating to commodities set forth on the United States Munitions List (see § 370.5 of this chapter) and requires a validated license for these exportations; (2) The Department of Commerce has export licensing authority over unclassified technical data relating to aircraft and equipment, parts, accessories, and components therefor which are specified in Interpretation No. 20 (see § 399.2 of this chapter). Except for selected kinds of technical data relating to the manufacture of civil aircraft which may be exported under General License GTDU or GTDP (see Question No. 40), the Department of Commerce requires that a validated license be obtained prior to exporting technical data relating to the manufacture of civil aircraft.

38. Q. May technical data be exported under a Project License if the data relate to the project for which the license was issued?

A. Yes. Technical data may be exported under a Project License provided the Project License specifically authorizes the exportation of technical data (see § 374.2 of this chapter).

39. Q. May one export license application include all technical data covered in a single licensing agreement with a foreign firm?

A. Yes. One Form FC-419 should include all those items covered in one licensing agreement which are under the jurisdiction of the Department of Commerce. Technical data exportable under the provisions of a general license should be exported under that general license. Separate application should be made to the Department of State covering data under the jurisdiction of that Department.

40. Q. Do maintenance, repair or operating manuals, instruction sheets, and blue prints for aircraft require a validated export license?

A. No. Such maintenance, repair, or operating instructional material for aircraft may be exported under General License GTDU to any destination except Country Group Z (excluding Cuba) (see § 385.2 (c) of this chapter).

#### PART 374—PROJECT LICENSE

Sec.	
374.1	Project License.
374.2	Commodities and technical data subject to Project License.
374.3	Basis for consideration of license applications.
374.4	Application procedure.
374.5	Action by Office of Export Control on license applications.
374.6	[Reserved]
374.7	Extensions and amendments to Project License.
374.8	Action by Office of Export Control on extensions or amendments to Project License.
374.9	Export clearance.
374.10	Reexportation.
374.11	Application for other validated licenses.
374.12	Effect of other provisions.

**AUTHORITY:** The provisions of this Part 374 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

#### § 374.1 Project License.

This part establishes a procedure for obtaining a Project License which, if issued, authorizes exportations of com-

modities (and technical data related to the project when specifically authorized), as set forth in § 374.2, for use in specified activities abroad for a period of approximately one year from issuance of the license.

#### § 374.2 Commodities and technical data subject to Project License.

The project licensing procedure is applicable to all commodities and technical data which require a validated license for export as well as commodities which may be exported under General License GLV except:

- (a) Complete aircraft, either assembled or knocked down;<sup>1</sup>
- (b) Walnut, logs, bolts, and hewn timber, Export Control Commodity Nos. 24231 and 24232;<sup>1</sup> or
- (c) Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Commodity Control List under Export Control Commodity Nos. 24331, 24332, and 63110.<sup>1</sup>

#### § 374.3 Basis for consideration of license applications.

An application for a Project License will be considered for approval only where all of the conditions described in paragraph (a) of this section are met and where it is shown that the commodities are to be used in an activity abroad as described in paragraph (b) of this section.

(a) *Volume of validated license shipments.* The expected volume of validated license shipments to be made annually meets the following minimum limitations:

(1) The total value of the validated license shipments is expected to be \$100,000 or more.

(2) The commodities to be exported are covered by entries in the Commodity Control List (§ 399.1 of this chapter) representing four or more Commodity Processing Codes, e.g., STEE, NONF, ELME, RUBR, CONS, etc.

(3) At least 40 individual validated licenses would be required to export the proposed commodities.

(b) *Activities eligible for the project licensing procedure.* An application for a Project License will be considered for approval where it is shown that the license, if granted, will be used for one of the following activities:

(1) A substantial project representing a capital expansion, either a new facility or expansion of an existing facility;

(2) A program for supplying maintenance, repair and operating supplies to serve an existing facility; or

(3) A program for supplying materials to be used in the production of other commodities for sale.

(c) *Activities which are ineligible for the project licensing procedure.* A Project License will not be issued to cover exportations of commodities for resale

<sup>1</sup> Applicants who propose to export a complete aircraft, either assembled or knocked down, or any of the specified walnut commodities, must apply for an individual validated license. However, a project license may be used, where applicable, to export related parts, accessories, or components for the aircraft.

in the form in which exported from the United States.

#### § 374.4 Application procedure.

(a) *Documents required.* Each initial application for a Project License shall include the following documents:

(1) Form FC-420, Application Processing Card.<sup>2</sup>

(2) Form FC-419, Application for Export License.<sup>2</sup>

(3) Form FC-988, Statement by Ultimate Consignee in Support of Project License Application.<sup>2</sup>

(4) Statement of estimated requirements.

(5) Comprehensive narrative statement by the exporter.

**Note:** The preparation of an initial application for a Project License entails a substantial amount of work on the part of the exporter. Therefore, a prospective applicant for a Project License is advised to consult with the Office of Export Control in advance of preparation of his application in order that a preliminary determination can be made as to the applicability of the project licensing procedure and to obtain advice as to any special information which may be required in support of the application.

(b) *Preparation of documents—(1) Form FC-420.* Form FC-420, Application Processing Card, shall be prepared in accordance with the provisions of § 372.5(a)(5) of this chapter with the following exceptions:

(i) In the Export Control Commodity Number space, the applicant shall enter "Project License."

(ii) The processing code space shall not be completed.

(iii) In the commodity description space, the name or description of the project shall be entered.

(2) *Form FC-419.* Form FC-419, Application for Export License, shall be prepared and submitted in accordance with instructions contained in § 372.5 of this chapter, with the following specific modifications:

(i) Where there is more than one ultimate consignee, insert "see attached list," on the application in the space entitled "Ultimate Consignee In Foreign Country," and submit the list in duplicate. In listing the ultimate consignees, the country of ultimate destination (alphabetically arranged) shall be listed first with the name(s) of the ultimate consignee(s) (alphabetically arranged) following. The example below illustrates the manner in which ultimate consignees shall be listed:

France: Central Corp.; Development Corp.  
Mexico: Consolidated Copper; Fairway Limited.

<sup>2</sup> Forms FC-419, FC-420, and FC-988 may be obtained at all United States Department of Commerce field offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

Late revisions of Forms FC-419 and FC-420 refer to the "Export Control Commodity No." instead of the "Schedule B No.". Late revisions of Form FC-419 refer also to the "Commodity Control List" instead of the "Positive List" in the commodity description space. If earlier issuances of Forms FC-419 or FC-420 are used, these terms shall be changed, and the forms completed, accordingly.

(ii) Insert on the application in the space entitled "Commodity Description" the following statement:

Articles and materials set forth on the attached statement of estimated requirements constitute the known requirements of commodities (and technical data if applicable) requiring validated licenses for the (insert name of program or project).

I (We) hereby certify that if a license is granted in response to this application, (a) no commodities (or technical data if applicable) will be exported under the license unless specifically required for the (program) (project); and (b) after exportation, the commodities (and technical data if applicable) will not be disposed of or used for any purpose other than that stated in this application.

(3) *Statement by ultimate consignee in support of project license application—(i) General.* The applicant shall furnish Form FC-988,<sup>2</sup> Statement by Ultimate Consignee in Support of Project License Application, from each ultimate consignee named in the license application.

(ii) *Exemption.* Form FC-988 is not required from the ultimate consignee where the license applicant is the same person as the ultimate consignee in the country of destination. This exemption does not apply where the applicant and the consignee are separate entities such as parent and subsidiary, or affiliated or associated firms.

(iii) *Signature.* Form FC-988 shall be manually signed by the ultimate consignee (the person abroad who is actually to receive the material for the project), or by a responsible official of the ultimate consignee who has personal knowledge of the information included in the statement, who has authority to bind the ultimate consignee, and who has the power and authority to control the use and disposition of the licensed commodities and technical data in the country of ultimate destination. The authority to sign this document may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement shall include his official title with his signature.

(4) *Statement of estimated requirements—(i) Commodities.* The statement, submitted in duplicate, shall specify the estimated requirements for commodities requiring a validated license (including shipments which are exportable under General License GLV but which the licensee prefers to ship under the Project License) which are expected to be exported during the first year validity period. If the commodities are for use in a project representing a capital expansion, an additional statement, in duplicate, shall be included covering the estimated requirements of commodities requiring a validated license which are expected to be exported during the period

<sup>3</sup> Late revisions of Form FC-988 make provision for indicating whether commodities and/or technical data are proposed for export. On earlier versions of the form, if technical data related to the project is proposed for export, the words "and technical data" shall be inserted on Form FC-988 in items 3 and 5 following the word "commodities."

required for the full completion of the project. The statement shall be made in terms of broad descriptive categories corresponding with the commodity sections and subheadings which appear in the Commodity Control List. For each such commodity entry show the total value of expected exports requiring a validated license with subtotals for ex-

ports to Country Group T destinations, to Country Group V destinations and to country group destinations other than T and V, and the grand totals for the three breakdowns. The example at the bottom of this page illustrates the manner in which these entries should be made on the statement.

Example:

VALIDATED LICENSE REQUIREMENTS FOR FIRST YEAR

Commodity section	Country			Subtotal
	Group T	Group V	Other groups	
Section 2—Crude materials inedible, except fuels; crude rubber...	\$3,000	\$6,000	\$1,000	\$10,000
Section 3—Mineral fuels, lubricants, and related materials; petroleum and petroleum products.....	50,000	100,000	20,000	170,000
Section 7—Machinery and transport equipment; machinery other than electric.....	100,000	175,000	25,000	300,000
Section 8—Miscellaneous manufactured articles; professional, scientific, and controlling instruments.....	75,000	125,000	25,000	225,000
Grand totals.....	228,000	406,000	71,000	705,000

NOTE: If the application is approved and a Project License issued, these estimates constitute a limitation only as to the grand total dollar value of all exports to be made under the license. A license amendment is not necessary to increase the dollar value of commodities in any one commodity section or to export commodities not listed on the approved statement of estimated requirements. For example, in the illustration above, an amendment is necessary only if the grand total value of all shipments under the Project License to all Country Groups will exceed \$705,000.

(ii) *Technical data.* Where technical data related to a project is proposed for export the following information shall accompany the statement of estimated commodity requirements:

(a) A detailed description of the subject matter or substance of the technical data and its relationship to the project;

(b) Processes involved, if any; and

(c) The form in which the information will be furnished to the foreign consignee (e.g., blueprints, specifications, technical aid contracts, manufacturing agreements, patent licensing arrangements, instructional or training material, training in the United States or abroad of foreign personnel, supervision or operation abroad by United States personnel, or any other form of communication).

(5) *Comprehensive narrative statement.* The comprehensive narrative statement shall be an explanation by the applicant which describes in detail the project abroad with respect to which the Project License application is made and shall include the applicant's justification for requesting favorable action on the application for a Project License. As a minimum, the statement shall include the following information:

(i) *Qualification.* An appraisal by the applicant as to how the proposed Project License application qualifies in light of the criteria described in § 374.3.

(ii) *Description.* A detailed description of the project, including estimated completion date, which will provide the Office of Export Control with a clear understanding of the nature and scope of the project.

(iii) *Business relationship.* The nature and duration of the business rela-

tionship between the applicant and the consignee or consignees named in the Project License application. If there are any corporate or other ownership relationships between the parties, these relationships shall be fully disclosed.

#### § 374.5 Action by Office of Export Control on license applications.

(a) *Approved license application—(1) Issuance of license.* When an application for a Project License is approved by the Office of Export Control, a separate document, Form FC-628, Export License, is issued authorizing, subject to provisions of the Export Regulations and to the terms and provisions of the license, the exportation of commodities requiring a validated license (and technical data where specifically authorized) during the validity period shown on the license. The Project License will be similar to validated license documents described in § 372.11 of this chapter with the following exceptions:

(i) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the U.S. Department of Commerce seal and a series of numbers which identifies the date on which the license was validated. The stamp will include the letter "D" and a series of numbers to indicate the year, month, and day on which the license was validated. A validation stamp in this space which reads "D-5-110" indicates that the license was validated in the year 1965 (5) in the month of January (1) and on the 10th day of the month (10).

(ii) *License number.* Immediately below the validation stamp the license number assigned to the project will be indicated. This license number will be a four-digit number prefixed by the letters DL and suffixed by a one letter code indicating the Office of Export Control licensing division to which the project was assigned, that is: "C" for Capital Goods Division; "P" for Production Materials and Consumer Products Division; and "S" for Scientific and Electronic Equipment Division.

(iii) *Entries.* Entries will be made on the license document in the appropriate space but there will be no specific de-

scription of quantities, kinds, or values of commodities and technical data. Instead, there will appear in the commodity description item on the license one of the following legends:

#### PROJECT LICENSE STATEMENT

*If commodities only:* This license authorizes exportation of commodities requiring a validated license subject to the specific limitations set forth in the Export Regulations and on this license.

*If commodities and technical data:* This license authorizes exportation of commodities and technical data requiring a validated license subject to the specific limitations set forth in the Export Regulations and on this license.

If any special conditions are imposed with respect to the use of a specific Project License more restrictive than the general conditions set forth in the Export Regulations, these conditions will be set forth on the license document at the time of issuance, or the licensee will be advised by other means.

(2) *Notification to Collectors of Customs.* The Office of Export Control will notify all Collectors of Customs of the issuance of the Project License.

(b) *Applications returned without action.* When a Project License application is returned without action, the application together with related documents will be returned to the applicant with Form FC-204-B, Advice on Application Returned Without Action. This form will state the reason for return of the license application and will explain to the applicant what corrections are to be made or additional information is required if the application is to be resubmitted for further consideration by the Office of Export Control.

(c) *Rejected applications.* When an application for a Project License is rejected, the applicant will be notified of this fact by Form FC-204-A, Notice of Rejection. This notice will contain a statement explaining the reason for rejection of the Project License application. The applicant may apply for an individual or other type of validated license for transactions covered by the rejected Project License application.

#### § 374.6 [Reserved]

#### § 374.7 Extensions and amendments to project license.

(a) *Extension—(1) General.* Upon receipt of a request for extension of a Project License, an analysis of the past activity and nature of the project covered in the request is made by the Office of Export Control to determine whether an extension beyond the present expiration date is warranted. Therefore, an applicant, prior to requesting an extension, should examine his records to determine if the criteria described in § 374.3(a) were met during the validity period of the Project License. Where the criteria were not met, the applicant is advised to file an individual license application or other appropriate license application.

(2) *Submission of request, Form FC-957.* A request for extension of the expiration date on a Project License shall be submitted on Form FC-957, Application for and Notice of Extension of

Project License,<sup>4</sup> in triplicate. In accordance with the provisions of § 374.4 (b) (3), Form FC-988, Statement by Ultimate Consignee in Support of Project License Application, for each ultimate consignee named on the request for extension (Form FC-957), shall either accompany the request for extension or have been submitted previously to the Office of Export Control.

(3) *Time of submission.* In order to permit shipments to move without interruption, Form FC-957, Application for and Notice of Extension of Project License, shall be submitted within 60 days prior to the expiration date of the license but not earlier than 90 days prior to the expiration date.

(4) *Information required.* All numbered items shown on Form FC-957 must be completely filled in on all copies in accordance with the instructions described below. Where the answer to any item is "none", indicate "none" in the appropriate space. If more space is needed for the completion of any item attach an additional sheet. Write on each sheet the Project License number to which the application for extension applies and also indicate the item number to which the answer applies.

*Item 1*—Enter the name and address of present Project License holder.

*Item 2*—Enter the Project License number assigned by the Office of Export Control.

*Item 3*—Enter the current expiration date of the Project License or expiration date of the current approved extension.

*Item 4*—Enter the date of this application.

*Item 5*—Enter the new date of expiration which is being requested. This should be the date after which no further shipments are expected to be made under this license, or one year from current expiration date, whichever is earlier.

*Item 6*—Enter the name and address of intermediate consignee(s) presently approved on Project License.

*Item 7*—Enter the name and address of ultimate consignee(s) presently approved on Project License.<sup>5</sup>

*Item 8*—Enter the name and address of intermediate consignee(s) not presently approved on the Project License.

*Item 9*—Enter the name and address of ultimate consignee(s) not presently approved on the Project License.<sup>5</sup>

*Item 10*—Enter the name and address of intermediate consignee(s) presently approved on the Project License who will be deleted.

*Item 11*—Enter the name and address of ultimate consignee(s) presently approved on the Project License who will be deleted.<sup>5</sup>

*Item 12*—Enter in this space a brief description of the type of project, e.g., whether it is the construction of a specific installation; whether the items to be exported are to be used for the continued maintenance, repair, and operation of the installation, etc.

<sup>4</sup> On forms bearing a printing date prior to January 1, 1965, change Item 13 to show the total dollar value of commodities which require a validated license for shipment to Country Group T, to Country Group V, and to country groups other than T or V, including the subtotals and grand totals for these items.

<sup>5</sup> Form FC-957 may be obtained at all United States Department of Commerce Field Offices, and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

<sup>6</sup> See § 374.4(b) (2) (1) relative to the manner in which ultimate consignees should be listed.

For a construction type project, indicate the extent of completion and estimated completion date. Include also a concise justification for the continued use of this license.

*Item 13a*—List only commodities requiring a validated license (including shipments which are exportable under General License GLV but which the licensee will ship under the Project License). Use broad descriptive categories corresponding with the commodity section and subheadings which appear in the Commodity Control List (§ 399.1 of this chapter). It is essential that the total for each commodity section heading listed in Item 13a include only commodities which will be shipped under the Project License.

*Item 13b, 13c, and 13d*—List the total value of each commodity section shown in Item 13a to be exported to Country Group T, to Country Group V, and to country group destinations other than T or V.

*Item 13e*—List as subtotals the sum of all exports listed in Items 13b, 13c, and 13d for each commodity section.

*Item 13f*—List separately the grand totals for all exports to Country Group T, to Country Group V, and to country group designations other than T or V combined for each commodity section. Where technical data related to the project is proposed for export, the Form FC-957 shall be accompanied by the information required by § 374.4(b) (4) (ii). This information may be entered on the Form FC-957 following the listing of commodities or on an attachment thereto. In addition, if not previously submitted, the request shall be accompanied by the certification set forth in paragraph (b) (1) of this section and a Form FC-988, Statement by Ultimate Consignee in Support of Project License Application, from each ultimate consignee who will receive the data (see § 374.4(b) (3)).

*Item 14*—The application must be signed by the applicant or his agent.

(5) *Statements regarding new consignees.* Where a new ultimate consignee is to be added, Form FC-957 shall be accompanied by a statement from the new ultimate consignee (see § 374.4(b) (3)), as well as a statement from the United States exporter setting forth the information required by § 374.4(b) (5) (iii).

(b) *All other amendments*—(1) *Amendments required.* (i) Requests for amendments to Project Licenses for purposes of adding an intermediate consignee, ultimate consignee, etc., shall be submitted to the Office of Export Control on a Form IA-763, Request for and Notice of Amendment Action, in accordance with the provisions of § 380.2 of this chapter. However, if the request for amendment is made together with a request for extension of the validity period of a Project License, the request for amendment may be included on Form FC-957 (see paragraph (a) of this section). In preparing Form IA-763, the space entitled "License Has Been or Will Be, Deposited With" shall not be completed by the applicant. Where a new ultimate consignee is proposed for addition, Form IA-763 shall be accompanied by a statement from the new ultimate consignee as described in § 374.4(b) (3) and by a statement from the United States exporter setting forth the information required by § 374.4(b) (5) (iii).

(ii) Where an amendment request is submitted for the purpose of adding technical data, the Form IA-763 shall include the certification set forth below and shall be accompanied by the infor-

mation required by § 374.4(b) (4) (ii). In addition, a Form FC-988, Statement by Ultimate Consignee in Support of Project License, from each ultimate consignee who will receive the data shall accompany the amendment request as described in § 374.4(b) (3).

I (We) certify that if the request for amendment of Project License No. ----- is granted, the technical data will be used only in connection with the (program) (project) and after exportation will not be disposed of or used for any other purpose than that stated in this request.

(2) *Amendments not required.* No amendment is required to add a commodity section or change the total value of a single commodity section in the statement of estimated requirements unless the grand total value of the shipments shown in the statement will be exceeded (see Note following § 374.4(b) (4) (i)).

NOTE: For transfer of Project License see § 380.1(c) of this chapter.

### § 374.8 Action by Office of Export Control on extensions or amendments to project license.

(a) *Extension of validity period*—(1) *Approval.* When a request for extension is approved, a Form FC-957, Application for and Notice of Extension of Project License, will be validated as described in § 374.5(a) (1) (i) and a copy returned to the applicant. In returning this validated notice, the Office of Export Control will indicate thereon any changes which have been made in the applicant's request or any special conditions which are attached to the Project License during the extended validity period. The Office of Export Control will notify Collectors of Customs of the approval action.

(2) *Return without action.* When a request for extension is returned without action, the application (Form FC-957) and associated documents will be returned to the applicant. The appropriate box ("RWA") in the official use space on the Form FC-957 will be checked. The reason for return of the application and any action required by the applicant will be indicated on Form FC-204-B, Advice on Application Returned Without Action, or by letter.

(3) *Rejection.* When an application is rejected, the original of Form FC-957 will be held in the Office of Export Control; the duplicate and triplicate copies will be returned to the applicant. The appropriate box ("Rejected") in the official use space on the Form FC-957 will be checked. The reason for rejection will be indicated in the appropriate space on Form FC-204-A, Notification of Rejection, or by letter.

(b) *All other amendments*—(1) *Approval.* If an amendment request is approved, Form IA-763, Request for and Notice of Amendment Action, will be validated and a copy returned to the applicant in the manner described in § 380.2(h) of this chapter. The Office of Export Control will notify all Collectors of Customs of the approval action.

(2) *Return without action.* If a Form IA-763 is to be returned without action the original will be held in the Office of Export Control files and the duplicate

and triplicate copies of the request will be returned to the applicant. The appropriate box ("RWA") in the official use space on the Form IA-763 will be checked. The reason for return without action and any action required by the application will be indicated on the Form IA-763 in the appropriate space or on an attachment thereto.

(3) *Rejection.* If a request for amendment is rejected, the original Form IA-763 will be held in the Office of Export Control files; the duplicate and triplicate copies will be returned to the applicant. The appropriate box ("Rejected") in the official use space on the Form IA-763 will be checked. The reason for rejection will be indicated in the appropriate space on the Form IA-763 or an attachment thereto.

#### § 374.9 Export clearance.

(a) *General.* Generally, the Office of Export Control will notify every Collector of Customs of the approval of a Project License within 15 days after dispatch of the license to the licensee. Therefore, an exporter should not plan to clear an exportation at an earlier date unless he has verified that notification has reached the Collector of Customs at the intended port of exit. In unusual circumstances the applicant may request specific earlier notification on the part of the Office of Export Control to one Collector of Customs in order that a specific emergency shipment or shipments may be cleared as soon as the applicant is notified of approval action by the Office of Export Control.

(b) *Presentation of license or other approval action.* When clearing shipments for export under a Project License, the licensee shall, on demand, show to the Collector of Customs either the original or a photostatic copy of the license or amendment. The license or amendment, however, is not required to be filed with the Collector of Customs.

(c) *Shipper's export declaration.* The Shipper's Export Declaration covering an exportation made under a Project License shall be prepared in accordance with standard instructions covering the preparation of Declarations except as modified by the following special instructions:

(1) *Project license number.* The Declaration shall include the Project License number.

(2) *Additional copy of declaration.* When clearing shipments under a Project License, the licensee shall file with the Collector of Customs an additional copy of the Declaration. The licensee shall enter the symbol "DL" on the Declaration in the upper right corner.

**NOTE:** Although the Project License and extensions thereto describe the commodities in broad descriptive categories, commodity descriptions on the Declaration shall be more specific. The description of a commodity shall (1) conform to the applicable Commodity Control List description, and (2) incorporate any additional information where required by Schedule B (for example, type, size, or name of specific commodity).

(d) *Mail shipments.* Shipments by mail shall be made in accordance with the instructions contained in § 379.1(b) of this chapter.

(e) *Shipments exportable under General License GLV.* Notwithstanding any statement appearing on a Project License, a Project License holder may use either his Project License or General License GLV to export commodities which meet the provisions of General License GLV. The Project License, however, may not be used for shipments which can be made under any other general license.

#### § 374.10 Reexportation.

Commodities and technical data exported under a Project License may be reexported between ultimate consignees covered by the terms of the Project License without the necessity of obtaining specific approval from the Office of Export Control.

#### § 374.11 Application for other validated licenses.

(a) *Exporter holding a project license.* An exporter holding a Project License shall not apply for, nor will the Office of Export Control issue to him, an individual or any other type of validated license for any transaction involving the licensed project.

(b) *Other exporters.* Where a valid Project License is in force, the Office of Export Control will not issue another Project License to cover shipments to the licensed project or program. If an exporter intends to make shipment to a project or program for which another exporter already holds a Project License, he may apply to the Office of Export Control for an individual license or any other appropriate type of validated license except a Project License.

#### § 374.12 Effect of other provisions.

Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

### PART 375—BLANKET (BLT) LICENSE

#### Sec.

- 375.1 Blanket (BLT) license.
- 375.2 Application requirements.
- 375.3 Issuance of license.
- 375.4 Export clearance.
- 375.5 Effect of other provisions.

**AUTHORITY:** The provisions of this Part 375 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

#### § 375.1 Blanket (BLT) license.

This Part establishes a procedure for obtaining a Blanket (BLT) License, which if issued, authorizes the exportation of the same commodities requiring a validated license to two or more consignees in the same country of destination.

#### § 375.2 Application requirements.

(a) *Application form and consignee list.* An application for a Blanket (BLT)

License shall be submitted on Form FC-419, Application for Export License (Revised on or after January 1956),<sup>1</sup> with Form FC-420 Application Processing Card,<sup>1</sup> attached, and shall be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each consignee. In preparing such a list, the applicant shall leave ample space between listings in order to enable Collectors of Customs to enter quantities shipped to each named consignee.

(b) *Preparation of application.* In preparing a license application, the applicant shall write the words "BLT License" in the commodity description space, and enter:

(1) In the ultimate consignee space, the statement "See attached list of consignees";

(2) In the quantity space, the total quantity of material to be exported; and

(3) In the value space, the unit price and the aggregate value of the material to be exported.

(c) *Processing of applications.* (1) If the Office of Export Control finds that it will require an extended period of time to process a BLT License application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a BLT License will be issued excluding such consignees. By this method, undue delay will be avoided in processing the application. The Office of Export Control in such instances will notify the applicant that an individual license application may be submitted to cover each excluded consignee.

(2) In the event the entire quantity approved is less than that for which the applicant applied, he may select any approved consignees to whom he prefers to ship. However, no one consignee may receive more out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

#### § 375.3 Issuance of license.

(a) *Form of issuance.* A BLT License will be issued on Form FC-628, Export License, and will bear the identifying words "Blanket License" below the validation stamp. The list of approved ultimate consignees submitted in accordance with § 375.2(a) will be attached to and will become a part of the license.

(b) *Validity period.* Unless otherwise stated on the face of the license, a BLT License will be issued for a period ending on the last day of the sixth month follow-

<sup>1</sup> Forms FC-419 and FC-420 may be obtained at all United States Department of Commerce Field Offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

Late revisions of Forms FC-419 and FC-420 refer to the "Export Control Commodity No." instead of the "Schedule B No." Late revisions of Form FC-419 refer also to the "Commodity Control List" instead of the "Positive List" in the commodity description space. If earlier issuances of Forms FC-419 or FC-420 are used, these terms shall be changed, and the forms completed, accordingly.

ing the month during which the license is validated.

#### § 375.4 Export clearance.

(a) *Presentation of license to customs.* The BLT License shall be deposited with the Collector of Customs at the port of exit through which the largest number of shipments thereunder will move. The total amount shipped against such license shall not exceed the quantity approved for export, and the total quantity shipped to a single consignee shall not exceed the quantity specified for the respective consignee.

(b) *Shipment through another port.* Under the provisions of § 379.2(e) of this chapter, a Collector holding an export license may, at the request of the licensee, authorize the exportation from a different port of commodities covered by the license.

(c) *Shipment by mail.* Shipments may be made by mail without the necessity of obtaining additional licenses to effect such shipments, in accordance with the procedure described in § 379.1(b) of this chapter.

(d) *Tolerance.* When shipments are cleared against a BLT License, the tolerance provisions specified in § 379.2(h) of this chapter may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

(e) *Shipper's export declaration.* A person exporting any commodity pursuant to a BLT License shall enter the symbol "BLT" and the validated license number on each Shipper's Export Declaration filed with the Collector at the port of exit at the time of each exportation under each license.

#### § 375.5 Effect of other provisions.

Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

### PART 376—PERIODIC REQUIREMENTS (PRL) LICENSE

Sec.	
376.1	Periodic Requirements (PRL) License.
376.2	Commodities subject to PRL License.
376.3	Consideration of applications.
376.4	Application requirements.
376.5	Issuance of license.
376.6	Export clearance.
376.7	Amendment of license.
376.8	Application for other validated licenses.
376.9	Effect of other provisions.

**AUTHORITY:** The provisions of this Part 376 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

#### § 376.1 Periodic Requirements (PRL) License.

This part establishes a procedure for obtaining a Periodic Requirements (PRL) License which authorizes the exportation of the licensed commodity or commodities to one or more ultimate consignees in a single country of destination for a period of one year from issuance of the license. The PRL licensing procedure is applicable to all destinations

except Country Groups W, X, Y, or Z. An application may cover as much as six-months estimated requirements of the named consignee for the commodities included in the application.

#### § 376.2 Commodities subject to PRL License.

(a) *Identification of commodities subject to PRL License.* The commodities for which the issuance of a PRL License will be considered are identified by the symbol "E" in the last column of the Commodity Control List. For purposes of qualification for a PRL License (see § 376.4(a)(4)) these commodities are considered by PRL Commodity Groups. A PRL Commodity Group is defined as all commodities identified by the same Commodity Group symbol. This symbol consists of the letter "E" followed by a number; e.g. "E-1," "E-2," "E-3," etc., as shown in the last column of the Commodity Control List.

(b) *Commodity groups.* The following are the PRL Commodity Groups:

- Group E-1—Rubber Products.
- Group E-2—Aircraft.
- Group E-3—Plastics.
- Group E-4—Petroleum Products.
- Group E-5—Refractories.
- Group E-6—Electrical Machinery and Apparatus.
- Group E-7—Metals and Minerals, Crude and Semifinished.
- Group E-8—Metals and Minerals, Mill Products and Manufactured Products.
- Group E-9—General Industrial Equipment.
- Group E-10—Power Generating Machinery.
- Group E-11—Construction Equipment.
- Group E-12—Petroleum Equipment.
- Group E-13—Industrial Inorganic Chemicals.
- Group E-14—Organic Chemicals.

#### § 376.3 Consideration of applications.

(a) *Qualification for PRL License—(1) Applicant-consignee relationship.* The applicant shall have had the following business and export relationship with the consignee:

(i) He shall have had a business relationship with each ultimate consignee named on the application for a period of two years immediately preceding the date of filing the application. For example, if the application is filed on April 1, 1965, this relationship must have existed during the years April 1, 1964 through March 31, 1965, and April 1, 1963 through March 31, 1964.

(ii) During the two-year period he shall have exported a minimum of \$2,000 in value of commodities included in each PRL Commodity Group covered by the application, to each consignee named thereon.

(2) *Records and record keeping.* An applicant for a PRL License shall have in his possession, at the time the application is filed, documentary evidence of the existence of the relationship with each ultimate consignee, as described in subparagraph (1) (i) and (ii) of this paragraph. The documents and records shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter. (The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(b) *Quantity applied for.* An application in a total value of less than \$2,000

generally will not be considered under the PRL licensing procedure. Where shipments are expected to be less than \$2,000 in value, the applicant should apply for one of the other types of export licenses.

(c) *Waiver of order requirements.* An applicant for a PRL License is not required to hold an export order from the foreign consignee or purchaser for the commodities subject to this procedure. The provisions of § 372.4(f) of this chapter relating to export orders are, therefore, waived with respect to an application for PRL License.

#### § 376.4 Application requirements.

(a) *How to prepare a PRL License application.* An application for a PRL License shall be prepared and submitted on Form FC-419, Application for Export License (Revised on or after 1956), with Form FC-420, Application Processing Card,<sup>1</sup> attached, in accordance with instructions contained in § 372.5 of this chapter, and with the following specific modifications:

(1) *General.* An application for a PRL License shall include only one country of ultimate destination. More than one commodity may be included on a single application, provided the commodities are listed on the Commodity Control List (§ 399.1 of this chapter) with the same processing code and the same related commodity group number (see § 372.5(e) of this chapter). Exportations to more than one consignee within the same country of destination may also be included on a single application. If more than one consignee is included on the application, the applicant shall attach a list in duplicate, of the names and addresses of the proposed consignees, and insert "See attached list of consignees," on the application in the space entitled "Ultimate Consignee In Foreign Country;"

(2) *Identification of PRL application.* Enter the words "Periodic Requirements License" across the top of the Form FC-419, immediately above the printed words "United States of America;"

(3) *Quantity and value.* (i) The quantity applied for shall not exceed the estimated six-months' requirements of the named consignee(s) for the commodities included in the application.

(ii) The total quantity and value for each commodity shall be shown, but a breakdown of quantity and value among consignees is not required. If no unit of quantity is indicated in the Commodity Control List for the particular Export Control Commodity number(s), then only the value need be given on the application; and

<sup>1</sup>Forms FC-419 and FC-420 may be obtained at all United States Department of Commerce Field Offices, and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

Late revisions of Forms FC-419 and FC-420 refer to the "Export Control Commodity No." instead of the "Schedule B No.". Late revisions of Form FC-419 refer also to the "Commodity Control List" instead of the "Positive List" in the commodity description space. If earlier issuances of Forms FC-419 or FC-420 are used, these terms shall be changed, and the forms completed, accordingly.



(4) *Certification.* The following certification shall be inserted on each application for a PRL License in the space entitled "Additional Information" or on an attachment thereto:

This is to certify that (I) (we) have had a business relationship with (the)(each) ultimate consignee named on this application extending over the two-year period immediately preceding the date of submission of this application and, during this two-year period, (I) (we) have exported to (the) (each) named consignee commodities included in PRL Commodity Group(s) E-----, in a value totaling at least \$2,000 for (the) (each) PRL Commodity Group(s).

NOTE: The PRL Commodity Group symbols inserted in the above certification must cover each commodity set forth on the application. For example, if the application covers the exportation of copolymers of methyl vinyl-pyridine and butadiene, Export Control Commodity No. 23120, and aircraft tires, Export Control Commodity No. 62910, the certification entered on the application must include PRL Commodity Groups E-1 and E-2 since copolymers of methyl vinyl-pyridine and butadiene are in PRL Commodity Group E-1 and the aircraft tires are in PRL Commodity Group E-2 (see § 376.2(b) or the Special Provisions List column of the Commodity Control List for listing of PRL Commodity Groups).

(b) *Processing of applications.* If the Office of Export Control finds that it will require an extended period of time to process a PRL License application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a PRL License will be issued excluding such consignees. By this method, undue delay will be avoided in processing the application. The Office of Export Control in such instances will notify the applicant that an individual license application may be submitted to cover each excluded consignee.

#### § 376.5 Issuance of license.

(a) *Form of issuance.* A PRL License will be issued on Form FC-628, Export License, and will bear the identifying words "Periodic Requirements License" below the validation stamp. The list of approved ultimate consignees submitted in accordance with § 376.4(a)(1) will be attached to and will become part of the license.

(b) *Validity period.* The validity period of a PRL License will be for a period of one year from issuance of the license, and the effective dates of validity will be indicated on Form FC-628.

#### § 376.6 Export clearance.

(a) *Presentation of license to Customs.* The PRL License shall be deposited with the Collector of Customs at the port of exit through which the largest number of shipments thereunder will move.

(b) *Shipment through another port.* Upon request of the licensee, Collectors may authorize movement of the commodities from another port in accordance with the procedure established in § 379.2(e) of this chapter.

(c) *Shipments by mail.* Shipments may be made by mail, without the necessity of obtaining additional licenses to effect such shipments, in accordance with the procedure described in § 379.1(b) of this chapter.

#### § 376.7 Amendment of license.

If the amount licensed under a PRL License proves insufficient to meet an exporter's requirements for any country, he may request an increase in the quantity or value authorized for export under the license at any time during the first six months of the validity period of the license. Requests for amendments shall be submitted on Form IA-763, Request for and Notice of Amendment Action, in accordance with the provisions of § 380.2 of this chapter. Amendments of a PRL License involving extension of the validity period will not be granted, however, and a new license application shall be filed for such purpose. A new license application shall also be filed to ship additional quantities over those shown on the license during the last six months of the validity period.

#### § 376.8 Application for other validated licenses.

An exporter holding a PRL License shall not apply for, nor will the Office of Export Control issue to him, any other type of validated license for any transaction involving a commodity and consignee covered by such PRL License.

#### § 376.9 Effect of other provisions.

Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

### PART 377—TIME LIMIT (TL) LICENSE

Sec.	
377.1	Time Limit (TL) License.
377.2	Commodities subject to TL License.
377.3	Consideration of applications.
377.4	Reexportation.
377.5	Application requirements.
377.6	Issuance of license.
377.7	Export clearance.
377.8	Amendment of license.
377.9	Application for other validated licenses.
377.10	Effect of other provisions.

AUTHORITY: The provisions of this Part 377 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

#### § 377.1 Time Limit (TL) License.

This part establishes a procedure for obtaining a Time Limit (TL) License which, when issued, authorizes the exportation in unlimited quantities of the licensed commodity or commodities to one or more named ultimate consignees in a Country Group T destination for a period of one year from issuance of the license. (See § 370.1(g) of this chapter for list of Country Group T destinations.) Reexportation by the foreign consignee(s) to importers in other Country Group T destinations may also be made in accordance with the provisions of § 377.4.

#### § 377.2 Commodities subject to TL License.

The commodities which may be exported under the time limit licensing procedure are all commodities listed on the Commodity Control List (§ 399.1 of this chapter) for which a validated license is required for exportations to

Country Group T by the information set forth in the column headed "Validated License Required for Country Groups Shown Below," except:

(a) Complete aircraft, either assembled or knocked down;<sup>1</sup>

(b) Walnut logs, bolts, and hewn timber, Export Control Commodity Nos. 24231 and 24232; and

(c) Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Commodity Control List under Export Control Commodity Nos. 24331, 24332, and 63110.

#### § 377.3 Consideration of applications.

(a) *General.* An application for a TL License will be considered for approval when the commodities proposed for export are intended for consumption or resale within the particular country of ultimate destination or for reexportation by the foreign consignee to another Group T country. However, reexportation may not be effected until such time as approval is received from the Office of Export Control in accordance with § 377.4.

(b) *Applicant-consignee relationship.* An applicant for a TL License must have an established business relationship with each ultimate consignee named on the application for a period of two years immediately preceding the date of filing the application, and must have exported the commodities covered by the application to each ultimate consignee in an amount totaling at least \$2,000 during these two years, part of which was exported during each of the two years. For example, if the application is filed on April 10, 1965, this relationship must have existed during the years April 10, 1964, through April 9, 1965, and April 10, 1963 through April 9, 1964. In addition, an applicant for a TL License shall have in his possession, at the time the application is filed, documentary evidence of the existence of the prescribed relationship with each ultimate consignee. The documents and records shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter. (The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.)

(c) *Waiver of order requirements.* An applicant for a TL License is not required to hold an export order from the foreign consignee or purchaser for the commodities subject to this procedure. The provisions of § 372.4(f) of this chapter relating to export orders are, therefore, waived with respect to an application for a TL License.

#### § 377.4 Reexportation.

(a) Reexportation may be made between ultimate consignees named on outstanding TL Licenses, issued to the same licensee, without the necessity of obtaining specific approval from the Office of Export Control. Approval for reexporta-

<sup>1</sup> Applicants who propose to export a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a Time Limit (TL) License may be used, where applicable, to export related parts, accessories, or components for the aircraft.

tion to other importers in Country Group T may be obtained in accordance with the procedure described below.

(b) Requests for reexportation approval may be made either with the license application or subsequent to the issuance of the TL License. In order to obtain such approval, Form IT- or FC-917, Request for and Notice of Approval for Reexportation, shall be submitted, in triplicate, to the Office of Export Control.<sup>2</sup> Items 1 through 9 of the form may be completed by the United States exporter who shall then transmit Form IT- or FC-917 to his foreign consignee for completion of the space entitled "Signature of official of consignee firm", and for any other information on the form not completed by the United States exporter. The Office of Export Control will approve or deny the request by completing the bottom portion of one copy of the form and returning it to the United States exporter. Reexportation requests, if approved, will be continuing until rescinded by the Office of Export Control.

#### § 377.5 Application requirements.

(a) *Application form.* An application for a Time Limit License shall be prepared and submitted on Form FC-419, Application for Export License (Revised on or after 1956), with Form FC-420, Application Processing Card,<sup>3</sup> attached, in accordance with instructions contained in § 372.5 of this chapter, with the following specific modifications.

(b) *Preparation of application and consignee list.* In preparing a license application (Form FC-419), the applicant shall:

(1) Enter the words "Time Limit License" across the top of the Form FC-419, immediately above the printed words "United States of America."

(2) Where there is more than one ultimate consignee insert "See attached list of consignees" on the application in the space entitled "Ultimate Consignee In Foreign Country". This list showing the names and addresses of the proposed consignees must be submitted in duplicate, plus an additional copy for each added license required under the provisions of § 377.7; and

(3) Leave blank the "Quantity to be Shipped," "Unit Price," and "Total Price" spaces of Form FC-419.

(c) *Certification of applicant-consignee business relationship.* The following certification shall be inserted on each application for a TL License in the

<sup>2</sup> Forms FC-419, FC-420, FC-917, or FC-843 may be obtained from all United States Department of Commerce field offices, from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230, and from United States consulates, embassies and other posts in Group "T" countries.

Late revisions of Forms FC-419, FC-420, and FC-917 refer to the "Export Control Commodity No." instead of the "Schedule B No.". Late revisions of Form FC-419 refer also to the "Commodity Control List" instead of the "Positive List" in the commodity description space. If earlier issuances of Forms FC-419, FC-420, or FC-917 are used, these terms shall be changed, and the forms completed, accordingly.

space entitled "Additional Information" or on an attachment thereto:

This is to certify that I (we) have had a business relationship with (name(s) of ultimate consignee(s)) extending over a period of two years preceding the date of submission of this application and have exported to the named consignee(s) the commodities applied for under this application in an amount totaling at least \$2,000 during these two years, part of which was exported during each of the two years.

(d) *Multiple transactions statement.* Each application for a TL License shall be supported by a Form FC-843,<sup>2</sup> Multiple Transactions Statement by Consignee and Purchaser, completed by each ultimate consignee named on the application in accordance with the provisions of § 373.65(c) of this chapter.

#### § 377.6 Issuance of license.

(a) *Form of issuance.* A TL License will be issued on Form FC-628, Export License, and will bear the identifying words "Time Limit License" below the validation stamp. Where more than one ultimate consignee is approved, the list of ultimate consignees submitted in accordance with the instructions contained in § 377.5(b) will be attached to and will become a part of the license.

(b) *Validity period.* A TL License will be valid for a period of one year from date of issuance, and the expiration date will be indicated on Form FC-628.

(c) *Rejection of consignees.* If in processing an application covering more than one ultimate consignee the Office of Export Control finds that it will require an extended period of time to process the application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a Time Limit License may be issued excluding such consignee(s). By this method, undue delay will be avoided in issuing the license. The Office of Export Control in such instances will notify the applicant that an individual license application may be submitted for each excluded consignee.

#### § 377.7 Export clearance.

(a) *Presentation of license to Customs.* The TL License shall be deposited with the Collector of Customs at the port of exit through which the largest number of shipments thereunder will move.

(b) *Shipment through another port.* Upon request of the licensee, Collectors may authorize movement of the commodity from another port in accordance with the procedure established in § 379.2

(e) of this chapter. As an alternative, the applicant may obtain an additional license for deposit with the Collector at each additional port of exit through which substantial shipments will move. Under the alternative procedure, the applicant shall indicate on the license application the ports of exit through which substantial shipments will move. If, subsequent to issuance of the license, additional licenses are required under the alternative procedure, the licensee may make such request by letter to the Office of Export Control, indicating the case number, name(s) of ultimate consignee(s), and ports through which substantial shipments will move.

(c) *Shipments by mail.* Shipments may be made by mail, without the necessity of obtaining additional licenses to effect such shipments, in accordance with the procedure described in § 379.1(b) of this chapter.

#### § 377.8 Amendment of license.

(a) *Extension of validity period.* Amendment of a TL License involving extension of the validity period will not be granted. In order to assure the continuity of an outstanding license, exporters may submit an additional application for a TL License 30 days prior to the expiration date of the outstanding license. Where special circumstances exist (for example, lead time in long-cycle production commodities), an additional license application may be submitted 90 days prior to the expiration date of the outstanding license, provided that the reason(s) for such early submission is included with the application.

(b) *Addition of new ultimate consignee.* A request for an amendment of an outstanding TL License to add a new ultimate consignee shall be submitted on Form IA-763 (see § 380.2(d) of this chapter) and shall be supported by a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser (see § 377.5(d)), and a certification of applicant-consignee business relationship (see § 377.5(c)).

#### § 377.9 Application for other validated licenses.

An exporter holding a Time Limit License shall not apply for, nor will the Office of Export Control issue to him, an individual or other type of validated license for any transaction involving a commodity and consignee covered by such Time Limit License.

#### § 377.10 Effect of other provisions.

Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

### PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Sec.	
379.1	General export clearance requirements.
379.2	Presentation and use of validated license.
379.3	Presentation of Shipper's Export Declaration.
379.4	Authentication of Declaration.
379.5	Use of authenticated Declaration.
379.6	Use of license symbol or number on Declaration or parcel.
379.7	General authority of Collectors of Customs and Postmasters in clearing shipments.
379.8	Types of actions which may be taken by Collectors.
379.9	Port of exit; shipments leaving United States before final exportation from United States port.
379.10	Destination control.
379.11	Return or unloading of cargo at direction of Department of Commerce.
379.12	Other applicable laws and regulations.

AUTHORITY: The provisions of this Part 379 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11088, 27 F.R. 7003.

### § 379.1 General export clearance requirements.

(a) *Exportations by water or air carrier.* No person including a carrier shall load or carry onto or permit the loading or carrying onto an exporting carrier, or present to the Collector of Customs for inspection and clearance for exportation, any commodity or technical data until:

(1) *For shipments requiring a validated export license:* A validated license therefor has been presented to the Collector; a related duly executed shipper's export declaration<sup>1</sup> in the requisite number of copies covering such commodity or technical data has been presented to, and authenticated by, the Collector; and a copy of the authenticated declaration has been returned to the person presenting it and such person has delivered it to the carrier.<sup>2</sup>

(2) *For shipments under a general license:* A duly executed declaration, in the requisite number of copies, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Collector; and a copy of the authenticated declaration has been returned to the person presenting it and such person has delivered it to the carrier.<sup>2</sup> Where the filing of a declaration is not required, an oral declaration describing the commodity or technical data about to be exported and identifying the applicable general license shall be made to the Collector at the port of exit.

(b) *Exportations by mail—(1) Shipments requiring a validated license—(i) General requirements.* No person shall export any commodity or any technical data by means of mail, including surface and air parcel post, until:

(a) A validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity<sup>3</sup> to be so mailed, whether or not required by the regulations of the Bureau of the Census; and

(b) The sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

(ii) *Partial shipments.* (a) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a Collector (instead of surrendering the license to the Postmaster) and present to such Collector for authentication a copy of the Declaration covering each shipment. The authenticated Declara-

tion, in addition to the Declaration required under subdivision (i) of this subparagraph, shall be surrendered to the Postmaster at the time of mailing.

(b) A shipment by mail against a license on file with a Collector may be exported on or before the license expiration date indicated by the Collector on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2 of this chapter, the exporter shall prepare and present to the Collector for authentication a new copy of the Declaration, clearly marked "Amended", together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Collector and the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license—(i) Declaration required.* The sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration for each commercial mail shipment made under a general license from one business concern to another business concern when the shipment consists of a commodity (ies) valued at \$50 or more.<sup>4</sup> Exportation by mail of technical data under a general license does not require the submission of a Declaration.

(ii) *Symbol on declaration.* In preparing the Declaration for presentation to the Postmaster the sender shall place on the form the designation or symbol of the general license under which the commodity (ies) is being exported.

(iii) *Symbol on parcel.* On mail shipments under a general license, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper of the parcel, followed by the phrase "Export License Not Required"; however, no notation need be made if the exported material meets the provisions of General License GTDP, GTDU, GTDS. The general license symbol and the phrase shall constitute a certification by the sender to the Postmaster and to the Office of Export Control that the shipment is made under the authority of the general license indicated. The export regulations (including the requirements of General Licenses GTDP, GTDU, and GTDS) remain otherwise fully applicable to exportations which require no general license symbol.

**NOTE: 1. Post Office regulations.** All exportations via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc. Such exportations are subject to inspection by the Post Office Department and the Bureau of Customs.

**2. Gift parcels.** If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of

the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.21 of this chapter.)

**3. Weekly shipments.** Only one shipment per calendar week of a commodity classified in a single entry on the Commodity Control List may be made by parcel post or mail under General License GLV by one exporter to one importer. (See § 371.10(b)(4) of this chapter.)

**4. Partial shipments.** The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in § 372.5(g) of this chapter.

(c) *Exportations by means other than water, air, or mail.* No person shall export any commodity or technical data by means other than by water, air, or mail, until (1) a validated license, where required by the provisions of the Export Regulations, has been presented to the Collector at the port of exit from the United States and until (2) a duly executed Declaration together with the related license covering the commodity or technical data, except as provided for in § 385.5 of this chapter, has been presented to the Collector and authenticated by him prior to inspection. Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Collector at the port of exit. Where the filing of a Declaration is not required, an oral Declaration, including a description of the commodity or technical data to be exported and the applicable general license, shall be made to the Collector at the port of exit.

(d) *Exportation to Canada.* No person shall export any commodity or technical data to Canada until a duly executed Shipper's Export Declaration consistent with the Bureau of the Census Foreign Trade Statistics Regulations shall have been presented to and authenticated by the Collector of Customs. Where the Bureau of the Census regulations do not require the filing of a Declaration, or where a delay in the filing of a Declaration is authorized, an oral declaration shall be made to the Collector at the port of exit, describing the commodity or technical data to be exported and stating that it for exportation to Canada.

(e) *Responsibility of licensee and agent.* Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent.

### § 379.2 Presentation and use of validated license.<sup>5</sup>

(a) *License valid for shipment from any port.* A license may be used for exportation from the United States from any port of exit subject to the jurisdiction of the United States, unless the Office of Export Control shall otherwise provide.

<sup>5</sup> Provisions relating to the export clearance of technical data under a validated license are set forth in § 385.4(f) of this chapter.

<sup>1</sup> Shipper's Export Declaration Form 7525-V may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Collectors of Customs, and United States Department of Commerce Field Offices. Price of the form is \$1.00 for a pad of 100.

<sup>2</sup> An authenticated copy of the Shipper's Export Declaration must be delivered to the exporting carrier under the provisions of § 30.14 of the Foreign Trade Statistics Regulations of the Bureau of the Census (15 CFR 30.14).

<sup>3</sup> Section 385.5 of this chapter excludes technical data from this requirement for a Declaration.

<sup>4</sup> This rule is also contained in the regulation issued by the Bureau of the Census.

(b) *Signature on license.* The validated Export License document, Form FC-628, presented to the Collector or Postmaster, must bear on the reverse side thereof the following signatures:

(1) *Licensee.* At the top left, on the line reading "Signature of licensee", the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(2) *Person presenting license.* At the top right, on the line reading "Signature of person presenting license", the signature of the licensee or of an officer or employee of either the licensee or the forwarding agent who is authorized to sign the Declaration accompanying such license. This signature may be affixed either in the presence of the Collector or elsewhere.

(c) *Filing of license at time of first shipment.* A validated license (except a Project License) must be presented to and filed with the Collector before any commodity or technical data is loaded, presented for loading, deposited on a dock or other place of loading, or carried onto an exporting carrier; except that in the case of a shipment to be made by mail, the validated license shall be presented to the Postmaster or to the Collector when the Declaration covering the first partial shipment is presented for exportation under that license.

(d) *Subsequent shipments from port where license is filed.* If a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the Collector until complete shipment is made or until the license expires. On any subsequent shipment under the license, a duly executed Declaration shall be presented for authentication, as provided in this part.

(e) *Simultaneous or subsequent shipment from another port—(1) Transmittal of approval.* If part of the licensed shipment is to be made from another port, the licensee shall request the Collector holding the license to transmit to the Collector at the intended port of exit approval for the intended shipment. Upon granting the approval, the Collector holding the license will endorse the license to record the facts as to the intended shipment. On any shipment made pursuant to such approval, duly executed Declarations shall be presented to the Collector at the port from which the shipment is to be made, as provided in this Part 379. The Collector of Customs receiving the approval release may permit the quantity covered by the release to be exported in one or more shipments. In case full or partial shipment is not made from the intended port (in accordance with the approval), the licensee or his agent may initiate action for the modification or deletion of the Collector's endorsement of the intended shipment. Such action may be initiated in the following manner:

(i) *License in possession of Collector.* If the license is still in the possession of the Collector (whether or not the license would have been completed by the intended shipment), the licensee or his agent shall request the Collector to whom the approval was sent to notify the Collector holding the license to make an

amendment of his previous endorsement of the intended shipment.

(ii) *License returned by Collector to the Office of Export Control.* If the license has been returned by the Collector to the Office of Export Control, an application for a new license may be submitted to the Office of Export Control covering the quantity not shipped, together with a letter explaining the facts and identifying the Collector to whom the approval was sent.

(2) *Transmittal of license.* As an alternative to the notification procedure set forth above, the Collector holding the license is authorized to transmit the license by mail to the Collector at another intended port of exit, upon written request by the licensee stating that the license will no longer be used at the port at which the license is deposited.

(3) *Exceptions.* The procedure set forth in this paragraph (e) shall not be applicable to a license which specifies that a shipment is authorized for clearance at a particular port of exit.

(f) *Shipments against expiring license—(1) Commodities or technical data ready for loading or lading.* Commodities or technical data which are (i) lading aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may depart with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities or technical data may be exported without an extension of the validity period of the license, if in the judgment of the Collector undue hardship would otherwise result.

(2) *Commodities or technical data in transit to port of exit.* Commodities or technical data in transit to the port of exit prior to midnight of the date of expiration of the validated license covering the shipment may be cleared for export, at the discretion of the Collector, within five days following the expiration date of the license if the conditions set forth in subparagraph (1) of this paragraph apply to the shipment. The Collector may require the exporter to submit a Bill of Lading or other evidence that the shipment was in transit to the port of exit prior to the expiration date of the license and was delayed in transit.

(3) *Other shipments.* A licensed shipment not coming within one of the foregoing provisions may not be exported except by extension of the validity period of the license by the Office of Export Control.

(g) *Reexportation under license previously granted—(1) Shipment returned to the United States.* Shipments which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination may be reexported to the consignee and destination to which the shipment was originally made without the procurement of a new license;

provided that satisfactory evidence of the validity of the original exportation is submitted to a Collector.

(2) *Evidence required.* Such evidence may consist of a copy of the original Declaration or the exporting carrier's outward manifest, or such other evidence as the Collector may require. If the commodities or technical data are reexported to other than the original consignee, they must be treated as new exportations and are subject to current regulations of the Office of Export Control regarding the specific commodity or technical data.

(h) *Shipping tolerance—(1) 10 percent tolerance.* A 10 percent shipping tolerance is allowed over the amount specified on a validated license, or on a Collector's release against the license approved in accordance with paragraph (e) of this section, unless such tolerance is not permitted by the terms of the license or is limited or prohibited by any of the provisions set forth in subparagraph (2), (3), or (4) of this paragraph.

(2) *Types of licenses covered.* (i) This tolerance is allowed when the quantity called for on the license is in the terms set forth below, or if no quantity is specified on the license, the tolerance will be allowed on the total price shown for each entry on the license:

Avoldrupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U.S.P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(ii) The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Set.
Pair.	Square.

(3) *Maximum tolerance allowed.\** In all cases, the tolerance shall be allowed on the basis of the actual quantity (or total price if applicable) stated on the license, or on a Collector's release against the license, approved in accordance with paragraph (e) of this section. In no case shall the tolerance exceed 10 percent of the stated quantity (or total price if applicable). For example, if the quantity shown on the license or the release as applicable, is "100,000 pounds", not more than 110,000 pounds may be exported. Similarly, if no quantity is shown on the license or on the release, as applicable, and the total price for an entry shown thereon is \$50,000, not more than \$55,000 may be exported.

(4) *Partial shipments.* Whenever one or more partial shipments of the licensed

\* See § 375.4(d) of this chapter for tolerance provisions relating to shipments under Blanket (BLT) License.

commodity has been made, the 10 percent tolerance is allowed on only the unshipped balance, except that in the case of shipments of iron and steel products (Processing Code STEE), and tinplate (Processing Code TNPL), the tolerance of 10 percent is allowed on the basis of the actual quantity stated on the license or the Collector's release. Where the quantity (or total price if applicable) stated on the license or the Collector's release has been shipped, no further shipment may be made under the license or the Collector's release.

### § 379.3 Presentation of Shipper's Export Declaration.

(a) *Definition of Shipper's Export Declaration.* (1) "Shipper's Export Declaration" or "Declaration" means Shipper's Export Declaration (Commerce Form 7525-V) or Shipper's Export Declaration for In-transit Goods (Commerce Form 7513)<sup>1</sup>. The Declarations referred to in this subchapter are not Form 2966, the Customs Declaration or Form 2972, Dispatch Note.

(2) The Declaration for intransit goods should be used for all commodities:

- (i) Shipped in transit through the United States;
- (ii) Transshipped in ports of the United States for foreign countries;
- (iii) Exported from General Order Warehouse; or
- (iv) Exported from foreign trade zones (unless the Collector of Customs specifically permits the use of Commerce Form 7525-V).

Note: Commerce Form 7513, "Shipper's Export Declaration for Intransit Goods," is required by the provisions of subdivision (1) of this subparagraph for certain shipments. However, in accordance with an alternate procedure under the Customs regulations, and when a validated license is not required, air cargo shipments in bond transiting the United States for exportation either from the airport of arrival or from another airport may be cleared without the presentation of Form 7513. Complete details of the alternate procedure are set forth in §§ 6.17 through 6.24 of the Customs regulations (19 CFR 6.17-6.24), or may be obtained from any Collector or the Bureau of Customs, Washington, D.C., 20226.

(b) *When required.* A Declaration shall be presented to the Collector at the port of exit, or to the Postmaster at the post office from which the shipment is mailed, in the number of copies specified in paragraph (c) of this section.

(c) *Number of copies to be presented—*

(1) *Where exporting by means other than mail.* Three copies of the Declaration shall be required by the Collector at the port of exit, except in cases of shipments to Canada and shipments between the United States and its territories and possessions for which only two copies are required, except as provided in subparagraph (3) of this paragraph.

(2) *When mailing—*(i) *General.* In the case of shipment by mail, one copy

of the Declaration shall be presented to the Postmaster at the place of mailing when: (a) The shipment is under a validated license, or (b) the shipment is of a commercial nature and its value is \$50 and over.

(ii) *Partial shipment against a validated license on file.* In addition, as provided in § 379.1(b)(1)(ii), when making a partial mail shipment against a license on file with a Collector, the sender (exporter) must present to the Postmaster a copy of the Declaration authenticated by the Collector with whom the license is filed.

(3) *Additional copies of Declaration.* The Office of Export Control, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the Foreign Trade Statistics Regulations, an additional copy of the Declaration shall be presented for exportations described in subdivision (i), (ii), (iii), (iv), or (v) of this subparagraph.

(i) Exportations made under a Project License (see § 374.9(c)(2) of this chapter).

(ii) Exportations from the United States to foreign countries made via Canada.

(iii) Exportations of any agricultural commodity moving under a validated license to Country Group Y or Z (see § 370.1(g) of this chapter for country groups). The additional copy shall bear in the upper right corner the notation, "8520."

(iv) Exportations of walnut veneers classified under Export Control Commodity No. 63110. The additional copy shall bear in the upper right corner the notation "BDSA 303."

(v) Exportations of any commodity to replace any defective or unacceptable part or equipment under the provisions of General License GLR. The additional copy shall bear in the upper right corner the notation "8542."

(d) *Separate Declaration required where shipment is partly under General License and partly under Validated License—*(1) *General.* Commodities or technical data to be exported under the authority of a general license shall not be combined on the same Declaration with commodities or technical data to be exported under a validated license. Separate Declarations must be presented—one to cover the commodities or technical data under general license, the other to cover commodities or technical data under validated license. However, a shipment made under authority of two or more general licenses or two or more validated licenses may be combined on the same Declaration.

(2) *Exceptions.* In the case of a shipment consisting of commodities and the containers therefor, where either the commodities only or the containers only require a validated license, both the commodities and the containers shall be entered on the same Declaration.

(e) *Special requirements—*(1) *Special requirements stated on the license.* Where a particular validated license

bears on the face thereof a requirement that specified documents or information (additional to that furnished at the time of application) be furnished, the licensee shall, at the time of or prior to presenting the Declaration to the Collector, write on all copies of the Declaration such specified information or attach to the additional copy of the Shipper's Export Declaration any required documents, unless otherwise indicated on the license.

(2) *Manner of submission of additional information and documents; additional copy of Declaration.* (i) The information required by subparagraph (1) of this paragraph shall be set out in columns (9) to (15) on all copies of the Declaration—one copy in addition to, and conforming to, the number of copies otherwise required—to be filed with the Collector for authentication. Unless otherwise specified on the face of the license, the documents required shall be attached to the additional copy of the Declaration and need be submitted in one copy only. The documents may be either original or certified copies.

(ii) All statements and documents submitted in accordance with the requirements of a license will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Office of Export Control in any export control matter (§ 381.5(b) of this chapter).

(iii) The Collector will refuse to authenticate a Declaration in any case where the exporter fails to comply with the special requirements of a validated export license or does not possess the information or documents requested, unless, prior to presentation of the Declaration, the exporter has informed the Office of Export Control of the specific reason for his inability to comply and, for good cause shown, the Office of Export Control has in writing waived the requirement. The licensee will attach to and file with the license any letter of waiver in order to effect clearance of the shipment through Customs.

(3) *Special requirements for exportations by air.* (i) The provisions of this subparagraph (3) apply to any exportation by air, other than air mail or air parcel post which is made under authority of a validated license.

(ii) For any such exportation by air, one copy of the related Air Waybill (or other contract of carriage) shall be submitted to the Collector of Customs at the port of exit at the same time as the Declaration is presented for authentication. This copy of the waybill submitted to the Collector will be returned to the presenting party.

(iii) Where several individual exportations are consolidated into one shipment for which a consolidated Master Air Waybill is issued by the carrier, a copy of each of the individual Air Waybills issued by the consolidator (indirect carrier) for each exportation contained in the consolidated shipment shall be submitted to the Collector of Customs. However, it is not required that the "Master" Waybill be submitted to the Collector.

<sup>1</sup> Forms 7525-V and 7513 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, and from local Collectors of Customs.

Form 7525-V may also be obtained from U.S. Department of Commerce Field Offices.

(iv) The copy of the waybill presented to the Collector will be examined by him to assure that it meets all the requirements of the Export Regulations and will be returned to the presenting party.

(v) The provisions of this subparagraph (3) above do not require an exporting carrier or consolidator to assure the conformity of copies of the waybill which are not accessible to him at the port of exit and which are not to be sent abroad.

(vi) In the case of an exportation included in a consolidated shipment, the consolidator shall be responsible for assuring that the office copies of the waybill retained by him at the port of exit, as well as all copies of the waybill which are to be sent abroad, shall conform to the copy of the waybill presented to the Collector. In the case of an exportation which is not included in a consolidated shipment, the exporting carrier shall have this responsibility.

(4) *Optional ports of unloading.* (i) In a case where, prior to the departure of the exporting carrier, an exporter does not know which of several countries is the country of ultimate destination of a commodity being exported under General License G-DEST to Country Group T, V, or W (see § 370.1(g) of this chapter for country groups), the exporter may name on the Declaration and Bill of Lading as ultimate destination optional ports of unloading, even when more than one foreign country is involved.

(ii) When an exportation under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional ports of unloading in one or more countries, together with the name and address of the intermediate consignee in each of the countries designated. Optional ports of unloading, in all cases, shall be located in a country to which the commodity or technical data may be shipped directly from the United States under the same or another applicable general license.

(iii) In the case of exportations made under a validated license, optional ports of unloading in the country of ultimate destination only may be designated on the Declaration and Bill of Lading, unless the export license designates intermediate consignees in one or more countries other than the country of ultimate destination. In the latter case, the optional ports of unloading must be designated as optional in-transit points on the Declaration and Bill of Lading in accordance with the validated license. Amendment of the validated license is required if an intermediate consignee in any of the designated countries is not named on the export license, as provided in § 380.2(d) of this chapter.

(iv) In all of the above instances, the Bureau of Customs, in accordance with Customs clearance regulations (§ 4.60(a) of Customs Regulations of 1943), requires that the carrier must have other cargo on board to be discharged at one of the optional ports named in each country and such carrier must be cleared accordingly.

(v) In no event does the aforementioned procedure apply to any shipment destined directly or indirectly to Country

Group X, Y, or Z. (For shipments to other destinations via Hong Kong, see § 370.9 of this chapter.)

**Note:** 1. Correction Form FT-7403. In accordance with § 379.5(d), as soon as the exporter ascertains at which port the commodities are to be unloaded, whether located in the country of ultimate destination or in a country of transit, Correction Form FT-7403 should be filed with the Collector at the port of exit where the original Declaration was filed, specifying the actual port of unloading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unloading is located in a country other than the country of ultimate destination. If the exportation is unloaded at more than one port, Correction Form FT-7403 should indicate the amount (quantity and value) unloaded at each port, and the name and address of each intermediate consignee employed in the transaction.

2. *Filing of Declaration with manifest.* Bureau of Customs regulations provide that whenever any commodities are to be exported for which a Declaration is required to be filed, the person in command of the exporting carrier, or the owner or agents thereof on his behalf, shall deliver to the Collector, together with the carrier's manifest, at the port of clearance all authenticated Declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such commodities.

(5) *Foreign excess property disposed of by the United States Government.* Where a shipment consists of commodities disposed of by United States Government agencies under foreign excess property disposal programs, the Declaration shall show in the space provided for the commodity description the following notation: "These commodities are foreign excess property disposed of by the United States Government."

(6) *Special requirements for additional information on exportations of walnut logs, bolts, hewn timber, lumber, furniture stock, hardwood small dimension stock, and veneers—(i) Walnut logs, bolts, and hewn timber.* When declaring walnut logs, bolts, and hewn timber classified under Export Control Commodity Nos. 24231 and 24232 the exporter shall enter the net quantity in thousand board feet, Scribner Scale, in item 14 of the Declaration and the net quantity in thousand board feet, Doyle Scale in item 10 of the Declaration.

(ii) *Walnut lumber, furniture stock, hardwood small dimension stock, and veneers.* When declaring walnut lumber, furniture stock, and hardwood small dimension stock, classified under Export Control Commodity Nos. 24331 and 24332, and walnut veneers classified under Export Control Commodity No. 63110, the exporter shall enter on the Declaration the following information:

(a) For walnut lumber, furniture stock, and hardwood small dimension stock 2½ inches or over in thickness and 2 feet or over in length, each thickness of the commodity exported and the quantity in thousand board feet and value separately for each thickness. Since validated export licenses are required for shipments to all destinations of the commodities described in this subdivision (ii) (a), the commodity description shown on the Declaration must con-

form to that shown on the validated export license (see § 379.10(h) (2) (iv)).

(b) For walnut lumber, furniture stock, and hardwood small dimension stock 2½ inches or over in thickness but less than 2 feet in length, each thickness and length of the commodity exported and the quantity in thousand board feet and value separately for each thickness and length combination.

(c) For walnut lumber, furniture stock, and hardwood small dimension stock less than 2½ inches in thickness, regardless of length, each thickness of the commodity exported and the quantity in thousand board feet and value separately for each thickness.

(d) For walnut veneers, each thickness of the commodity exported, and the quantity in square feet, surface measure, and value separately for each thickness.

#### § 379.4 Authentication of Declaration.

(a) *Authentication requirement.* All copies of Shipper's Export Declarations which are required to be presented to a Collector must be authenticated by the Collector at the port of exit (see § 379.3 (b)). No Collector shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated export license or general license and with such other relevant information as he may have, that:

(1) Exportation of the commodity(ies) or technical data described in such Declaration is authorized under such license;

(2) The statements in such Declaration are identical in all respects with the contents of the validated export license, or with the terms, provisions, and conditions of the general license;

(3) The statements in such Declaration are set forth in such manner as to permit all Collectors (or other authorized officials or persons to whom the Declaration may thereafter be exhibited or delivered in connection with the exportation) to determine whether the said exportation complies with the contents of the validated export license, or the terms, provisions, and conditions of the general license; and

(4) That the shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Information required for authentication.* No Declaration shall be authenticated by a Collector unless there are set forth in such Declaration, and in all copies thereof required to be presented to the Collector:

(1) The name and address of the exporter, who shall be the licensee named in a validated export license or entitled to export under a general license. On a Declaration covering an exportation under a validated license, the answer to item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form FC-419. In the absence of such identity, the export license does not cover the proposed exportation. However, the answer to item 3 of Form 7525-V may correspond to the name of the foreign principal shown on Form FC-419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States.

(2) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(3) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license.

(4) The validated license number or general license symbol which authorizes the shipment described on the Declaration.

(5) All of the other data required to be shown on the Declaration form.

(c) *Schedule B number and commodity description*—(1) *Schedule B number*. The seven digit Schedule B number, as shown in Schedule B (Statistical Classification of Domestic and Foreign Commodities Exported from the United States), shall be entered in column 13 of the Declaration regardless of whether the shipment is moving under a validated or a general license. However, if the shipment is being made under authority of a validated license issued prior to January 1, 1965, the five digit Schedule B number shown on the validated license shall be entered in addition, in column 10 of the Declaration.

(2) *Commodity description for validated license shipments*. (i) The commodity description on the Declaration for a shipment moving under authority of a validated license shall include the same commodity description as shown on the related validated license. However, since the commodity description shown on the license may be stated in Commodity Control List terms or condensed from the description submitted on the license application (Form FC-419), it may be inadequate to meet Bureau of the Census statistical requirements. For statistical purposes, the Bureau of the Census requires that the commodity description shall give sufficient detail to permit verification of the Schedule B number assigned. Therefore, the commodity description on the Declaration shall incorporate further detail in addition to that appearing on the license, whenever such further detail will aid in confirming that the proper Schedule B number is entered on the Declaration (e.g., sizes, material, or degree of fabrication of the specific commodity).

(ii) Many commodity classification descriptions in Schedule B, are followed by instructions such as "Specify by name," "State species," etc. Where such instruction appears, the more specific information called for should be furnished in column 10 of the Declaration, in addition to all other information necessary to verify the Schedule B number assigned. When a single Shipper's Export Declaration covers more than one item classifiable under a single one of the classifications carrying the "Specify by name" or similar requirement, such as "State species" or "Specify type," separate quantities, values, and shipping weights for the individual items are not required. Each item should be separately enumerated in Column (10), except that if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification are required to be separately enumerated.

(3) *Commodity description for general license shipments*. The commodity description on the Declaration for a shipment moving under authority of a general license shall be in sufficient detail to permit the verification of the seven digit Schedule B No. entered on the Declaration.

(4) *Distinguishing characteristics or specifications*. When shipment of a commodity is being made under a general license and there is another entry on the Commodity Control List for the same type of commodity and under the same Export Control Commodity number, but with different specifications, capacities or other characteristics the Collector may, at his discretion, require the exporter to enter the following certification on the Declaration:

Commodity not under validated license control to (name of country); Commodity Control List page No. -- dated ---

(d) *Additional information required for commodities moving in-transit*. The following additional information shall be set forth on Commerce Form 7513, Shipper's Export Declaration for In-transit Goods:

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1-6;

(2) Underneath the name and address of the intermediate consignee, also within columns 1-6, one of the following statements must be made, whichever is appropriate:

(i) For in-transit shipments of foreign origin merchandise (for definition of "foreign origin," see § 371.9(a) of this chapter):

The merchandise described herein is of foreign origin.

(ii) For in-transit shipments of domestic (United States) merchandise:

The merchandise described herein is of the growth, production, or manufacture of the United States.

(iii) For in-transit shipments of commodities of United States origin excepted under § 371.9(a) (2):

The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by § 371.9(a) (2) of the Export Regulations.

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number; and shall be entered in item 4 of the Declaration. If the commodities are transported by other than air, the Schedule S Number<sup>a</sup> shall be entered also on the Declaration.

(e) *Statement regarding ultimate destination*. No Declaration shall be authenticated by a Collector unless the statement regarding ultimate destination,

<sup>a</sup>Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, obtainable without charge from the U.S. Department of Commerce, Bureau of the Census, Washington, D.C., 20233.

tion, whenever required, has been entered on all copies of the Declaration as provided in § 379.10(c).

(f) *Forwarding agent*—(1) *Definition of "forwarding agent."* For the purpose of this Part 379, a "forwarding agent" is defined as a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities or technical data described in the Declaration. These services include preparing the Declaration, attending to clearance of the shipment by submission of documents to the Collector or export control officers, securing cargo space, or delivering the commodities or technical data to the exporting carrier, obtaining Bills of Lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents. A "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

(2) *Forwarding agent as true agent*.

(i) Unless the exporter shall otherwise state in writing in the power-of-attorney set forth in the Declaration, or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee, filed with the Collector, the forwarding agent named by the exporter in said power-of-attorney or other written form shall be deemed to be the true agent of the exporter for export control and customs purposes. However, it is not intended that the power-of-attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers-of-attorney or other authorization for any and all of the forwarding agents whom they employ.

(ii) Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States) a form of designation on the Declaration which limits the authority granted to the particular transaction involved would be appropriate, or the seller may insist that the agent for the foreign buyer apply for the license (see § 372.4(a) (1) (iv) of this chapter).

(3) *Form of powers-of-attorney*. (i) The Office of Export Control form, "Power-of-Attorney—Designation of Forwarding Agent" is designed to fix responsibility of the exporter for exportations made through a freight forwarder or other forwarding agent. The form, while not mandatory, is suggested since it conforms to usual business practice in establishing agency relationship. However, flexibility in the form is permitted and the exporter may use any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such authorization shall clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority, as in the power of attorney, may be restricted, however,

with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

(i) It is necessary to file the original documents in one port only. Photo copies thereof, certified by the Collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

(4) *Redelegation of agent's authority.*

(1) A forwarding agent need not have an office at every port of exit. If a forwarding agent signs and swears to a declaration which is intended for clearance of an exportation through a port where he has no office, he shall furnish to the Collector at such port his power-of-attorney or other authorization from the exporter. He shall also furnish to the person who will arrange physically to present the Declaration to the Collector, an authorization in writing for that purpose. He may also redelegate to another forwarding agent his authority to sign and swear to Declarations and to present Declarations for authentication at such port; provided that the power-of-attorney or other authorization from the exporter permits such redelegation or there is presented to the Collector written evidence of consent of the exporter to such redelegation.

(ii) Proof of the authority of any such person signing a power-of-attorney or other authorization may be required. In general, however, such proof will be required only when there is some reason to doubt the authority of the person involved.

(g) *Signature on Declaration*—(1) *Who may sign Declaration.* The signature of the person making the declaration set forth on the Declaration form shall be that of the exporter or the forwarding agent named in the Declaration, or a duly authorized officer or employee of either. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority to sign a Declaration. Assistant officers will, in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations will also be deemed to have authority to execute the designation appearing on the face of a Declaration and to sign such Declarations. The signature of such person, whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements made and all information set forth in such Declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature shall constitute a like representation by the forwarding agent.

(2) *Attachment to Declaration.* Additional copies of the Declaration or copies of the continuation sheet form for such Declaration may be used where more space is required to prepare fully a Declaration. In all such cases, the Declaration need be signed on only one Declaration form. The additional copies of sheets must be numbered in sequence and securely attached to the executed Declaration form; and the following legend must be inserted between columns (9) and (15) on the executed Declaration form:

This Declaration consists of this sheet and ----- continuation sheets.

No portion of any form attached as a continuation sheet shall be torn off or removed.

(h) *Statements on Declaration.* In all cases where a Declaration is presented to a Collector or Postmaster, the exporter shall be deemed thereby to represent:

(1) That all statements made and information set forth in the Declaration have been furnished by him or on his behalf for the purpose of effecting an exportation under the Export Regulations;

(2) That the exportation of the commodity(ies) or technical data described in such Declaration is authorized under the general or validated export license therein identified;

(3) That the statements contained in such Declaration are identical in all respects with the contents of the validated export license or the terms, provisions and conditions of the applicable general license; and

(4) That all of the other terms, provisions, and conditions of the Export Regulations applicable to the exportation have been met.

(i) *Who may submit Declaration for authentication.* (1) No person shall submit to the Collector for authentication any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(ii) A carrier, not otherwise acting as a forwarding agent, may deliver executed Declarations without specific authorizations therefor.

(j) *Rejection of Declarations.* The Collector shall reject any Declaration which does not comply with the provisions of this Part 379.

(k) *Procedures for presentation of Declaration for authentication.* (1) Any Collector may, with the prior approval of the Office of Export Control, institute and maintain any procedure for the presentation for authentication of Declarations, which shall provide in each case for the proper identification, and recording of the identity of the individuals who sign such Declaration and who appear before the Collector for such purpose.

(2) Collectors are specifically authorized to institute and maintain the following procedure for identification of persons submitting or presenting Declarations to the Collector:

(1) *Identification cards.* An exporter (licensee) effecting exportations without the services of a forwarding agent shall

make application for and obtain from the appropriate Collector an Identification Card, as herein described, for each of his officers or employees who submit or present Declarations or licenses. Where a forwarding agent is employed by an exporter, the forwarding agent shall similarly apply for and obtain an Identification Card for each of his officers or employees who submit or present Declarations or licenses on behalf of an exporter. In addition, carriers, not otherwise acting as forwarding agents, who may deliver executed Declarations without specific authorization therefor, as provided in paragraph (1) of this section, shall similarly apply for and obtain such Identification Cards. Applicants for Identification Cards shall be responsible for all Declarations executed and submitted in their names to Collectors through use of the Identification Card. Such Identification Card may be used only in the Customs district for which issued, by the person to whom issued, and is not transferable. Application must be made on application for Identification Card of Authorized Forwarding Agent or Exporter, Customs Form 3139. The Identification Card to be issued shall be Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof, Customs Form 3141.

(ii) *Waiver of identification card requirement.* In the case of an exporter not regularly engaged in making exportations, the Collector may waive the Identification Card requirement where he is otherwise satisfied that the person submitting or presenting the Declaration is in fact the exporter (licensee) or is acting for and on behalf of such exporter. For the purpose of this subparagraph (2), an exporter "not regularly engaged in making exportations" is defined as any noncommercial exporter, such as a charity organization, a missionary society, or an individual, who exports on an occasional basis only.

(3) *Identification cards and power-of-attorney forms.* Wherever the Identification Card procedure is instituted and maintained, it shall supersede any existing requirement of the Collector for filing a form of power-of-attorney executed by an exporter or forwarding agent, as the case may be, authorizing his officers or employees to sign, swear to, or submit Declarations.

(1) *Changes, alterations, and amendments of Declaration prior to authentication.* The Collector shall not, except in case of hardship or emergency, authenticate any Declaration showing evidence of change, alteration, or amendment, but shall require a clean copy. Where demonstrated cases of hardship or emergency exist in which the Collector finds it desirable to make an exception, the Collector may approve on the face of the Declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in Declarations presented by him required items of information peculiarly within his own

\* For changes, alterations, amendments of Declaration after authentication, see § 379-5(b).



knowledge, such as the designation of the actual exporting carrier, the actual date of exportation, or the actual Schedule B number to which the commodity described in the Declaration unambiguously refers. Nothing herein shall relieve such forwarding agent or carrier, however from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the Declaration.

#### § 379.5 Use of authenticated declaration.

(a) *Authenticated Declaration as export control document.* When duly authenticated by the Collector at the port of exit, a Shipper's Export Declaration shall be deemed to be a document, issued pursuant to the Export Regulations, evidencing the existence of a validated export license or permission for an exportation under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for exportation or otherwise facilitating or effecting the exportation of a commodity(ies) or technical data requiring a validated or general export license under the Export Regulations issued pursuant to the Export Control Law.

(b) *Changes, alterations, amendments of Authenticated Declarations.*<sup>19</sup> (1) Except as described in this paragraph, no Declaration used or intended to be used in connection with the exportation of any commodity(ies) or technical data requiring a validated or general export license, which shall have been authenticated by any Collector shall, at any time after such authentication, be changed, altered, or amended in any respect by any person without prior written authorization therefor set forth on such authenticated Declaration by the said Collector.

(2) A forwarding agent, designated on the Declaration or by separate document, may make changes such as changes of weights, measurements, quantities, etc., unless specifically precluded from doing so by the exporter in his designation. Collectors are empowered to permit such amendments upon written authorization therefor set forth on such authenticated Declaration. Collectors will exercise discretion in allowing amendments of this character. Where the amendments have the effect of converting a Declaration into one for a substantially different shipment, however, a new Declaration will have to be prepared. Unless otherwise limited by the exporter, the power-of-attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute Declarations reflecting such changes.

(3) Where for any reason an exporting carrier designated in an authenticated Declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, rail-

road, motor vehicle company, or other person issuing Bills of Lading or similar documents of carriage for the carrier originally named. Due and timely notice of such change shall be given to the Collector prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the Declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person.

(4) In the event that conditions beyond the control of a carrier, named as exporting carrier on a duly executed Declaration prevents the lading of the total cargo covered by the Declaration, such carrier is authorized to prepare and present additional Declarations covering the remainder of the cargo when shipped provided that due and timely notice is given to the Collector prior to loading of the remainder of the cargo on a carrier. The original Declaration shall be amended by the carrier, to show the descriptions, quantity and value of the commodity(ies) or technical data actually carried. Subsequent Declarations by the carrier shall be completed in all details and shall contain the following statement:

These commodities or technical data were included, but not shipped, under authenticated Shipper's Export Declaration No. \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_

(Port) (Date)

(c) *Declarations showing unauthorized changes.* No person shall take any action to facilitate any exportation where the authenticated Declaration, which purports to authorize the exportation and which is exhibited to such person, shows any evidence of change, alteration, or amendment not authorized in writing by the Collector. In any such case the person requested to facilitate the exportation shall report the facts to the nearest Collector, and where such authenticated Declaration is in his possession shall surrender it to the Collector.

(d) *Correction of authenticated Declarations.* Any item of information contained on an authenticated Declaration filed with the Collector shall be corrected in accordance with the facts of the exportation either by use of Correction Form, Form FT-7403, or directly on the authenticated declaration in accordance with the procedure described below. The acceptance by the Collector of such corrections does not imply approval of any act involved in the shipment nor does his signature in the space entitled "Certification" on the Correction Form imply that he is certifying to the truth or correctness of the information contained on the form.

(1) *Corrections on Declarations.* Corrections shall be made directly on the authenticated Declaration where:

(i) The shipment does not require submission of four copies of the Declaration, and

(ii) The Bureau of the Census copy of the Declaration is still in the possession of the Collector.

(2) *Corrections by use of Correction Form.* In all other instances corrections shall be made by use of Correction Form, Form FT-7403. Form FT-7403 shall be submitted, in triplicate, where

the shipment is made under a validated license requiring the submission of four copies of the Declaration; or in duplicate where the shipment does not require the submission of four copies of the Declaration. The Correction Form, Form FT-7403, shall be executed by the exporter or his duly authorized agent and submitted to the Collector with whom the authenticated Declaration was filed.

(e) *Return of unused copies of authenticated Declaration.* All copies of authenticated Declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the Collector making the authentication.

(f) *Limitation of effective period of Declaration.* (1) No Declaration shall be authenticated, and no authenticated Declaration shall be used, for the purpose of clearing for exportation, or otherwise facilitating or effecting, the exportation of a commodity or commodities or technical data requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the applicable general license, except as provided in § 372.11(d) of this chapter and § 379.2(f).

(2) The validity period of an export license includes any extension provided by any saving clause or regulation.

#### § 379.6 Use of license symbol or number on Declaration or parcel.

(a) *Certification by the exporter.* The use by any exporter of a general license symbol, a validated license number, or other designation, on a Shipper's Export Declaration or parcel when such marking is required by the provisions of the Export Regulations, for the purpose of clearing an exportation under any general license or validated license, shall constitute a certification by the exporter that the terms, provisions, and conditions of the license have been met.

(b) *Use of validated license number.* The Collector will not authenticate a Declaration for a licensed exportation where an incomplete export license number is shown thereon. Exporters must, therefore, use the complete validated license number when entering the required information in column (10) of the Declaration (Form 7525-V).

**NOTE:** When the number of an export license, Form FC-628, is correctly entered on the Declaration in column (10), the one entry of the complete number satisfies the requirements for inserting the "export license number" and the "issuance date" of the license. As explained in § 372.11 of this chapter, the digits immediately following the initial letter, although an inseparable part of the license number, conjointly indicate the issuance (or validation) date of the license, while the last five digits signify the validating sequence. (Examples of complete numbers for Form FC-628, Export License: A5-2-6-04051, B51011-32141, or C5-117-60161.) Project License numbers are issued in a different series (see § 374.5(a) (1) of this chapter).

#### § 379.7 General authority of Collectors of Customs and Postmasters in clearing shipments.

(a) *Definitions.* "Collectors" means Collectors of Customs and other customs officials. "Postmasters" means Postmasters and other post office officials.

<sup>19</sup> For changes of declaration prior to authentication see § 379.4(1).

(b) *Scope of authority of Collectors and Postmasters.* Collectors and Postmasters are authorized and directed to take appropriate action to assure observance of the provisions of the Export Regulations, and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data being or about to be exported.

(c) *Waiver of presentation of license.* A Collector of Customs or Postmaster, upon specific authorization by the Office of Export Control, may waive the presentation of a license.

**§ 379.8 Types of actions which may be taken by collectors.**

The following types of actions, among others, are authorized to be taken by Collectors:

(a) *Examination of commodities*—(1) *Purpose of examination.* All commodities and technical data declared for export are subject to examination by customs officials for the purpose of verifying the commodity or technical data specified in the Shipper's Export Declaration, and the value and quantity thereof, as well as to assure observance of the other provisions of the Export Regulations. The examination may be made in connection with commodities or technical data exported under a general license as well as a validated export license. It also may be made in connection with exportations to Canada. This examination is not limited to, but may take the form of, commodity identification, technical appraisal (analysis), or both.

(2) *Place of examination.* Examination of exportations shall be made at the place of lading or where the customs officials are stationed for that purpose.

(3) *Technical identification.* In those cases where, in the judgment of the Collector, the commodity or technical data cannot be properly identified, a sample may be taken for more detailed examination by customs appraisers or for chemical or other laboratory analysis. The shipment will not be delayed after sampling for completion of the analysis.

(4) *Sampling for technical identification*—(i) *Obtaining samples.* When sampling is required, the sample will be obtained by the customs official in accordance with the provisions for sampling imported merchandise. The size of the sample taken shall be the minimum representative amount necessary for identification or analysis and will depend on such factors as the physical condition of the material (whether solid, liquid, or gas), and the size and shape of the container.

(ii) *Notification of sampling to exporter and consignee.* The exporter (or his agent) and ultimate consignee shall be notified in each case where a sample is extracted for purposes of identification or analysis. Notification will be on Notice of Retained Samples, Form IT- or FC-915. This form shall be prepared by the customs official, showing the name of the port of exit, the date of sampling, declaration number, license number (if any), mark and case numbers, amount of sample taken, manufacturer's number, and a description of the commodity. The form shall be prepared in triplicate.

The original shall be placed in the opened package, box, crate, or other container; the duplicate shall be sent to the exporter or his agent; and the triplicate shall be retained by the Collector.

(iii) *Disposal of samples.* Samples withdrawn for analysis will be disposed of in accordance with the procedure followed by Collectors for disposing of samples of imported commodities.

(b) *Inspection of documents*—(1) *General.* The collector is authorized to require the owners and operators of exporting carriers or their agents, as well as the exporters or their agents, to produce for inspection or copying, invoices, orders, letters of credit, inspection reports, packing lists, shipping documents and instructions, correspondence, as well as any other relevant documents, and furnish other information bearing upon a particular exportation of commodity or technical data intended for export or removal from the United States and the identity and relationships of all participants therein.

(2) *Cartridge and shell case scrap.* When cartridge or shell cases are being exported as scrap, whether or not they have been heated, flame-treated, mangled, crushed, or cut, the Collector of Customs is authorized to require the exporter to produce a copy of the bid offer by the armed services in order to assure himself that the terms of the Export Regulations are being met and that the material being shipped is scrap.

(c) *Prohibiting lading.* The Collector is authorized to prevent the lading of commodities or technical data about to be laden on an exporting carrier whenever he has reasonable cause to believe such commodities or technical data are being exported or removed from the United States contrary to the provisions of the Export Regulations.

(d) *Inspection of exporting carrier.* The Collector is authorized to inspect and search any exporting carrier at any time to determine whether commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(e) *Seizure.* The Collector is authorized, under Title 22 of the U.S. Code, Section 401, et seq., to seize and detain any commodities or technical data whenever an attempt is made to export said commodities or technical data in violation of the Export Regulations or whenever he knows or has probable cause to believe that commodities or technical data are intended to be, or are being, or have been exported in violation of the Export Regulations. Seized commodities or technical data are subject to forfeiture.

(f) *Preventing departure of carrier.* The Collector is authorized, under Title 22 of the U.S. Code, Section 401, et seq., to seize and detain, either before or after clearance, any vessel or vehicle or air carrier which has been or is being used in exporting or attempting to export any commodity or technical data intended to be, or being, or having been previously exported in violation of the provisions of the Export Regulations.

(g) *Ordering the unloading.* The Collector is authorized to unladen or cause to be unladen from any exporting carrier

commodities or technical data that have been laden thereon, whenever the Collector has reasonable cause to believe such commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(h) *Questioning of individuals.* The Collector is authorized to question the owner or operator of an exporting carrier and his agent(s), as well as the exporter and his agent(s), concerning a particular shipment of commodities or technical data exported or intended to be exported.

(i) *Ordering the return of commodities.* The Collector is authorized to order the owner or operator of an exporting carrier and his agent(s) to return commodities or technical data exported on such exporting carrier and make them available for inspection by the Collector when no adequate opportunity is afforded the Collector to examine the commodities or technical data prior to lading and when departure of the carrier takes place prior to authentication of the Declaration.

**§ 379.9 Port of exit: Shipments leaving United States before final exportation from United States port.**

(a) *Shipments leaving United States before final exportation from United States port.* Commodities or technical data which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final exportation to a foreign country will be treated as an export at the last port of exit from the United States.

(b) *Licenses valid for shipment from any port.* A license may be used for exportation from any port of exit from the United States subject to the jurisdiction of the United States unless the Office of Export Control shall otherwise provide.

(c) *Simultaneous shipments from different ports.* Simultaneous shipments from different ports of exit may be cleared for export under a single license by the Collector having possession of the license, through arrangements with the Collector at the other port or ports of exit, as provided in § 379.2(e)(1).

**§ 379.10 Destination control.**

(a) *Definition of bill of lading.* As used in this § 379.10, "Bill of Lading" means the contract of carriage and receipt for commodities or technical data issued by the carrier. The term "Bill of Lading" includes an Air Waybill, but does not include an Inland Bill of Lading or a domestic airbill covering movement to port.

(b) *Country of ultimate destination.* The following provisions of this paragraph (b) apply to all shipments made under a validated license. (For the carrier's responsibilities regarding general license shipments see §§ 379.10 (c), (d), (f), and (g), 371.4, 381.2, 381.3, 381.4 and 381.6 of this chapter.)

(1) *Destination on Bill of Lading.* No carrier by water, land, or air, nor any other person on behalf of any carrier, shall issue a Bill of Lading which provides for delivery of cargo subject to

the provisions of this paragraph (b) at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated Shipper's Export Declaration.

(2) *Delivery of cargo.* No carrier shall deliver such cargo to any other country at the request or option of the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Office of Export Control to the carrier or its agent.

(3) *Diversion.* No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Office of Export Control to the carrier or its agent:

(i) Divert any cargo to any country of ultimate destination other than that named in the authenticated Declaration or in the Bill of Lading described in paragraph (c) of this section; or

(ii) Request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Office of Export Control.

(4) *Optional ports on Bill of Lading.* No carrier of such cargo shall issue a Bill of Lading providing for delivery to the ultimate consignee named in the authenticated Declaration at optional ports where one of such optional ports is in a country not named as the country of ultimate destination in the license or Declaration, unless written authorization has been granted by the Office of Export Control. However, where the authenticated Declaration provides for delivery of cargo consisting of commodities or technical data subject to this paragraph (b) to optional intermediate consignees located in ports in different countries, the carrier may issue a Bill of Lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and Commercial Invoice—(1) Applicability.* The provisions of this paragraph (c) apply to:

(i) A shipment made under a general license where a Declaration is required to be presented to the Collector of Customs, except for General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GTDP, and GTDS; and

(ii) A shipment made under a validated license.

NOTE: 1. *United States territories and possessions.* While the Bureau of the Census requires Shipper's Export Declarations in order to obtain statistical information regarding shipments to certain territories and possessions of the United States, these shipments are not exportations controlled by the Office of Export Control. Therefore the provisions of this paragraph (c) are inapplicable to shipments to such territories and possessions of the United States as Puerto Rico or the Panama Canal Zone.

2. *Shipments to Canada.* The provisions of this paragraph (c) are inapplicable to any

exportation intended for consumption in Canada, except shipments of (a) walnut logs, bolts and hewn timber; (b) walnut lumber, furniture stock, and hardwood small dimension stock listed on the Commodity Control List under Export Control Commodity Nos. 24331 and 24332; and (c) the technical data described in § 385.2(c)(5) of this chapter; since all other exportations to Canada require neither a general nor a validated license. However, these provisions are applicable to shipments of any commodities through Canada to other foreign countries.

(2) *Destination control statements.* An appropriate destination control statement<sup>11</sup> shall be entered on all copies of the Declaration presented for authentication to the Collector of Customs, in accordance with the provisions set forth below, for all shipments subject to the provisions of this paragraph (c).

(i) The following statement shall be entered on the Declaration covering an exportation under either a validated or general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GTDP, or GTDS, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration<sup>12</sup>; unless, instead of this statement, an appropriate statement as provided in subdivision (ii) or (iii) of this subparagraph has been entered:

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: *Notification of permissive reexportations.* In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment cannot be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities. The reexportation provisions of the Export Regulations (§§ 371.4 and 372.12 of this chapter) may nevertheless permit the reexportation. In this situation the exporter, without obtaining written approval of the Office of Export Control, may inform the foreign importer or other party in possession of the commodities, that distribution or resale may be made in accordance with the reexportation provisions where applicable. In all other instances, written approval shall be obtained from the Office of Export Control.

(ii) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below, except where the shipment is made under General License GMS:

These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country or countries). Diversion contrary to United States law prohibited.

(a) If the exportation is made under a general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GMS, GTDP, or GTDS, insert the

<sup>11</sup> Where the country of ultimate destination is Viet-Nam, the destination control statement shall be filled in as required by § 373.68 of this chapter, regardless of the country designation shown on the Shipper's Export Declaration, and regardless of whether the shipment is made under a validated or a general license.

name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc,<sup>13</sup> Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Viet-Nam, or Cuba unless otherwise authorized by the United States".

(1) If the commodity being exported requires a validated license for shipment to Poland (including Danzig) and Rumania, these countries shall be included in the list of prohibited destinations set forth in the last blank space of the statement.

(2) If the commodity being exported does not require a validated license for shipment to any destination included in the list of prohibited destinations, the destination may be deleted from the list of prohibited destinations set forth in the last blank space of the statement.

(b) If the exportation is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

NOTE: The Note following the destination control statement set forth in subdivision (1) of this subparagraph is also applicable to requests for permission to distribute or resell where the statement set forth in this subdivision (ii) is used.

(iii) Where a shipment is made under a general license, other than General Licenses BAGGAGE, TOOLS OF TRADE, GIT, GMS, GTDP, or GTDS, the following statement<sup>13</sup> may be entered on the Declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph:

United States law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Viet Nam, or Cuba, unless otherwise authorized by the United States.

(a) If the commodity being exported requires a validated license for shipment to Poland (including Danzig) and Rumania, these countries shall be included in the list of prohibited destinations set forth in the last blank space of the statement.

(b) If the commodity being exported does not require a validated license for

<sup>12</sup> As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Groups Y and Z (see § 370.1(g) of this chapter). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Groups Y and Z.

<sup>13</sup> As used in the destination control statement, the term "Soviet Bloc" means all destinations in Country Groups Y and Z (see § 370.1(g) of this chapter). It will be noted that Poland (including Danzig), Rumania, and Yugoslavia are not included in Country Groups Y and Z. The words "and Laos" may be inserted at the exporter's discretion in the destination control statement after the entry of "Viet-Nam."

shipment to any destination included in the list of prohibited destinations, the destination may be deleted from the list of prohibited destinations set forth in the last blank space of the statement.

NOTE: The Note following the destination control statement set forth in subdivision (1) of this subparagraph is also applicable to requests for permission to distribute or resell where the statement set forth in this subdivision (iii) is used.

(3) *Statement on Bill of Lading.* (i) (a) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a Bill of Lading covering an exportation of a commodity with respect to which a Declaration has been authenticated by a Collector containing the applicable statement set forth in subparagraph (2) of this paragraph, unless all copies of such Bill of Lading, including all nonnegotiable and office copies except as provided in subdivision (ii) of this subparagraph, shall contain the same statement in clearly legible form.

(b) The destination control statement provisions apply to all exportations by mail for which a Declaration is required. However, since Bills of Lading are not issued for exports by mail, a destination control statement is required only on the Declaration and the commercial invoice.

(ii) In the case of shipments by air (other than airmail or air parcel post) the provisions of subdivision (i) of this subparagraph are applicable to: (a) any Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment; or (b) any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment. The provisions of subparagraph (2) of this paragraph do not apply to a "Master" Air Waybill issued by a carrier to cover a consolidated shipment.

(4) *Statement on commercial invoice.* No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this paragraph (c), including shipments by mail unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the same destination control statement in clearly legible form. This statement shall be an applicable statement as set forth in subparagraph (2) of this paragraph.

(5) *Release of custody by carrier.* No carrier shall release custody of commodities covered by the provisions of this paragraph (c) to any party (including an agent, on-carrier, or any other person) without surrender by that party, to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (2) of this paragraph, unless either:

(i) Simultaneously with the release of the commodities, the carrier delivers to such party a written copy of the destination control statement, contained in the carrier's copy of the Bill of Lading cover-

ing the shipment. The written copy shall identify the shipment by Bill of Lading number, name of carrier, voyage or flight number, date, and port of arrival. In addition, the carrier shall secure either a signed receipted copy of the written statement or other equivalent written evidence that the statement has been delivered by the carrier; or,

(ii) The regulations of the importing country require the carrier to deliver the commodities directly into the physical possession and control of Customs or other government agency for delivery to the consignee or his agent. Under these circumstances the carrier need not give to or receive from the Customs or other government agency, or the consignee or his agent, any document bearing the destination control statement.

(6) *Documents not requiring statements.* (i) Shipper's Export Declarations, Bills of Lading, and commercial invoices prepared and issued in the United States to cover exportations are the only shipping documents affected by the destination control provisions. Such documents as consular invoices, Inland Bills of Lading covering movements to port, letters of credit, ship's manifests, packing lists, dock receipts, and warehouse receipts do not require the destination control statement.

(ii) The exporter has the primary responsibility for assuring the entry of the destination control statement on the Declaration, the Bill of Lading, and the commercial invoice whether or not he prepares all of these documents. If a forwarder, carrier, or other party prepares or issues these documents he also is responsible for seeing that a correct statement is placed on the documents.

(7) *Determination by agent of appropriate statement.* (i) Where a freight forwarder, carrier, or other agent of the exporter undertakes to prepare a Declaration or a Bill of Lading without having in his possession a copy of the commercial invoice the determination as to which destination control statement is applicable will depend on whether the shipment is being exported under a validated or a general license. Where the shipment is made under a validated export license, the appropriate statement to be used may be determined from the license.

(ii) For a shipment made under a general license, an understanding must be reached between the exporter and his carrier, forwarder or other agent as to which destination control statement shall be used. While a carrier has no obligation to determine which destination control statement, if any, is required on a Declaration, he must see that the same destination control statement which appears on the latter document also appears on the corresponding Bill of Lading before the contract of carriage is issued. Since the primary purpose of the destination control statement is to provide advice to the importer with respect to the United States reexportation provisions which apply to a specific transaction, the effectiveness of the regulation will be lessened if one statement appears on the commercial invoice and a different statement appears on the Bill of Lading.

(8) *Preprinted statement.* A destination control statement may be preprinted on Shipper's Export Declarations, Bills of Lading, or commercial invoices. However, only one of the three destination control statements in this paragraph (c) of the Comprehensive Export Schedule may be preprinted on any one of these documents.

(9) *Two or more statements applicable to a shipment.* If one Bill of Lading is issued for two or more individual shipments and two or more destination control statements are applicable to these shipments, the applicable destination control statement should be entered beneath each shipment or group of shipments to which it applies. However, in some cases a Bill of Lading may use a single freight tariff classification to describe several commodities which, for export control purposes, require the use of more than one form of the destination control statement. If in such a case it is impracticable to attempt to separate the commodities on the Bill of Lading into the different export control groups and enter the appropriate destination control statement below each group, the most restrictive form of statement applicable to any of the groups shall be used on the Bill of Lading for the entire shipment. The commercial invoice and Shipper's Export Declaration should, nevertheless, segregate the commodity groups and contain the proper destination control statement for each group. If the face of the export license indicates that the commodities are licensed only for the country of ultimate destination, the shipper may use the first statement (see subparagraph (2)(i) of this paragraph); or, if he desires to do so, he may use the second statement (see subparagraph (2)(ii) of this paragraph) with the word "none" inserted in the last blank space. If the face of the export license indicates that the commodities are licensed for country of ultimate destination, and for distribution or resale to other countries the shipper should use the second statement with the names of the countries to which distribution or resale is authorized inserted in the last blank space. In all cases the countries shown in the last blank space shall include only those authorized on the face of the license.

(d) *Notice and prohibition against diversion—(1) Distribution of copies of statement.* Whenever a commercial invoice shall be issued containing the destination control statement prescribed in paragraph (c)(2) of this section above, the shipper or other person issuing such invoice shall promptly send copies thereof to:

(i) The ultimate consignee and the purchaser named in the authenticated Declaration;

(ii) The intermediate consignee; and

(iii) Any other persons named in the invoice who are located in a foreign country.

Nothing herein contained shall be construed to limit the persons or classes of persons to whom such invoices and Bills of Lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the com-

mercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment; or, in lieu of a copy of the commercial invoice, such person may send a copy of the Bill of Lading containing the destination control statement prescribed in paragraph (c) (2) of this section.

(2) *Commercial invoices not containing a statement.* Whenever a forwarding agent receives from the exporter a copy of a commercial invoice which does not contain the destination control statement prescribed by paragraph (c) (2) of this section, he shall notify the exporter in writing that the statement has been omitted. In addition, he shall request written assurance from the exporter that the destination control statement has been properly entered on all copies of the commercial invoice and that any person who received an invoice without the statement has been informed in writing of the restrictions set forth in the applicable statement. Further, the forwarding agent shall either enter the appropriate destination control statement on his copy of the invoice or return it to the exporter for proper completion. The forwarding agent shall also keep and make available for inspection, in accordance with the provisions of § 381.11 of this chapter, a copy of his notification to the exporter and the original of the exporter's assurance to him. (The Export Regulations contain further record keeping requirements (see § 381.11 of this chapter).)

(3) *Conduct after receiving notice.* After receiving an invoice, Bill of Lading, or any other document containing the notification of the prohibition against diversion set forth in one of the destination control statements provided by this § 379.10, or after receiving an oral notification of such prohibition, no person (including the ultimate consignee, intermediate consignee or on-forwarding carrier) so notified shall divert, transship or reexport or cause to be diverted, transshipped or reexported any commodity described in the document of notification or referred to in the oral notification to any country not authorized in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Office of Export Control, evidence of the sending of such invoice or Bill of Lading, or other form of notification of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof and of notification that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the Export Regulations shall be deemed to prohibit a carrier from un-

loading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated Declaration where, for reasons beyond the control of the carrier as set forth in standard provisions of the Carrier's Bill of Lading (such as, act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, or insurrection), it is not feasible to deliver the cargo at the licensed port of destination. Whenever cargo is unloaded at a port in any country other than the intermediate or ultimate destination shown on the Declaration because of any of the reasons set forth in this paragraph (f), except where the cargo may be exported under a general license directly from the United States to such country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Office of Export Control. This report shall consist of a copy of the manifest of such diverted cargo, together with a statement of the place of unloading and the name and address of the person in whose custody the commodities or technical data were delivered.

(2) The exporter of such commodities or technical data shall, upon notice from the Office of Export Control of such diversion, promptly, and within 10 days, notify the Office of Export Control of the proposed disposition of the commodities or technical data.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities or technical data into the commerce of the country where unloaded without prior approval of the Office of Export Control. The carrier shall take steps to assure that such commodities or technical data are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated Declaration without such prior approval.

(g) *Indication of shipper's export Declaration number on ship's manifest.* The carrier or its agent shall indicate on all copies of the outward foreign manifest which is filed with the United States Collector of Customs, the applicable Declaration number assigned by the Collector to each shipment.

(h) *Conformity of Export Control Documents—(1) Definitions.* As used in this paragraph (h), "licensed exporter" means the person named as exporter, and "licensed ultimate consignee" means the person named as ultimate consignee, in an authenticated Declaration covering a validated license shipment.

(2) *Rules of conformity.* The rules of conformity set forth below shall apply to any shipment under a validated export license, except that in the case of ship-

ments by air (other than air mail or air parcel post) the conformity rules do not apply to a consolidated "Master" Air Waybill. However, the rules of conformity do apply to any individual Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment and to any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment.

(1) The validated export license, the authenticated Declaration, and the outbound Bill of Lading (including a Railroad Through Bill of Lading) covering the same export shipment must be consistent with one another. The Bill of Lading, whether in negotiable or non-negotiable form, is not consistent if:

(a) It does not provide for delivery of the shipment (cargo) at a port located in the country of either the ultimate consignee or intermediate consignee named in the authenticated Declaration or if it contains words or a statement indicating that the shipment is in transit to a different country of ultimate destination from the country of ultimate destination named in the authenticated Declaration, such as consigning the shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or consigning the shipment to a free zone or free port when it is known or there is reasonable cause to believe that the shipment is not for consumption in the country in which the ultimate consignee is located.

(b) It names as shipper any person other than the licensed exporter or his duly authorized forwarding agent. Where shipments from more than one exporter are consolidated on a single Bill of Lading, the shipper named on the Bill of Lading must also appear as the authorized forwarding agent for each licensed exporter on each Declaration.

(c) The name and address of the licensed ultimate consignee are not shown either in the space provided for "consignee" or in the body of the Bill of Lading under the caption "licensed ultimate consignee and notify party"; or in the case of the Air Waybill under the caption "also notify", except that where shipments to more than one licensed ultimate consignee are consolidated on one Bill of Lading and the names of all licensed ultimate consignees are not shown in the body of the Bill of Lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the goods to the licensed ultimate consignees must appear on the Bill of Lading, the export license, and the Declaration. Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on the validated license, or does not appear on the license, an amendment of the license is necessary even though the intermediate consignee is in the same country as the ultimate consignees.

(ii) In the case of negotiable Bills of Lading (i.e., "order" Bills of Lading) the Bill of Lading is deemed consistent only if the consignee or order party named in the Bill of Lading is named in the au-

thenticated Declaration. An "order" Bill of Lading may consign the commodities or technical data covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder or other intermediary), or to the order of purchaser (if not the same as the licensed ultimate consignee). An "order" Bill of Lading issued in any of these forms constitutes a representation on the part of such shipper that the commodities or technical data covered by the validated license, authenticated Declaration, and Bill of Lading are ultimately destined to such ultimate consignee, that the document has not been used for the purpose of evading the terms and conditions of the validated license, and that pursuant to the contract of carriage, the commodities or technical data will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the authenticated Declaration.

(iii) On a Bill of Lading the commodities or technical data may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the authenticated Declaration and validated export license.

(iv) On the authenticated Declaration the commodity description shall include the same commodity description as shown on the related export license, and in addition, it shall include more detailed information where required by the Bureau of Census (see § 379.4(c)). The three digit or five digit Export Control Commodity No. shown on the export license shall be the same as the initial digits of the seven digit Schedule B No. entered on the authenticated Declaration.

(v) No carrier shall issue, and no licensee, shipper, consignee, exporter or consignee, or their agents, or any other person, shall prepare or procure, a Bill of Lading which is contrary to the provisions of this paragraph (h). Collectors are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

(vi) If the carrier's outward foreign manifest which is filed with the United States Collector contains names of shippers or consignees, these names must not be inconsistent with the names shown on the Bill of Lading (or authenticated Declarations).

§ 379.11 Return or unloading of cargo at direction of Department of Commerce.

(a) *Exporting carriers*—(1) *Definition*. As used in this § 379.11, the term "exporting carrier" includes a connecting or on-forwarding carrier, as well as the owner, charterer, agent, master, or any other person in charge of the vessel, aircraft, or other kind of carrier, whether such person is located in the United States or in a foreign country.

(2) *Ordering return or unloading of shipment*. The Office of Export Control or any United States Collector of Customs, where there are reasonable

grounds for believing that a violation of the Export Regulations has occurred or will occur with respect to a particular exportation from the United States, may order any person in possession or control of such shipments, including any exporting carrier carrying such shipment, to return or unload the shipment. Such person shall as ordered either (i) return such shipment to the United States or cause it to be so returned, or (ii) unload such shipment at a port of call and take steps to assure that such shipment is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Office of Export Control. For the purpose of this section, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

(3) *Requirements regarding shipment to be unloaded*. The provisions of § 379.10(f), relating to reporting, notification to the Office of Export Control, and the prohibition against unauthorized delivery or entry of the commodity or technical data into a foreign country, shall apply also to commodities or technical data directed to be unloaded at a port of call, as provided in this § 379.11.

(b) *Notification*. Upon discovery by an owner, agent, or other person included within the term "exporting carrier," as defined in paragraph (a) of this section, that a violation of the Export Regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230, and the person in actual possession or control of the shipment.

*Note: 1. Customs regulations*. This § 379.11 in no wise relieves exporting carriers of their responsibilities under regulations of the Bureau of Customs (particularly under U.S. Code, Title 48, Sections 91 and 92).

*2. Commodities or technical data returned to United States*. Commodities returned to the United States pursuant to this § 379.11 are required by Customs Regulations to be removed from the dock or pier where deposited within 48 hours, or the shipment will be placed in storage with charges leviable against the shipment.

§ 379.12 Air cargo clearance at certain ports of origin.

(a) *Scope of procedure*. This section establishes a procedure for the export control clearance of commodities and technical data being exported by air as an exception to the requirements set forth in § 379.1(a). Under this procedure exportations by air may be cleared for export at either the port of exportation or at ports of origin designated in paragraph (c) of this section.

(b) *Definition*. For purpose of this § 379.12 the term "port of exportation" shall mean that port and only that port at which the exportation will actually be laden aboard the aircraft which will carry it abroad.

(c) *Airports designated as ports of origin*.

Baltimore, Md.	Minneapolis, Minn.
Boston, Mass.	Newark, N.J.
Buffalo, N.Y.	New Orleans, La.
Chicago, Ill.	New York, N.Y.
Cleveland, Ohio.	Philadelphia, Pa.
Dallas, Tex.	Port Everglades, Fla.
Detroit, Mich.	Portland, Oreg.
Honolulu, Hawaii.	San Diego, Calif.
Houston, Tex.	San Francisco, Calif.
Los Angeles, Calif.	San Juan, P.R.
Miami, Fla.	Seattle, Wash.

(d) *Clearance procedure at ports of origin*—(1) *Presentation of export licenses and declarations*. A person who wishes to clear an air exportation at a designated port of origin rather than at the port of exportation shall present copies of the Shipper's Export Declaration, and a validated export license when required, to the Collector at the port of origin in accordance with the requirements set forth in this Part 379. In completing the Shipper's Export Declaration, the name of the port of exportation shall be shown in the space titled "from (U.S. Port of Export)," and the name of the airline which is to carry the commodities or technical data abroad shall be shown in the space titled "Exporting Carrier." If the name of the airline which will carry the commodities or technical data abroad is unknown, this information may be omitted at the port of origin and inserted at the port of exportation by the exporting carrier. Where an Export Declaration Correction Form is required by the provisions of § 379.5(d), the form shall be filed in triplicate at the port of origin where the original declaration was filed and authenticated.

(2) *Authentication and use of Declaration*. All copies of the Shipper's Export Declaration which are required to be presented to the Collector must be authenticated by the Collector at the port of origin in accordance with the procedure set forth in §§ 379.4 and 379.5. However after authentication of the Declaration, the Collector will return the original and one copy of the Declaration to the person who presented the Declaration for authentication. If such person is the domestic carrier, that person shall be responsible for delivering these Declarations to the exporting carrier which will carry the commodities or technical data from the United States. If the person who presented the Declaration for authentication is not the domestic carrier, that person shall be responsible for delivering these Declarations to the domestic carrier. The domestic carrier shall in turn be responsible for delivering the Declarations to the exporting carrier which will carry the commodities or technical data from the United States.

(e) *Procedure at port of exportation*—(1) *Presentation of Declarations*. The exporting carrier shall present the original and duplicate copies of each authenticated Declaration to the Collector at the port of exportation.

(2) *Lost Declarations*. If the original and duplicate copies of the Declaration are lost or mislaid, or are otherwise not available at the port of exportation, the

merchandise shall be detained by the Collector at the port of exportation until the Declarations, certified by the Collector at the port of origin, have been presented to the Collector at the port of exportation.

(3) *Change in port of exportation or exporting carrier.* Where the port of exportation or the exporting carrier designated in the Declaration filed at the port of origin is changed, the exporting carrier that is to carry the merchandise from the United States may change the Declaration accordingly.

(4) *Detention and examination of shipments at port of exportation.* Although the Collector at the port of origin has primary responsibility for reviewing the export license and the export declaration, for authenticating the export declaration, and for physical examination of the merchandise, the Collector at the port of exportation is authorized to detain a shipment for further review of these documents or for further physical examination of the merchandise in any instance where such action is deemed necessary to assure compliance with the export regulations.

(f) *Effect of other provisions.* Insofar as consistent with the provisions of this section which relate specifically to clearance of air exportations at ports of origin, the other provisions of this Part 379 shall apply to exportations cleared at ports of origin.

§ 379.13 Other applicable laws and regulations.

Nothing contained in this part shall relieve any person from complying with the applicable provisions of any other law of the United States or rules and regulations issued thereunder, including those governing Declarations and manifests. However, the Export Regulations contained in this part are not applicable to exportations regulated by United States Government agencies other than the Office of Export Control, such as the Atomic Energy Commission and the Department of State.

**PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS**

- Sec. 380.1 Transfer of licenses.
- 380.2 Amendments or alterations of licenses.
- 380.3 Amendments of pending license applications.
- 380.4 Extension of licenses.

**AUTHORITY:** The provisions of this Part 380 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

§ 380.1 Transfer of licenses.

(a) *Authorization.* An export license shall not be transferred except by prior written authorization of the Office of Export Control. Transfer of an export license may be effected only by amendment of the original license, except as otherwise provided in this § 380.1, and only upon request of the original licensee.

(b) *When transfer may be granted.* A transfer of a validated license may be granted in any case to a transferee subject to the jurisdiction of the United States who is a principal party in inter-

est and who will assume all powers and responsibilities under the license for the control of the shipment of the goods out of the United States. Only one transfer of the same license will be approved under this § 380.1.

(c) *Information from transferor and form of request—*(1) *Transfer of less than 15 licenses.* (i) In requesting transfer of less than 15 outstanding licenses, except Project Licenses (see § 374.7(b) of this chapter for amendments of Project Licenses), the licensee must submit:

(a) A completed Form IA-763, Request for and Notice of Amendment Action (see Supplement S-4 for sample form),<sup>1</sup> in triplicate, for each license(s).

(b) The original license(s) if held by the licensee.

(c) A signed letter from the person or firm to whom the license(s) is to be transferred as required by paragraph (d) of this section.

(d) The following certification:

The undersigned hereby certifies that, if license number(s) ----- is (are) transferred in accordance with my (our) request, any and all documents evidencing the order covered by this (these) license(s) will be made available upon demand and will be retained by me (us) for a period of three years from the time of the exportation from the United States, or any known reexportation, transshipment, or diversion, or any other termination of the transaction whether formally in writing or by any other means, whichever is later. The undersigned will promptly report to the Office of Export Control any material or substantive changes in the terms of the order and any other facts of the export transaction known or reported to the undersigned at any future time by any party to the export transaction.

-----  
(Signature of transferor)  
-----  
(By)  
-----  
(Title)  
-----  
(Date)

**NOTE:** The Export Regulations contain further record keeping requirements. See § 381.11 of this chapter.

(ii) When setting forth reasons for the requested transfer in the space entitled "Facts Necessitating Amendment" of Form IA-763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in the space entitled "Amend License to Read as Follows" of Form IA-763.

(iii) If the original license(s) is/are being held by a Collector of Customs at the time the licensee submits the request for transfer, he shall show in the space entitled "License Has Been Deposited With" of Form IA-763, the address of

<sup>1</sup> Form IA-763 may be obtained at all U.S. Department of Commerce field offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

Late revisions of Form IA-763 refer to the "Export Control Commodity No." instead of "Schedule B No.". If an earlier issuance of Form IA-763 is used, this item shall be changed, and the form completed, accordingly.

the Collector with whom the original license(s) has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IA-763, showing on one copy in the space entitled "Return Copy of Amendment Notice To" the name and address of the original licensee and on the additional copy the name and address of the person to whom the license is to be transferred. This additional triplicate (yellow) copy of Form IA-763 will be used for notifying the transferee of the action taken.

(2) *Transfer of 15 or more licenses.* Where the licensee requests a transfer of 15 or more outstanding licenses, the request shall be made in the form of a letter to the Office of Export Control setting forth the following:

(i) Either a list of the case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred and indicating the total number of such outstanding licenses;

(ii) A listing showing the case numbers, if known, of applications for export licenses pending in the Office of Export Control which are to be transferred. Applicant's reference number and any other identifying information shown on these applications should be furnished;

(iii) The name and address of the proposed transferee;

(iv) Facts necessitating transfer;

(v) A statement of whether or not any consideration has been or will be paid for the transfer; and

(vi) The certification set forth in subparagraph (i) (d) of this paragraph.

(3) *Additional proof.* In addition to the information required under subparagraphs (1) and (2) of this paragraph, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document, and the state where filed or recorded.

(d) *Information from transferee.* The request for transfer from the original licensee must be accompanied by a signed letter from the person to whom transfer is to be made as follows:

(1) In those cases where the transfer is requested because the license is desired for use by a subsidiary or parent corporation of the licensee, or where the entire or a substantial portion of the assets or business of the licensee has been sold or transferred to the new exporter, the transferee must certify that the legal document or authority under which the change of exporter is effected authorizes and imposes the responsibility on the transferee of accepting and fulfilling the legal obligations of the transferor under the transactions covered by the license to be transferred.

(2) The transferee is a principal party in interest in the transaction covered by the license or is acting as agent for a principal party in interest.

(3) The transferee is subject to the jurisdiction of the United States.

(4) The transferee assumes all powers and responsibilities under the license for

the control of the shipment of the goods out of the United States.

(5) Whether any consideration has been or will be paid for the transfer.

(6) If the transferee will make the exportation as agent on behalf of a foreign principal, the name and address of that foreign principal must be stated.

(e) *Notification*—(1) *Notification of amendment action.* On an approved request for the transfer of less than 15 licenses, the Office of Export Control will validate all copies of Form IA-763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation. The duplicate will be forwarded as the official notice of amendment to the Collector of Customs designated in the space entitled "License Has Been Deposited With". The triplicate will be forwarded to the individual named in the space entitled "Return Copy of Amendment Notice To" of Form IA-763. If the request is rejected, or returned without action, the reason(s) therefor will be indicated on the triplicate copy of Form IA-763 or on an attachment thereto. The triplicate copy of Form IA-763, together with any attachment, will be returned to the applicant.

(2) *Notification of blanket authority.* Upon approval of a request by the licensee to transfer 15 or more outstanding licenses, the Office of Export Control will issue a blanket authorization and notification to Collectors of Customs that shipments may be cleared for export against such licenses when presented by the transferee. The transferor and transferee will be notified by letter of the blanket authorization.

### § 380.2 Amendments or alterations of licenses.

(a) *Persons authorized to amend licenses.* No amendments or alterations of outstanding export licenses may be made except by the Department of Commerce or by Collectors of Customs or Postmasters acting under specific instructions from the Department of Commerce.

(b) *General provisions.* The Office of Export Control will consider for approval a request for amendment of an outstanding export license submitted for the purpose of conforming such license to changes which have taken place in the original transaction covered by that license. However, an amendment will not be approved to effect a change of such significance as to constitute a new transaction. Such transactions must be covered by a new license application.

(c) *Changes requiring a new license application.* Except for changes to a Project License, changes of the following types will be deemed to be of such substance as to constitute an essentially new transaction and therefore require a new application for an export license:

- (1) Country of ultimate destination.
- (2) Ultimate consignee (except as indicated in paragraph (d)(2) of this section).
- (3) Commodity to be exported.
- (4) Increase in the quantity or value of a Periodic Requirements License

during the last six months of the validity period of the license (see § 376.7 of this chapter).

(d) *Changes by amendment.* The changes which may be made by amendment to an outstanding export license include, but are not limited to, the following items:

(1) Purchaser (provided the change in purchaser does not also effect a change in ultimate consignee).

(2) Ultimate consignee, if the change is made (i) to identify correctly the same ultimate consignee named in the license; or (ii) to add one or more new consignees to an outstanding Project License, Periodic Requirements (PRL) License, Blanket (BLT) License, or Time Limit (TL) License; or (iii) to designate a new consignee when the purchaser instructs that shipment be made directly to the ultimate user, provided that all documents required from the ultimate user, such as a consignee/purchaser statement, are submitted to the Office of Export Control either with the original application or with the amendment request.

(3) Intermediate consignee, (i) if the new intermediate consignee is located in any country other than the country of ultimate destination shown on the export license; or (ii) if the new intermediate consignee is located in the country of ultimate destination and an amendment request is submitted in accordance with the provisions of § 379.10(h)(2) of this chapter; or (iii) if pursuant to notice from the Office of Export Control, in any case, the Collector of Customs requires the submission of an amended license showing the new intermediate consignee.

(4) Increase in quantity or price (see paragraph (j) of this section).<sup>2</sup>

(5) Extension of the validity period of the license (see § 380.4).<sup>3</sup>

(6) Correction of a clerical error on the part of the Office of Export Control.

(7) Correction of a clerical error on the part of the applicant for an export license of a type not covered by paragraph (e) of this section.

(8) Change of licensee (in accordance with the provisions relative to the transfer of licenses set forth in § 380.1).

(e) *Changes which require neither amendment nor new license.* The following changes do not require either a new license or an approved amendment, or any other notification to the Office of Export Control:

(1) Change in applicant's reference number.

(2) Decrease in unit price or total value.

(3) Other changes in price (see paragraph (j)(3) of this section).

(4) Change in intermediate consignee if the new intermediate consignee is located in the country of ultimate destination as shown on the export license, except a change in or addition of an

<sup>2</sup> This item does not apply to a Periodic Requirements License during the last six months of the validity period of the license (see § 376.7 of this chapter).

<sup>3</sup> This item does not apply to the Periodic Requirements License.

intermediate consignee involving a consolidated shipment (see § 379.10(h)(2) of this chapter), or pursuant to notice from the Office of Export Control, in any case, a change of intermediate consignee for which the Collector of Customs requires an amended license.

(5) Change in address of purchaser or ultimate consignee, provided that the new address is located within the same country shown on the export license.

(6) Change in Export Control Commodity number, unit of quantity, or wording of the commodity description where necessary only for the purpose of conforming to an official revision in the Commodity Control List after the license is issued but before shipment is made. This provision does not permit any change to be made which effects an actual change in the commodity or the quantity licensed.

(f) *Where to file*—(1) *General.* All requests for amendments to licenses may be filed with the U.S. Department of Commerce, Office of Export Control, Operations Division (Attn: 8540), Washington, D.C., 20230. However, certain types of amendments described in subparagraph (2) of this paragraph may be requested from the following named field offices of the U.S. Department of Commerce:

Boston.  
Chicago.  
Cleveland.  
Dallas.  
Detroit.  
Houston.  
Jacksonville.  
Los Angeles.  
Miami.

New Orleans.  
New York.  
Philadelphia.  
Phoenix.  
Portland, Ore.  
San Francisco.  
Savannah.  
Seattle.

(2) *Amendment requests on which field offices may take action.* With the exceptions set forth in subparagraphs (3) and (4) of this paragraph, the U.S. Department of Commerce field offices listed in subparagraph (1) of this paragraph, are authorized to take action on requests for amendment of licenses of the following types only:

(i) Extension of validity period.

(ii) Correction of certain types of obvious errors due to mistakes in typing licenses, such as misspelled words, errors in price extension or computation, and errors in unit of quantity (provided the correction does not change the total quantity).

(iii) Change of quantity or dollar value required as a result of factors beyond the control of the licensee, such as unforeseen overruns of the mill. Field offices of the U.S. Department of Commerce are limited in their approvals of such amendment requests, however, to specified small percentage increases in the licensed quantity or dollar value.

(iv) Change of licensee's address.

(v) Change in intermediate consignee or addition of intermediate consignee (see § 379.10(h)(2)(i)(c) of this chapter and paragraph (d)(3) of this section).

(3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the conditions described below. All such requests shall be filed with the U.S. Department of Commerce, Office of Export



Control, Operations Division (Attn: 8540), Washington, D.C., 20230.

(i) Request for amendment or extension of a license covering an exportation to Country Group Y or Z, unless the amendment involves no more than a correction of obvious error(s) in the license, such as a mistake in typing.

(ii) Request for amendment of a license where the intended port of exit is not known to the licensee.

(iii) Request for amendment or extension of a license for a shipment which has already been laden aboard the exporting carrier or exported (see paragraph (i) (2) of this section).

(iv) Request for amendment or extension of a Project License.

(v) Request for amendment or extension of a license for exportation of copper or copper-base alloy scrap, Export Control Commodity No. 28402.

(vi) Request for amendment or extension of a Technical Data License.

(vii) Request to amend or extend the validity period of a license covering the exportation of walnut logs, bolts, and hewn timber, Export Control Commodity Nos. 24231 and 24232.

(viii) Request to amend or extend the validity period of a license covering the exportation of walnut lumber, furniture stock, and hardwood small dimension stock listed on the Commodity Control List under Export Control Commodity Nos. 24331, 24332, and 63110.

(4) *Duplicate request covering same license.* A request for amendment shall not be submitted to or acted upon by any field office of the U.S. Department of Commerce if an amendment request covering the same license is currently pending action or has been previously denied by the Office of Export Control, or by any other field office.

(g) *Procedure for Submitting Requests for Amendments*—(1) *Number of copies.* A request for amendment shall be submitted on Form IA-763, Request for and Notice of Amendment Action, in triplicate.<sup>4</sup> However, when such request is filed with one of the above-named field offices, a fourth copy shall be submitted; this fourth copy may be made on plain, thin, white paper. Request for amendment by letter will not be accepted. (See subparagraphs (4) and (5) of this paragraph with regard to the submission of an amendment request where an emergency condition exists.)

(2) *Information required.* All numbered spaces shown on Form IA-763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in the space entitled "Facts Necessitating Amendment." (For amendments to an export license covered by an Import Certificate, a Swiss Blue Import Certificate, a Yugoslav End-Use Certificate, or a consignee/purchaser statement, see paragraphs (k) and (l) of this section.)

(ii) The licensee shall not retain the

license when submitting a request for amendment, except where the request covers an amendment to a Project License (see § 374.9(b) of this chapter). Where shipments are to be made through customs, the address of the Collector with whom the license has been deposited shall be entered on the Form IA-763 in the space entitled "License Has Been or Will Be Deposited With." If the exporter does not know the intended port of exit, he shall enter the word "Unknown" in this space and return his license to the Office of Export Control with his request for amendment on Form IA-763. A Postmaster or post office address, from which a shipment will be made by mail, is not an acceptable entry for this space. When shipment is to be made by mail the license shall accompany the request for amendment.

(iii) In completing the space entitled "Amend License To Read As Follows" the applicant shall identify that portion of the license upon which amendment is requested and insert the proposed change.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the licensee, shall be placed on the original<sup>5</sup> of Form IA-763, in the space entitled "Signature". When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarder, attorney, or any other individual so authorized, he shall sign the request by entering the licensee's name underneath his own signature prefixed by the word "By" and followed by his own title.

For example: Joseph Aloysius Jones  
By: Hamilton Newbold,  
Agent.

(4) *Telegraphic requests.* Under emergency conditions, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be forwarded to the Collector of Customs by telegram or telephone, the cost of the telegraphic or telephonic message being charged to the licensee. In such instances, the telegram shall include the same information required to complete Form IA-763, and, in addition, full information as to the necessity for such type of service, including deadline dates. If the request is submitted by mail on Form IA-763, but emergency clearance is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, shall accompany the request for amendment.

(5) *Telephone requests.* Under emergency conditions, a request for amendment may be made by telephone and the licensee may include therein a request that the amendment, if approved, be transmitted to the Collector of Customs by telegram or telephone, the cost of the telegraphic or telephonic message being charged to the licensee. In such instances, the applicant shall supply the Office of Export Control with sufficient justification for the request and detailed

information necessary for the completion of Form IA-763. If the amendment is approved, the Office of Export Control will so advise the applicant and the Collector. However, before the Collector will release the shipment under the amended license, the applicant must file a completed and signed Form IA-763 with the Collector.

(h) *Action by Office of Export Control and U.S. Department of Commerce Field Offices on amendment request*—(1) *Action by Office of Export Control*—(i) *Approval.* (a) When a request for an amendment of export license held by a Collector of Customs is approved, the Office of Export Control will validate all copies of Form IA-763 by imprinting in the space headed "Validation" a facsimile of the U.S. Department of Commerce seal followed by the letter "D" and a series of numbers indicating the year, month, and day of validation (see Note 2 following § 372.11(a) of this chapter). The duplicate copy will be forwarded as the official notice of amendment to the Collector designated in the space entitled "License Has Been Deposited With." The triplicate copy will be forwarded to the individual named in the space entitled "Return Copy of Amendment Notice To".

(b) When the license is submitted with the request for an amendment of an export license and the amendment is approved, the Office of Export Control will either amend the original license or issue a new license. The modified license or new license will be forwarded to the individual named in the space of the Form IA-763 entitled "Return Copy of Amendment Notice To".

(i) *Rejected or returned without action.* When a request is rejected or returned without action, the reason(s) therefor will be indicated on the triplicate copy of Form IA-763 or on an attachment thereto. The triplicate copy of Form IA-763 together with any attachments will be returned to the individual named in the space entitled "Return Copy of Amendment Notice To". Further, the license (if submitted with the request) will also be returned unless the rejection or return without action necessitates cancellation of the license or the license has expired.

(2) *Action by field office*—(i) *Approval.* An amendment approved by a U.S. Department of Commerce field office will be validated in a different manner than those approved by the Office of Export Control. The facsimile of the U.S. Department of Commerce seal and the name of the field office will be inserted in the space entitled "Validation" by means of a validating machine and plate. To complete the validation process, the amending officer will sign and date Form IA-763. The Collector's copy of the approved form will be sent to the appropriate Collector (together with the export license if submitted with the request) by official transmittal as the official notice of amendment. A confirmation copy will be sent to the individual named in the space of Form IA-763 entitled "Return Copy of Amendment Notice To".

(ii) *Rejected or returned without action.* When a request is rejected or re-

<sup>4</sup> Form IA-763 is printed in quadruplicate copies so as to provide a copy for the applicant's file. Sets of these forms may be obtained at all United States Department of Commerce field offices and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

<sup>5</sup> Notwithstanding instruction No. 5 on the reverse side of Form IT-763, the duplicate copy need not be signed.

turned without action, the amending officer will, in the spaces provided on Form IA-763, indicate the reasons therefor, sign, date, and identify the field office. A confirmation copy will be sent to the individual named in the space of the form entitled "Return Copy of Notice To".

(1) *Disclosure of prior action on the shipment*—(1) *Prior detention of commodities by customs.* Any exporter or his agent making application to the Office of Export Control for an amendment of an export license, who shall know or have reasonable cause to believe that a Collector of Customs has detained commodities which would be exportable under such license, as amended, shall disclose to the Office of Export Control at the time of applying for such amendment the fact that the Collector has detained the commodities. Any amendment obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

(2) *Prior exportation without a license.* No request for amendment to an export license shall be submitted to the Office of Export Control covering a shipment that is already laden aboard the exporting carrier or exported. In such cases where the shipment should have been authorized by a validated license, or amendment thereto, the exporter should send a letter or wire to the U.S. Department of Commerce, Office of Export Control, Investigations Division (Attn: 8570), Washington, D.C., 20230, explaining why a validated license (or amendment thereto) was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the amendment request (Form IA-763). The Office of Export Control will inform the exporter of its action and instructions to him in the matter by letter. Any amendment covering such a shipment obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

*Note:* See § 372.8 of this chapter and § 380.4 (c), (d), and (e) with respect to license applications and extensions of validity periods of licenses to authorize shipments described in this paragraph (1).

(j) *Price amendments*—(1) *Time for submission.* Request for amendment of a license to effect a change in price may be submitted at any time during the validity period of the license.

(2) *Necessary amendments to show price changes.* Except under the conditions described in subdivision (ii), (a), (b), and (c) of this subparagraph, an export license shall be amended for:

(i) Any upward change in unit price or total value shown on the license, if the commodity is licensed by dollar value (those commodities on the Commodity Control List (§ 399.1 of this chapter) which do not show a specific unit of quantity are licensed by dollar value); or

(ii) An upward change in unit price or total value in excess of 25 percent beyond that shown on the license, if the commodity is licensed in units other than dollar value:

(a) Where the licensee avails himself of permissible shipping tolerances (see § 379.2(h) of this chapter). In such cases, the total value for the commodity shown on the Shipper's Export Declaration may exceed the total value shown on the license to the extent set forth in § 379.2(h) of this chapter. However, the unit value shown on the license may not be increased, except in accordance with this subdivision (ii).

(b) Where a price increase can be justified before the Collector of Customs on the basis of changes in point of delivery, port of exit, or as a result of transportation costs, drayage, port charges, warehousing, etc.

(c) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license.

(3) *Additional price changes for which amendments are not required.* An export license need not be amended to show a change in unit or total value where the change involves a reduction in prices: *Provided,* That when commodities are licensed in quantities determined only by dollar value indicated on the license, the value shown on the Declaration shall not exceed the total value shown on the license, except as described in subparagraph (2) of this paragraph. Shipments against such licenses will be charged in terms of dollars as shown on the declaration.

*Note:* When commodities are licensed in quantities determined only by the dollar value indicated on the license, price increases, transportation, warehousing and other similar charges, occurring between the date of validation of the license and the date of the Declaration may have the effect of reducing the physical quantity which may be exported.

(k) *License covered by an Import Certificate, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate.* A request for an amendment of an export license covering a commodity subject to the Import Certificate procedure (§ 373.2 of this chapter), the Swiss Blue Import Certificate procedure (§ 373.67 of this chapter), or the Yugoslav End-Use Certificate procedure (§ 373.70 of this chapter), which proposes a change in any party to the transaction named on the license or any increase in the net quantity set forth on the license, shall be accompanied by a new or appropriately amended document if the proposed amendment is not in accordance with the document previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted document, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license (number) -----, if granted, will not exceed the total quantity authorized under the (Name of country)

(Import certificate) (End-Use certificate) (Import license) (number) -----

(1) *Licenses covered by consignee statements.* (1) A new Consignee/Purchaser Statement Form FC-842 or Form FC-843, shall accompany a request for an amendment of an export license which proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Office of Export Control.

(2) A new Form FC-842, Single Transaction Statement by Consignee and Purchaser, or a letter, wire or cable from the ultimate consignee and purchaser, if applicable confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Form FC-842, Single Transaction Statement by Consignee and Purchaser, previously submitted to the Office of Export Control. If a proposed quantitative amendment is in accordance with the previously submitted Form FC-842, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number -----, if granted, will not exceed the total covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

Where the export license is based on a Form FC-843, Multiple Transactions Statement by Consignee and Purchaser, an additional Form FC-843 is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be entered on the request for amendment:

I (We) certify that the license(s) described in Item 2(a) is supported by a Multiple Transactions Statement.

### § 380.3 Amendments of pending license applications.

A request for amendment of a pending license application may be submitted at any time. The amendment procedure set forth in § 380.2 of this chapter shall be followed with respect to these requests. The request shall include the applicant's reference number, date of application, commodity, country of destination, the case number if known for the purpose of identifying the application, and reasons for the change.

### § 380.4 Extension of licenses.

(a) *Time for submission of requests.* A licensee may submit a request for extension of the validity period of a license which will expire before shipment can be made, except that a request to extend the validity of a license issued under the emergency clearance procedure set forth in § 372.5(d) of this chapter will not be granted. It is essential that the request for extension be submitted sufficiently in advance of the expiration date to allow the Office of Export Control to send an advice of amend-

ment by regular mail to the licensee and the Collector of Customs holding the license before the license expires. However, except for licenses covering exportations to Country Group W, Y, or Z, or Yugoslavia, where unusual circumstances have made it impossible for the licensee to submit his request for extension before the expiration date, a request for extension will be considered if received within one month after the expiration date shown on the license. The Office of Export Control will not consider for approval any request for extension of the validity period of a license for an exportation to Country Group W, Y, or Z, or Yugoslavia, unless it is submitted prior to the expiration of the license. If a license does not qualify for extension under the terms set forth above, a new application for export license shall be submitted in accordance with the procedure described in paragraph (d) of this section.

(b) *Procedure and justification for requesting extension.* A request for extension of the validity period of a license must be submitted in the same manner as a request for amendment of a license, as provided in § 380.2(g), and shall be accompanied by the expiring license unless it has been filed with a Collector of Customs. Where the license has been deposited with a Collector, notification of the filing of such request shall be given to the Collector with whom the license has been deposited. Where the expiring license does not accompany the request for extension, the applicant shall also include the following information on the face of Form IA-763 Request for and Notice of Amendment Action:

(1) In the space entitled "Facts Necessitating Amendments" state why shipment was not or will not be made before the expiration date of the license and all circumstances which will assure that shipment can be effected during the extended validity period requested. If partial shipment has been made, indicate quantity and value.

(2) In the space entitled "Amend License to Read as Follows", state whether the license has been previously extended. If so, give date(s) and duration of such extension(s), and office (Office of Export Control or field office) which approved the extension(s).

The foregoing information shall also be included when request for extension is submitted by telegram where an emergency exists, as provided under § 380.2(g)(4).

(c) *Length of extension.* Generally, the length of time for which an export license will be extended will be limited as follows:

(1) No single extension shall be granted for a length of time greater than the validity period set forth on the license.

(2) The total length of all extensions granted for any one license will not be more than one year beyond the expiration date of the validity period shown on the license. For example, if a license is originally valid for six months, extensions may be granted which total up to twelve months beyond the original expiration date, but no one of these extensions will be for more than six months.

A license originally valid for one year may be extended for one year in total, and the one-year extension may be granted in a single extension action or in two or more extension actions.

(d) *New license application to replace expiring or expired license.* Where an application is submitted for a new license to replace an expiring or expired license, (1) indicate on the new application that it is being submitted to replace (expiring) (expired) export license bearing case number (insert number), and (2) submit new documentation in the following circumstances: (i) If current regulations require the application to be supported by a consignee/purchaser statement, a new consignee/purchaser statement must be furnished unless a current Multiple Transactions Statement by Consignee and Purchaser is on file in the Office of Export Control; (ii) if current regulations require the application to be supported by any document which was not submitted with the application upon which the expiring or expired license was based, this document must be furnished; and (iii) if the Office of Export Control requests the applicant to furnish a specific document.

**NOTE:** If granted, the extension will be made in the same manner as other amendments. (See § 380.2(h)). When a Collector who is holding an expiring license is notified that a request for extension of the license has been filed in accordance with the foregoing provisions, the Collector will hold the license for an additional 30 days after the original expiring date. If the approved extension has not been received within 30 days, the Collector will return the license to the Office of Export Control.

(e) *Disclosure of prior action on the shipment.* The provisions of § 380.2(i) with respect to disclosure of prior action on the shipment in the case of a request for amendment to a license shall apply equally to a request for extension of the validity period of a license.

## PART 381—ENFORCEMENT PROVISIONS

Sec.	
381.1	Sanctions.
381.2	Causing, aiding, and abetting a violation.
381.3	Solicitation, attempt, and conspiracy.
381.4	Acting with knowledge of a violation.
381.5	Misrepresentation and concealment of facts.
381.6	Exportation, diversion, reexportation, transshipment.
381.7	Licensee accountable for use of license.
381.8	Unauthorized use and alterations of export control documents.
381.9	Trafficking and advertising export control documents.
381.10	Transactions with persons subject to denial orders.
381.11	Record keeping.

**AUTHORITY:** The provisions of this Part 381 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

### § 381.1 Sanctions.

(a) *Criminal*—(1) *Violation of Export Control Act.* Any person who violates the Export Control Law or any order, regulation, or license issued thereunder

is punishable for each violation by a fine of not more than \$10,000 or by imprisonment for not more than one year, or both. For a second or subsequent offense, the violator is punishable by a fine of not more than three times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment for not more than five years, or both. In addition, a person who willfully exports any commodities or technical data contrary to any provision of the Law or any regulation, order, or license issued thereunder, with the knowledge that such exports will be used for the benefit of any Communist-dominated nation, is punishable by a fine of not more than five times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment for not more than five years, or both.

(2) *Violations of False Statements Act.* The submission of false or misleading information or the concealment of material facts, whether in connection with license applications, Shipper's Export Declarations, investigations, compliance proceedings, appeals, or otherwise, is punishable also under other laws by fine of not more than \$10,000, or by imprisonment for not more than five years, or both, for each violation.

(b) *Administrative*—(1) *Denial of export privileges.* A violator of any law, order, regulation, or license relating to export controls is subject also to administrative action which may result in suspension, revocation, and denial of export privileges under the Export Control Law, and to exclusion from practice before the Bureau of International Commerce.<sup>1</sup>

(2) *Seizure.* In addition, commodities or technical data attempted to be, or being, or intended to be, or which have been, exported or shipped from or taken out of the United States in violation of the Export Control Law or of any proclamation, order, rule, regulation, or license issued thereunder are subject to seizure and forfeiture, as are the vessels, vehicles, and aircraft carrying such commodities or technical data.

### § 381.2 Causing, aiding, and abetting a violation.

No person may knowingly cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by, the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

### § 381.3 Solicitation, attempt, and conspiracy.

(a) *Solicitation and attempt.* No person may do any act which solicits the commission of, or which constitutes an attempt to bring about, a violation of the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

(b) *Conspiracy.* No person may conspire or act in concert with one or more persons in any manner or for any pur-

<sup>1</sup> See Part 382 of this chapter, "Denial of Export Privileges," and § 384.2(a) of this chapter, "Exclusion of Persons Guilty of Unethical Conduct or Not Possessing Required Integrity and Ethical Standards."

pose to bring about or to do any act which constitutes a violation of the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

**§ 381.4 Acting with knowledge of a violation.**

No person may order, buy, receive, conceal, store, use, sell, dispose of, transport, finance, forward, or otherwise service, in whole or in part, any commodity or technical data exported or to be exported from the United States, or which is otherwise subject to the Export Regulations with knowledge that a violation of the Export Control Law or any proclamation, order, rule, regulation, or license has occurred, is about to, or is intended to occur with respect to the whole or any part of such transaction.

**§ 381.5 Misrepresentation and concealment of facts.**

(a) *Representations and concealments.* No person may make, any false or misleading representation, statement, or certification, or falsify or conceal any material fact, whether directly to the Office of Export Control, any Collector of Customs, or an official of any other United States agency, or indirectly to any of the foregoing through any other person or foreign government agency or official:

(1) In the course of an investigation or other action instituted under the authority of the Export Control Act of 1949, as amended;

(2) In connection with the preparation, submission, issuance, use, or maintenance of any export control document<sup>2</sup> or document relating thereto; or

(3) For the purpose of or in connection with effecting an exportation from the United States, or the reexportation, transshipment, or diversion of any such exportation.

(b) *Scope.* All representations, statements, and certifications shall be deemed to constitute representations, statements and certifications made to, and material facts concealed from, the Office of Export Control and the Bureau of Customs with respect to matters within the jurisdiction of these agencies under the statutes, proclamations, Executive Orders, and regulations relating to export control and orders or licenses issued or established thereunder.

(c) *Representations to be continuing in effect; Notification.* All representations, statements, and certifications made by any person are deemed to be continuing in effect. Every person who has made any representation, statement, or certification must notify in writing

<sup>2</sup> See § 370.1(n) of this chapter for definition of export control document.

the Office of Export Control of any change of any material fact or intention from that previously represented, stated, or certified. Such notification shall be made immediately upon receipt of any information which would lead a reasonably prudent person to believe that a change of material fact or intention has occurred or may occur in the future.

**§ 381.6 Exportation, diversion, reexportation, transshipment.**

Except as specifically authorized by the Office of Export Control, no person may knowingly export, dispose of, divert, transship, or reexport commodities or technical data to any person or destination or for any use in violation of or contrary to the terms, provisions, or conditions of any export control document, any prior representation, any form of notification or prohibition against such action, or any provision of the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

**§ 381.7 Licensee accountable for use of license.**

The applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license. He may not, without prior written approval of the Office of Export Control, permit any other person to facilitate or effect the exportation of any commodity or technical data described in the license, except under his direction and responsibility as his true agent in fact, regardless of the terms of sale or exportation or other agreement between him or the order party and the purchaser or ultimate consignee of such commodity or technical data.

**§ 381.8 Unauthorized use and alterations of export control documents.**

Except as otherwise specifically authorized in the Export Regulations or in writing by the Office of Export Control, no person, whether or not the licensee, may obtain, use, alter, or assist in or permit the use or alteration of, any export control document, for the purpose of or in connection with facilitating or effecting any exportation or reexportation other than that set forth in such document or except in accordance with all the terms, provisions, and conditions thereof.

**§ 381.9 Trafficking and advertising export control documents.**

(a) *Unlawful practices.* No person, without prior written approval of the Office of Export Control, may do any of the following with respect to any exportation or reexportation under any export control document:

(1) *Transfers or changes of authority.* Effect any transfer of, or other change of the authority granted in, such document, whether by sale, grant, gift, loan or otherwise, to any person; or permit any person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or, if such person is not the licensee, to receive or accept a transfer or other change of the authority granted in, or otherwise use, an export control document, except for the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* Effect any change of, substitution for, or addition to, the parties named in an export control document; or transfer, obtain, purchase, or create any interest or participation in the transaction described in any export control document.

(3) *Unlawful advertising or soliciting.* Offer or solicit by advertisement, circular, or other communication any transfer or change of an export control document or any interest therein hereinabove prohibited. Such communication shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Office of Export Control of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, in offering or soliciting the sale for exportation of any commodities or technical data, the communication indicates that the proposed seller of such commodities or technical data holds or will furnish a license or other export control document for the exportation of such commodities or technical data;

(iii) Where, in offering or soliciting the purchase for exportation of any commodities or technical data, such communication is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export control document for the exportation of such commodities or technical data.

(4) *Other unlawful practices.* Sections 381.7, 381.8 and this § 381.9, among other things, make it unlawful:

(i) For a licensee or other person holding an export control document to sell or to offer to sell, or for any person to purchase or to offer to purchase, the commodities or technical data described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect exportation of the said commodities or technical data;

(ii) For any person to effect exportation of the commodities described in subdivision (i) of this subparagraph for the

benefit of or "for the account" of any person other than the licensee, regardless of the device, means, or fiction employed;

(iii) For the licensee fictitiously to act as principal or agent of another person who actually is effecting the exportation, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose; or

(iv) For the named consignee to act "for the account" of a new unlicensed consignee.

Where a licensed transaction has failed of accomplishment for any reason, the license may not, without special authorization of the Office of Export Control, be used for any other transaction. Changes of consignors and consignees will be permitted only under the strict provisions of the Export Regulations.

(b) *Transfer of dock receipts, bills of lading, or liens*—(1) *Use of certain export control documents.* Paragraph (a) of this section is not to be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license, or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or technical data or documents in the course of financing, warehousing, forwarding, or transporting commodities or technical data.

(2) *Disposition of exportation.* Where the person entitled to the foreclosure of any lien or other security title or interest, or where the exercise of any rights by the holder of the lien or other security title or interest, contemplates an exportation under the license by someone other than the licensee, or to someone other than the purchaser or ultimate consignee designated in the license, such person must apply for a new license or for an amendment in accordance with the provisions of Part 380 of this chapter.

**§ 381.10 Transactions with persons subject to denial orders.**

(a) *Prohibited activities.* Without prior disclosure of the facts to, and specific authorization of the Office of Export Control, no person, with knowledge that another person is then subject to an order revoking or denying his export privileges or is then excluded from practice before the Office of Export Control, directly or indirectly, in any manner or capacity:

(1) May apply for, obtain, or use any license, Shipper's Export Declaration, Bill of Lading, or other export control document relating to an exportation or reexportation of commodities or technical data by, to, or for such person denied export privileges; or

(2) May order, buy, receive, use, sell, deliver, store, dispose of, forward, trans-

port, finance, or otherwise service or participate in, any transaction which may involve any commodity or technical data exported or to be exported from the United States, or which is otherwise subject to the Export Regulations, whereby such person denied export privileges may obtain any benefit therefrom or have any interest therein, directly or indirectly.

(b) *Definition of "person denied export privileges"*. For the purpose of this § 381.10, the term "person denied export privileges" is defined to include:

(1) Any person, firm, corporation, or other business organization whose export privileges are revoked or denied by any order of the Office of Export Control or who is excluded by such order from practice before the Bureau of International Commerce; and

(2) Any other person, firm, corporation, or other business organization also denied export privileges or excluded from practice before the Bureau of International Commerce because of his or its relationship to such person denied export privileges through affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services during the period of such order, and whether or not named in such order.

(c) *Applicability of orders.* Orders of the Office of Export Control which revoke or deny the export privileges of any person or which exclude any person from practice before the Bureau of International Commerce provide that the terms and prohibitions of such orders apply not only to the persons expressly named therein but also, for the purpose of preventing evasion, to any other person, firm, corporation, or other business organization with which such person may then or thereafter (during the term of the order) be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services. See §§ 382.1 and 384.2 of this chapter, and § 382.51 *Supplement 1, Table of denial and probation orders currently in effect.* This table contains orders issued by the Office of Export Control which currently deny export privileges and/or place the person or firm on probation. This list contains the names and addresses of such persons, the effective and expiration dates of the orders, a brief summary of the export privileges affected, and the citations to the volumes and pages of the **FEDERAL REGISTER** where complete texts of the orders are published. The publication of such orders in the **FEDERAL REGISTER** constitutes legal notice of the terms thereof to all persons.

**§ 381.11 Record keeping.**

(a) *Transactions subject to this section.* This § 381.11 applies to transactions involving exportations of commodi-

ties or technical data from the United States and any known reexportations, transshipments, or diversions of commodities or technical data originally exported from the United States, regardless of whether the exportation or reexportation is made, or proposed to be made, by any person with or without authorization by a validated license, a general license, or any other export authorization. It includes all negotiations connected with such transactions, except that a mere preliminary inquiry or offer to do business and negative response thereto shall not constitute negotiations, unless the inquiry or offer to do business proposes a transaction which a reasonably prudent exporter would believe likely to lead to a violation of Export Orders or Regulations. It includes as well any exportations to Canada, if, at any stage in the transaction, it appears that a person in a country other than the United States or Canada has an interest therein or that the commodity or technical data involved is to be reexported, transshipped, or diverted from Canada to another foreign country.

(b) *Persons subject to this section.* Any person in the United States who, as principal or agent (including a forwarding agent), participates in any transaction described in paragraph (a) of this section, and any person in the United States or abroad who is required to make and keep records pursuant to any provisions of the Export Regulations, shall keep all the records described in paragraph (c) of this section which are made or obtained by such person, and shall produce them in the manner provided in paragraph (f) of this section.

(c) *Records to be kept.* The records to be kept pursuant to this § 381.11 shall include memoranda, notes, correspondence, books, export control documents, and other written matter pertaining to the transactions described in paragraph (a) of this section, which may be made or obtained by a person described in paragraph (b) of this section. In addition to the records required to be kept by this § 381.11, the provisions of §§ 368.1, 371.8, 372.4, 372.9, 373.3, 373.4, 373.51, 376.3, 377.3, 379.10, and 380.1 of the Export Regulations require certain records to be made and kept by persons in the United States or abroad in connection with export transactions. The revocation or revision of any such provision of the Export Regulations which requires the making and keeping of records shall not be retroactive in effect unless specifically provided and shall not affect the original requirement to keep such records for the prescribed period.

(d) *Reproduction of records*—(1) *Definition.* "Reproduction" for the purpose of this paragraph (d) is defined to include any photographic, photostatic,

microfilm, miniature photographic or other process which accurately and durably reproduces the original record.

(2) *Use of reproductions.* Reproductions may be substituted for original documents with respect to all categories of records required to be retained under any provision of the Export Regulations or of any order, provided that all of the following conditions are met;

(i) Reproductions may not be substituted for any category of records until twelve months after the beginning of the retention period set forth in paragraph (e) of this section;

(ii) All significant information, marks, and/or other characteristics on the original document must be clearly visible and legibly reproduced; and

(iii) Appropriate facilities must be provided and maintained for the preservation of the reproduced records during the retention period and for the ready location and inspection of the records, including a projector for viewing films if needed.

(e) *Period of retention.* Records required to be kept under this § 381.11 shall be kept for a period of three years from, whichever is later, the time of:

(1) The exportation from the United States; or

(2) Any known reexportation, transshipment, or diversion; or

(3) Any other termination of the transaction, whether formally in writing or by any other means.

(f) *Production and inspection of records.* Every person, whether in the United States or abroad, required to keep records by any provision of the Export Regulations or of any Order shall produce all records or reproductions of records (see paragraph (d) of this section) required to be kept, and make them available for inspection and copying upon request by any authorized agent, official, or employee of the Bureau of International Commerce, the Bureau of Customs, or a United States Foreign Service post, or by any other accredited representative of the United States Government, without any charge or expense to such agent, official or employee.

## PART 382—DENIAL OF EXPORT PRIVILEGES

Sec.	
382.1	Denial of export privileges.
382.2	Compliance Commissioners.
382.3	Institution of administrative proceedings.
382.4	Default.
382.5	Answer and demand for oral hearing.
382.6	Subpoenas and interrogatories.
382.7	Hearings.
382.8	Proceedings before and report of Compliance Commissioner.
382.9	Disposition of proceeding.
382.10	Consent orders.
382.11	Temporary denials.

Sec.	
382.12	Rehearings.
382.13	Appeals.
382.14	Proceedings confidential.
382.15	Indefinite denials.
382.16	Orders containing probationary periods.
382.17	Extension of time.
382.18	Publication of orders.
382.51	Supplement 1; Table of denial and probation orders currently in effect.

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### § 382.1 Denial of export privileges.

(a) *Administrative sanctions.*<sup>1</sup> Any person (respondent) who contravenes or violates any law, order, regulation, license, or other reexportation authorization relating to export control is subject to the following administrative actions:

(1) *Revocation of validated export licenses.* Any or all outstanding validated export licenses concerned with or affecting any transaction in which such respondent may have any interest, direct or indirect, may be revoked and ordered returned forthwith to the Office of Export Control.

(2) *General denial of export privileges.* Such respondent may be denied the 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 which are otherwise subject to the Export Regulations. Without limitation of the generality of such denial of export privileges, participation prohibited in any such transaction either in the United States or abroad may be deemed to include:

(i) Participation as a party or as a representative of a party to any validated export license application;

(ii) Participation in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith;

(iii) Participation in the obtaining or using of any validated or general export license or other export control documents;

(iv) Participation 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; and

(v) Participation in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

<sup>1</sup> See § 370.4 of this chapter regarding the unauthorized disposition of foreign excess personal property purchased from the United States Armed Forces in foreign countries.

(3) *Exclusion from practice.* Such respondent may be excluded from practice before the Bureau of International Commerce.

(b) *Applicability to related persons.* Any order denying export privileges or excluding persons from practice before the Bureau of International Commerce may be made applicable not only to persons named therein but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. In addition, the order may contain the substance of § 381.10 of this chapter.

(c) *Definition of law or regulation relating to export control.* Any statute, proclamation, executive order, regulation, rule, license, or order applicable to any conduct involving an export transaction shall be deemed to be a "law or regulation relating to export control."

NOTE: This procedure in no way restricts the present practice of referring appropriate cases to the Department of Justice for criminal prosecution. Violations of Export Regulations not only may result in denial of export privileges but also are punishable by a fine or imprisonment as described in § 381.1 of this chapter. Violations may result also in seizure and forfeiture of property under Title 22, U.S.C.A. 401.

### § 382.2 Compliance Commissioners.

The Director of the Bureau of International Commerce will designate one or more persons to act as Compliance Commissioners, who shall have the powers and duties provided herein. Compliance Commissioners shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions.

### § 382.3 Institution of administrative proceedings.

(a) *Charging letters.* The Investigations Division, Office of Export Control, with the approval of the Office of the General Counsel, may initiate proceedings for the denial of export privileges or privileges of practice to any person who it has reason to believe has violated any law or regulation relating to export control. Such proceedings are initiated by service of a charging letter. The charging letter shall allege the essential facts constituting the specific violations charged including reference to the particular regulatory or other provisions alleged to have been violated, and shall give notice that, if the respondent is found to have committed the alleged violations, his export privileges may be denied. The charging letter shall inform the respondent that he is required

to answer the allegations therein contained, as provided in § 382.5, and that if he fails to answer as so provided he will be in default and the allegations will be deemed admitted. It shall also inform the respondent that he is entitled to an oral hearing provided that he files written demand therefor, together with or within seven days after service of his answer, and that he may, if he so desires, be represented by counsel of his own choosing. Charging letters may be amended from time to time, upon reasonable notice.

(b) *Service.* A charging letter shall be deemed served upon a respondent: (1) If he is a resident of the United States, when mailed in a wrapper addressed to him at his last known address, or when left with him or his agent or employee, or when left at his dwelling with some person of suitable age and discretion then residing therein; or (2) if he is a non-resident of the United States, when served upon him by any of the foregoing means, or if such method of service is not practicable or appropriate by reason of arrangements or understandings between the United States Government and the Government of the country wherein the respondent resides, when it is tendered for service upon him to an official of the Government of the country wherein the respondent resides.

#### § 382.4 Default.

(a) *Failure to answer.* If the respondent fails to file an answer to the charging letter in the manner or within the time prescribed in § 382.5, he shall be held in default and the case shall be referred forthwith to the Compliance Commissioner who shall consider the same in such manner and upon such evidence as he may decide is appropriate. Any order thereafter issued shall have the same effect as an order issued following the disposition of contested charges.

(b) *Application to set aside defaults.* Any respondent against whom an order has been issued upon his default may apply, upon good cause shown, together with evidentiary data in support thereof, to set aside his default and vacate the order entered thereon. Such application shall be duly sworn before an officer qualified to take oaths and shall be submitted in duplicate to the U.S. Department of Commerce, Director, Office of Export Control, Washington, D.C., 20230, who shall then refer it to the Compliance Commissioner for consideration and recommendation as to what disposition thereof ought to be made. The Compliance Commissioner shall consider the application and may, if he so decides, require the respondent to attend a hearing or submit further evidence in support of his request. The filing of an application to set aside a default does not in any manner affect an order entered upon default and such order con-

tinues in full force and effect unless a further order is made modifying or terminating it.

#### § 382.5 Answer and demand for oral hearing.

(a) *When to answer.* The respondent shall answer the allegations of the charging letter within 30 days after service of the charging letter upon him.

(b) *Contents of answer.* An answer shall be responsive to the charging letter and shall fully and completely set forth the nature of the respondent's defense or defenses. In addition, it shall, by separate paragraphs, admit or deny specifically and in detail each and every separate allegation of the charging letter, unless the respondent is without knowledge, in which case, his answer shall so state and the statement shall operate as a denial. A failure to deny or controvert any particular allegation shall be deemed an admission thereof. The respondent may, in his answer, set forth such additional or new matter as he may regard as supporting a defense to or claim of mitigation of the charges. Any defenses or partial defenses not specifically set forth in an answer shall be deemed waived, and evidence offered thereon by the respondent at a hearing may be refused unless good cause be shown for its receipt. If the respondent does not demand an oral hearing, he shall transmit, within 7 days after the service of his answer, original or photocopies of all correspondence, papers, records, affidavits, and other documentary or written evidence having any bearing upon or connection with the matters in issue and, if any such materials be in a language other than the English language, translations thereof into English shall be submitted at the same time.

(c) *Submission of answer.* The answer, written demand for oral hearing, and supporting evidence required by paragraph (b) of this section shall be in duplicate and mailed or delivered to the U.S. Department of Commerce, Bureau of International Commerce, Compliance Commissioner, Washington, D.C., 20230.

#### § 382.6 Subpoenas and interrogatories.

(a) *Subpoenas.* At the request of any party to a proceeding before him, the Compliance Commissioner may issue subpoenas, returnable before him, requiring the attendance of witnesses and the production of books, records, or other documentary or physical evidence determined by the Compliance Commissioner to be relevant and material to the proceedings, reasonable in scope, and properly obtainable by subpoena.

(b) *Interrogatories and requests for admissions of facts.* In any compliance proceeding, the Investigations Division, Office of Export Control, or the Compliance Commissioner may serve on any respondent or his attorney interroga-

tories or requests for admissions of facts, and if, without good cause being shown, there is a failure or refusal to respond to the questions or requests for admissions, the Compliance Commissioner, on his own motion or motion of the Investigations Division, and upon such notice to the respondent as the Compliance Commissioner may direct, may strike respondent's answer and declare him in default, or make any other ruling which he deems necessary and just under the circumstances. Interrogatories and requests may be served in the same manner as provided in § 382.3(b) for service of a charging letter.

#### § 382.7 Hearings.

(a) A respondent who has not filed a written answer is not entitled to a hearing, and the case against him in such instance shall be considered by the Compliance Commissioner as provided in § 382.4(a). If an answer has been filed and no oral hearing has been demanded, the same shall be deemed waived, and the Compliance Commissioner shall proceed to consider the case upon all the pleadings and evidence available and shall provide for the making of the record in such manner as he deems appropriate. If an answer has been duly filed and an oral hearing has been demanded, the Compliance Commissioner shall set the case for such hearing, and due notice thereof shall be given to the respondent or his attorney. A respondent is not entitled to notice of hearing unless he has answered, raised issues to be determined as provided in § 382.5 and has made demand for hearing. If neither the respondent nor anyone on his behalf shall attend a hearing which has been set after due notice given the hearing shall nevertheless proceed in his absence, and such absence shall not affect the validity of the hearing or any proceedings or action thereafter.

(b) Hearings shall be conducted by the Compliance Commissioner in a fair and impartial manner. The rules of evidence prevailing in courts of law shall not apply, but all evidentiary material relevant and material to the inquiry shall be received and given appropriate weight.

(c) Because the Export Control Act of 1949, as amended, is concerned with national security and foreign policy, relevant and material evidentiary materials bearing on the enforcement of the Act, whether classified or not, must be considered by those making decisions in proceedings under the Export Regulations. Diligent effort shall be made, however, to declassify such classified materials or to secure unclassified summaries of or extracts from such classified materials, when not contrary to any statute or security regulation. Whenever an unclassified summary or extract of classified evidentiary materials shall be

offered, the Compliance Commissioner shall compare it with the related classified materials. If he finds that the summary or extract is supported by the classified materials and omits only so much as remains classified, he may, subject to the right of the respondent to object on grounds of relevancy and materiality, admit the unclassified summary or extract as part of the open record, to the extent he deems said summary or extract relevant and material. Thereafter, the respondent may submit evidence in explanation or contradiction thereof. In no case shall the respondent or his attorney be entitled to inspect the classified materials.

(d) The Compliance Commissioner may administer oaths and affirmations. Respondent may be represented by counsel but need not be. The proceeding shall be taken by a reporter, transcribed, and filed with the Compliance Commissioner. Respondents shall have an opportunity to examine the transcript and to obtain a copy upon payment of proper costs.

#### § 382.8 Proceedings before and report of compliance commissioner.

(a) In any situation for which the regulations in this part make no provision, the Compliance Commissioner may, in his discretion, conform the proceedings before him to the Federal Rules of Civil Procedure.

(b) The Compliance Commissioner shall consider the record and shall prepare a written report which shall include findings of fact, including a finding whether or not a violation has occurred, and recommendations. The report, transcript, and exhibits shall be transmitted to the Director, Office of Export Control, Bureau of International Commerce.

#### § 382.9 Disposition of proceeding.

If the Compliance Commissioner finds that the evidence is not sufficient to justify the conclusion that a violation has been committed, the Director, Office of Export Control, shall enter an order dismissing the charges. If the Compliance Commissioner finds that a violation has been committed, his recommendation shall be advisory only, and the Director, Office of Export Control, shall review the record, consider the report of the Compliance Commissioner, and determine the disposition of the case. He may then issue an order denying the respondent's export privileges, as provided in § 382.1, or take such other action as he deems appropriate. Any order issued shall be effective for such period of time and shall contain such additional terms and conditions as may be deemed appropriate and prescribed therein. A copy of the order together with a copy of the Compliance Commissioner's report shall be served upon the respondent, in the same manner as provided in § 382.3(b) for

service of a charging letter, or upon his attorney.

#### § 382.10 Consent orders.

The Investigations Division, Office of Export Control, and the respondent may, after transmission of a charging letter, by agreement submit to the Compliance Commissioner a proposal for the issuance of a consent order. The Compliance Commissioner shall review the facts of the case and the proposal and, for this purpose, may conduct informal conferences with the parties and may require the informal presentation before him of the evidence in the case. If he does not approve the proposal, he shall so notify the respondent or his attorney and the Investigations Division, and the case shall proceed to hearing. If he approves the proposal, he shall report the facts of the case with his recommendations to the Director, Office of Export Control. The Director, Office of Export Control, may reject the proposal, in which event the case will proceed to hearing, or he may accept the proposal and issue an appropriate order.

#### § 382.11 Temporary denials.

(a) *Denial within charging letter.* A charging letter from and after the date of its issuance may deny to any respondent the privileges of participating directly or indirectly in any manner or capacity in any transaction involving commodities or technical data in whole or in part exported or to be exported from the United States to any foreign destination pursuant to any validated export license. The charging letter may also suspend or revoke and require the return for cancellation of outstanding validated licenses, but shall not otherwise deny export privileges to the respondent. Such latter privileges, however, may be denied as provided in paragraph (b) of this section.

(b) *Temporary denial orders—(1) Grounds for issuance.* Any person who is under investigation, or against whom administrative or judicial proceedings are pending, for violation of any law or regulation relating to export control, may be summarily denied export privileges, as set forth in § 382.1, without prior notice or opportunity for hearing, where and to the extent such denial of export privileges is found reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings. Such a temporary denial order shall be issued only for such limited time, ordinarily not exceeding 30 days, as may be required to complete the investigation or the proceedings, but may, on a showing of need for additional time, be extended in the same manner as originally issued.

(2) *Procedure for issuance.* An application for such a temporary denial order shall be made by the Investigations

Division, Office of Export Control, to the Compliance Commissioner and shall include a brief recital of the facts of the case and a statement of the grounds for the application and the nature of the order sought. The Compliance Commissioner shall review the application and for this purpose may require informal presentation of evidence before him. If he does not approve the application, he shall so notify the Investigations Division by memorandum, and no further action shall be taken upon it. If he approves it in whole or in part, he shall send his recommendation, together with the application and accompanying documents, to the Director, Office of Export Control, who may issue such temporary denial order as he shall deem appropriate. A copy of the order shall be sent to the respondent in the same manner as provided in § 382.3(b) for service upon him of a charging letter.

(c) *Motions to vacate or modify—(1) Motion to vacate.* The respondent may at any time move to vacate or modify any temporary denial of export privileges contained in any charging letter or order. Any such motion shall be filed with the Compliance Commissioner and an oral hearing thereon, if requested, shall be held before the Compliance Commissioner at the earliest convenient date. The Compliance Commissioner shall consider the evidence presented and shall submit his report and recommendations thereon to the Director, Office of Export Control. The latter may issue such order disposing of the motion as he deems appropriate, and a true copy thereof shall be sent promptly to the respondent or his attorney.

(2) *Continuation and extension.* In any case where no motion is made pursuant to subparagraph (1) of this paragraph to vacate or modify a temporary denial, or where, if such motion is made, substantial evidence is not presented to support the granting thereof in whole or in part, such denial or any modification thereof may be continued and extended to and including completion of the proceedings.

(d) *Deferment of action on license applications otherwise prohibited.* Except for the particular application or license which is itself the basis of any investigation or proceeding, and except pursuant to paragraph (a) of this section, no export license application filed by any person shall be returned without action, held without action, or rejected, solely because such person is under investigation, or that proceedings against him are pending, otherwise than in accordance with the terms of a temporary denial order issued under paragraph (b) of this section.

#### § 382.12 Rehearings.

The Compliance Commissioner may, upon written request, grant a rehearing



or reopen a proceeding at any time for the purpose of hearing any relevant and material evidence which was not known or which was unobtainable at the time of the original hearing. The request for rehearing or reopening shall contain a summary of such evidence, the reasons why it is deemed relevant and material, and the reasons why it could not have been presented at the original hearing. The Compliance Commissioner shall give prompt notice of the time and place of any further hearing, if one is held, and shall conduct such hearing and submit his report and recommendations thereon to the Director, Office of Export Control, for final action in the same manner as provided for the original proceeding as described in § 382.9.

#### § 382.13 Appeals.

(a) *Grounds and conditions for appeal.* (1) The respondent may appeal from a denial of export privileges upon the ground (i) that the findings of violation are not supported by any substantial evidence, (ii) that prejudicial error of law was committed, or (iii) that the provisions of the order are arbitrary, capricious, or an abuse of discretion. The appeal must specify upon which of these grounds the appeal is based and must indicate from which provisions of the order the appeal is taken.

(2) An appeal from a denial upon default, a temporary denial, or an indefinite denial will not be entertained unless and until the respondent has moved unsuccessfully for relief as provided in §§ 382.4(b), 382.11(c), or 382.15 as the case may be.

(b) *Filing of appeals.* An appeal must be in writing and shall be filed with, and addressed to, the U.S. Department of Commerce, Appeals Board, Washington, D.C., 20230. An appeal from a final order denying export privileges shall be filed within 10 days after receipt of a copy of the order. The provisions of Part 383 of the Export Regulations shall govern the procedure and disposition of appeals, except as otherwise provided in this Part 382.

(c) *Matters considered on appeal.* A hearing before the Appeals Board shall not constitute a trial de novo, but the appeal shall be considered upon the basis of the record, consisting of the charging letter, the transcript of the hearing before the Compliance Commissioner, the report of the Compliance Commissioner, the order of the Director, Office of Export Control, and any other relevant documents involved in the proceedings before the Compliance Commissioner. If the respondent has requested and been denied a rehearing or reopening on the basis of new evidence, the Appeals Board may direct that such rehearing or reopening be granted if it finds that such new evidence is relevant and material to the issues and was not known or was not available to the respondent at the

time of the original hearing. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in rules or regulations alleged to have been violated.

(d) *Effect of appeals.* The taking of an appeal shall not stay the operation of any order. The decision of the Appeals Board shall be final and shall be transmitted promptly to the respondent or his attorney.

#### § 382.14 Proceedings confidential.

Compliance proceedings shall be confidential, excepting any orders issued therein. Reports of the Compliance Commissioner and copies of transcripts of hearings shall be available only to parties to the proceedings and, to the extent of their own testimony as contained in transcripts, to witnesses therein. Any such matters may, however, be made available to any government agency having a proper interest therein.

#### § 382.15 Indefinite denials.

(a) Whenever the Office of Export Control finds it impracticable, during the course of an investigation or other proceeding or action, to subpoena a person or his books, records, and other writings, the Office of Export Control may serve upon such person interrogatories, requests for admissions of facts, and requests for the production of books, records, and other writings, as therein specifically set forth. If such person, within 20 days after service thereof, fails or refuses to furnish responsive answers to such interrogatories or requests for admissions, or fails to produce the requested books, records and other writings, without good cause being shown, an order may be issued without prior notice, as provided in § 382.1, denying export privileges to such person. This order shall remain in effect until such person shall respond to the interrogatories or requests or shall give adequate reasons for his failure or refusal to so respond. Such interrogatories or requests may be served in the same manner as provided in § 382.3(b) for service of a charging letter.

(b) The procedure regarding applications for indefinite denial orders and motions to vacate or modify such orders shall conform substantially to that provided for temporary denial orders by § 382.11(b)(2) and (c).

#### § 382.16 Orders containing probationary periods.

(a) *Revocation of probationary periods.* An order denying export privileges to any person may provide a probationary period during which such denial order is held in abeyance for all or part of the denial period provided by the order, subject to conditions set forth therein. With or without notice to any person to be affected thereby, the Di-

rector, Investigations Division, Office of Export Control, may apply to the Compliance Commissioner for an order revoking such probation period upon a charge that the conditions of such probation have been breached. The facts in support of such application shall be presented to the Compliance Commissioner who shall report thereon, and make a recommendation as to the action to be taken, to the Director of the Office of Export Control. The Director of the Office of Export Control shall then determine whether the conditions have been breached and issue such order as he may decide is appropriate.

(b) *Hearing—(1) Objections upon notice.* Any person affected by a notice that an application is being made to revoke a probationary period may, within the time specified in the notice, file with the Compliance Commissioner any objections he may have to the application.

(2) *Objections to order without notice.* Any person affected by an order revoking a probationary period without notice may request that such order be set aside by filing with the Compliance Commissioner his objections thereto. Such request will not stay the effective date of the order of revocation.

(3) *Requirements for filing objection.* Objections shall be filed in writing and in duplicate with the Compliance Commissioner. All denials and admissions, as well as the facts of any mitigating circumstances, which the person affected intends to present shall be set forth in or attached to the letter of objection. All contentions must be supported by evidence. A request for an oral hearing may be made at the time of filing such objections.

(4) *Determination.* The application and any objections thereto shall be referred to the Compliance Commissioner and, if an oral hearing is requested, he shall conduct such hearing at the earliest convenient date. Hereafter he shall report the facts and make a recommendation to the Director of the Office of Export Control, who shall then determine whether the application should be granted or denied. After the Director's determination following either an application on notice for revocation or an application to set aside a revocation, a copy of the order and of the Compliance Commissioner's report shall be sent to any person affected thereby.

(c) *Effect of revocation on other actions.* The revocation of a probationary period shall not preclude any other action concerning a violation upon which such revocation is based.

#### § 382.17 Extension of time.

A respondent may, on good cause being shown, apply to the Compliance Commissioner for additional time within which to prepare and submit his answer to the charging letter or do any other act required by this part.

## § 382.18 Publication of orders.

All orders denying export privileges and all decisions of the Appeals Board in appeals under § 382.13 shall be published in the FEDERAL REGISTER AS SOON as practicable after issuance.

## § 382.51 Supplement 1; table of denial and probation orders currently in effect.

(a) *Contents.* This Table lists orders issued by the Office of Export Control which currently deny export privileges and/or place persons or firms on probation. Orders are published in full in the FEDERAL REGISTER, as cited in the column entitled, "FEDERAL REGISTER Citation."

(1) *Related parties.* Some of the individuals and firms whose names appear in the column entitled, "Name and Address," were not found to have violated any law or regulation, but they have been made subject to denial or probation orders pursuant to § 382.1(b). In such cases, an appropriate note appears in the column entitled, "Export Privileges Affected."

(2) *Probation periods.* The basic order denies export privileges to the party or parties named. In some cases, denial of privileges is a combination of immediately effective denial and probation. In other cases, the entire order may be a conditional probation. Probation is always conditioned upon compliance with the law and regulations during the period of probation and it may be revoked summarily in the event of failure to comply. In the column of this Table headed "Expiration Date," the termination date of the period of actual denial appears, and in the event the order contains a probation period, that fact and its expiration date are shown enclosed in parentheses. During the probation period a party is entitled to all export privileges.

(3) *Intermediate denial orders.* The rules provide for temporary and indefinite orders. In the Table the expiration date of temporary orders is shown as "Until Further Notice"; the expiration date of indefinite orders is shown as "indefinite."

(4) *Proceedings confidential.* Proceedings in compliance cases, except for intermediate and final orders, are confidential.

(5) *Publication of orders.* The transmittal portion of Current Export Bulletins announces additional or amended denial orders as they are issued. However, the Table of Denial and Probation Orders is maintained on a current basis by addenda and is brought up to date alphabetically each quarter, at which time only those persons then affected by outstanding orders are listed, according to the effect of such orders at that time.

(b) *Table of denial and probation orders.*

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Aarsen, H., Meent 93, Rotterdam, Netherlands.	5-24-57	5-24-58 (on probation from 5-25-58 for duration).*		22 F.R. 3765, 5-29-57.
ABC Spare Parts Co., 408 Strand, London, W.C. 2, England.	9-17-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 6515, 6-25-63, 28 F.R. 10432, 9-26-63, 28 F.R. 12591-12592, 11-23-63, 21 F.R. 2852, 5-1-56.
Abel, Alexander, Abel, Friedrich, 50, Rue de Bassano, Paris, France.	4-25-56	Duration	do	21 F.R. 2852, 5-1-56.
Abel, Rudolph, 14, Ave. Pierre Ier de Serbie, Paris, France.	4-25-56	do	do	21 F.R. 2852, 5-1-56.
Abou Hadid Freres, Rue Hamidje—P.O. Box 51, and Souk Nasric, No. 49, Damascus, Syrian Arab Republic.	7-21-59	Indefinite	do	24 F.R. 5946, 7-24-59.
A.C.E. Nominees Ltd., 1 Broad St. Pl., London, E.C. 2, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration).*	(Party related to William Kurt Samuel Wallerstein, which see.)	22 F.R. 1630, 3-14-57, 22 F.R. 2053, 3-29-57, 27 F.R. 2864, 3-29-62, 28 F.R. 189, 1-8-63, 24 F.R. 6379, 8-7-59, 25 F.R. 687, 1-27-60.
African & Eastern Development Co., Ltd., Piccadilly House, Piccadilly Circus, London S.W. 1, England.	12-31-62	(On probation from 12-31-62 to 12-31-65).*	(Party related to Latin American Development Co., Ltd., which see.)	
Agencia Comercial "Progreso" (ACP) (Hsin Chi Yang Hang), 443-445 Alexandra House, P.O. Box 2713, Hong Kong, and 161 Rua do Guimaraes, Macao.	8-4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 6379, 8-7-59.
Agencia Comercial "Progreso" Ltda., 443-445 Alexandra House, P.O. Box 2713, Hong Kong.	8-4-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progreso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Agencia Comercial "Progreso" Ltd., 161 Rua do Guimaraes, Macao.	8-4-59	do	do	24 F.R. 6379, 8-7-59.
Akku, Licht G. Wunsch, Ziegeloffenasse 17, Vienna 5, Austria.	3-24-64	Indefinite	General and validated licenses, all commodities, and destination, also exports to Canada.	29 F.R. 3828, 3-27-64.
Aktien-Gesellschaft für Technische Angelegenheiten, Holzstrasse 49-51, Munich, West Germany.	3-7-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	27 F.R. 2380, 3-13-62.
Alemhik, Abram, 20 Avenue de l'Opera, Paris, France.	10-8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Alfa Electric Co. Ltd., Chancery House, 53/64 Chancery Lane, London, W.C. 2, England.	5-21-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Zemanek & Co., Ltd., which see.)	21 F.R. 3609, 5-26-56.
Allimable, S. A., 205 Rue Americaine Ixelles, Brussels, Belgium.	8-3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bernard Liebermann, which see.)	14 F.R. 4913, 8-9-49.
Allgemeines & Technische Vertriebs Gesellschaft, Eschen, Liechtenstein, and Lausanne, Switzerland.	4-25-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Allimex, 40 Berendrechtstraat, Antwerp, Belgium.	11-22-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Louis Vanderveken, which see.)	26 F.R. 11844, 12-9-61, 27 F.R. 10005, 10-11-62.
Allkor Industrie und Kommerz, Import-Export-Buero, Wien IV, Operngasse 36/5, Vienna, Austria.	12-27-61	do	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 241, 1-9-62.
Allround Establishment Inc., P.O. Box 34,613, Vaduz, Liechtenstein.	6-10-60	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Mairoco Export-Import G.M.B.H. and Emmerich Kuruc, which see.)	25 F.R. 6546, 6-18-60.
Alsemgeest, Adrianos A. C., Rotterdamse Weg 3, Delft, Netherlands.	4-6-59	do	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 2754, 4-9-59.
Alsemgeest, W. & A., N.V. Plomperstraat 24, Rotterdam, Netherlands, and 148 Rotterdamse Weg, Delft, Netherlands.	4-6-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to N. V. Handelsmaatschappij Delft, which see.)	Do.

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Alvarez Gutierrez, Dr. Ramon, Colorado 79, Mexico, D.F., Mexico.	12-19-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 12384, 12-27-61	"Austli", Chemometal Waren-warengesellschaft, Koenigsplatz 11-13, Vienna VI, Austria.	6-23-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 6396, 7-4-62
American British & Canadian Sugar Factories, Ltd., 408 Broad Street, London, W.C. 2, England.	9-17-63	Indefinite	do	28 F.R. 9325, 8-23-63	Austria West Africa Corp., Ltd., Vaduz, Liechtenstein.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)	(Party related to William Kurt Samuel Wallersteiner, which see.)	23 F.R. 1650, 3-14-57
American Hellenic Corp., 17 Battery Pl., New York, N.Y.	10-14-48	Duration	do	28 F.R. 10482, 6-25-63	Austria Westatrica Corp., Ltd., 1 Brichfield Road, Ebute Metta (Lagos), Nigeria.	3-11-57	do	do	22 F.R. 2053, 3-14-57
Amsur Chemical Export Co., 86-25 Rockaway Boulevard, Ozone Park, New York, N.Y.	10-27-64	1-27-65 (on probation from 1-28-65 to 28-65)	General and validated licenses, all commodities, any destination, also commodities not identified by the symbol "B" on the Commodity Control List for shipment to Canada.	28 F.R. 12991-11-23-63	Autos y Relaciones Hidalgo, S.A., Avenida Cutiabauc 146, Mexico D.F. 15, Mexico.	9-10-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 2053, 3-14-57
Anciens Etablissements Hofman, Kortrijkse Steenweg 230, Ghent, Belgium.	2-24-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	13 F.R. 6126, 10-20-48	Avaco, N.V., Groothandelsgebouw, Conradstraat 38, Rotterdam, Netherlands.	12-6-62	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 12885, 9-12-64
Anger, Jean Claude, 7 Place de la Fusterie, Geneva, Switzerland.	5-10-61	do	do	29 F.R. 14757-14759, 10-28-64	B.R.E. Ltd., 3 Clapham Common, North Side, London S.W. 4, England.	8-16-62	3-12-64 (on probation from 3-13-64 for duration)	(Party related to Hans Hangartner, which see.)	27 F.R. 2487, 3-15-62
Anglo-Canadian Cement Co., Ltd., 540 Burrard St., Vancouver, B.C., Canada.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)	(Party related to William Kurt Samuel Wallersteiner, which see.)	23 F.R. 1650, 3-14-57	B. W. Trading Corp., 125 Cedar Street, New York, N.Y.	6-26-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 8150-8151, 6-26-64
Anglo-Canadian Cement Ltd., Marine House, Broad St., Lagos, Nigeria.	3-11-57	do	do	22 F.R. 2053, 3-28-57	Beck, Dr. Alfred, Kommerzesellschaft, m. B. H., Pommersgasse 1, Vienna IV, Austria.	3-12-62	Indefinite	do	24 F.R. 1929, 3-17-59
Anglo-Caribbean Trading Co. (Holding) Ltd., Piccadilly House, Piccadilly Circus, London S.W. 1, England.	12-31-62	(On probation from 12-31-62 to 12-31-69)	(Party related to Latin American Development Co., Ltd., which see.)	27 F.R. 2864, 3-28-62	Bearsway, F. Pfeiffer, Kt. Fr., Bourg, Switzerland.	3-12-62	3-12-64 (on probation from 3-13-64 for duration)	(Party related to Hans Hangartner, which see.)	27 F.R. 2487, 3-15-62
Anglo-Continental Exchange Ltd., 31 Throgmorton St., London, E.C. 3, England.	3-25-57	3-11-60 (on probation from 3-12-60 for duration)	do	28 F.R. 2053, 3-28-57	Balles, George H., Jr., 3938 Castro Valley Blvd., Castro Valley, Cal., U.S.A.	7-30-64	Until further notice	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 2487, 3-15-62
Arco Quiroga, Jose, Huasteco, No. 21, Mexico City, Mexico, and Celaya, Guanajuato, Mexico.	2-21-63	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 1650, 3-14-57	Bakowski Corp., Ltd., 2 Doughty St., London W.C. 2, England.	9-23-58	Indefinite	do	20 F.R. 10018-10019, 7-30-64
Arge Warenhandels-gesellschaft, 6 Thalngasse, Vienna XIX, Austria.	10-3-62	do	do	23 F.R. 1650, 3-14-57	Bakely Distributors, Ltd., 105 Coleborne Ct., London S.W. 5, England.	11-13-59	Duration	do	28 F.R. 2487, 3-15-62
Arbe-Asenturer A/B, Horslagsgatan 6, Stockholm, Sweden.	10-15-62	10-15-64 (on probation from 10-16-64 for duration)	do	28 F.R. 2290, 3-4-63	Bakely Distributors, Ltd., 105 Coleborne Ct., London S.W. 5, England.	11-13-59	do	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 9948, 12-9-58
Arnold, I. K., 27 Cantelupe Road, East Grinstead, Sussex, and 14 D Sleane Ave. Mansions, London S.W. 3, England.	11-13-59	Duration	(Party related to William Kurt Samuel Wallersteiner, which see.)	28 F.R. 9325, 8-23-63	Bakely Distributors, Ltd., 105 Coleborne Ct., London S.W. 5, England.	11-13-59	do	do	24 F.R. 9948, 12-9-58
Arnos A. G., 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)	do	27 F.R. 6926, 10-9-62	Bakely Distributors, Ltd., 105 Coleborne Ct., London S.W. 5, England.	11-13-59	do	do	24 F.R. 9948, 12-9-58
Arreola, Manuel J., doing business as Atlantio Freight Co., 311 Calumet Blvd., Miami 32, Fla.	7-14-61	(On probation from 7-14-61 for duration)	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 6236, 6-18-63	Bakely Distributors, Ltd., 105 Coleborne Ct., London S.W. 5, England.	11-13-59	do	do	24 F.R. 9948, 12-9-58
Arroyo Vasquez, Armando, Poble 44, Apartado Postal 21294, Mexico, D.F., Mexico.	5-3-62	Until further notice	do	27 F.R. 10229, 10-13-62	Banana A/B, Kungsgatan 4A, Stockholm, C. Sweden.	11-23-60	do	do	23 F.R. 12311, 1-26-60
Atlantic Freight Co., 311 Calumet Blvd., Miami 32, Fla.	7-14-61	(On probation from 7-14-61 for duration)	do	24 F.R. 9946, 12-9-58	Banana A/B, Kungsgatan 4A, Stockholm, C. Sweden.	11-23-60	do	do	23 F.R. 12311, 1-26-60
Attijeh-Societe Marocaine pour le Commerce International, 106 Avenue Poymyran, Casablanca, Morocco.	10-3-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to OBEI, which see.)	28 F.R. 9325, 8-23-63	Ban-Ling, Chang, 808 Bank of East Asia Bldg., Hong Kong.	7-10-53	do	do	23 F.R. 6400, 7-16-58

\* Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Barcel Trust, Vadina, Liechtenstein.	4-25-56	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	21 F. R. 2852, 6-1-56.	Bewick, Joseph, doing business as Quebec Insurance Exchange, 1015 Olive Williams, 3019 Terrebonne, Ste. Fox, Quebec, Province of Quebec.	1-20-64	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Dick Zager Swart and Swatson Livet Co., Ltd., which see.)	27 F. R. 10304, 10-20-62, 28 F. R. 4591, 6-7-63.
Bartels, Africain, Barfels, Africainus, Internationale Expedition, 11 West Germany.	3-7-62	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F. R. 2380, 3-13-62.	Reydoun, Insan M., 85-86 London House, Loveday St., P.O.B. 5102, Johannesburg, Republic of South Africa.	4-24-51	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 3671, 4-28-51.
Bau, C. F. & Cie, G. m. b. H., also known as Bau, K. H. & Co., K. 14/25 Hindenburg Street, Offenburg/BW, West Germany.	12-18-56	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1786, 3-19-57.	Bierma, Sipke N., Kellersgracht 702, Amsterdam, Netherlands.	10-28-55	10-28-56 (on condition from 10-28-56 until further notice).	General and validated licenses, no participation all commodities, as carrier, forwarder, exporter, or otherwise.	20 F. R. 8224, 11-2-55.
Bellmax Corporation, 1186 Broadway, New York, N.Y.	8-3-49	Duration.....	General and validated licenses, all commodities, any destination.	14 F. R. 4913, 3-19-57.	Blochemische Industrie Zurich, Badenerstrasse 398, Zurich, Switzerland.	12-18-59	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada, S. A., which see.)	24 F. R. 10719, 12-25-59.
Benedetti, Nicholas R., 602 Broderick St., San Francisco, Calif.	3-31-49	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F. R. 1689, 4-7-49.	Boland Inc. Volunteer Bldg., Atlanta 3, Ga.	3-11-57	3-11-60 (on probation from 3-12-60 for duration).*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1650, 2-14-57, 22 F. R. 2053, 2-28-57.
Benigni, Euro, Panaggi, also known as Benigni, Benigni, Guido, Via della Consulta 50, Rome, Italy.	3-8-63	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 2336, 3-15-63, 23 F. R. 6027, 6-13-63, 23 F. R. 12289, 1-29-63, 23 F. R. 1831, 10-14-58.	BOMAG G. m. b. H., Albert Hergardstrasse 12 Staufen (Brestgau), and Kempstrasse 18, Celle, West Germany.	9-12-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1650, 2-14-57, 22 F. R. 2053, 2-28-57.
Berger, Aron, 20 Avenue de l'Opera, Paris, France.	10-8-58	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEBEL, which see.)	18 F. R. 2695, 5-7-53.	Bordin, Emilio F., Genferstrasse 24, Zurich, Switzerland.	12-18-59	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F. R. 10719, 12-25-59.
Berge, Walter J., 62 Alicia Gardens, Kanton, Middlesex, England.	4-27-62	do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Electrical Agencies (London) Ltd., and Moscoe Gevitzman, which see.)	26 F. R. 4184, 6-13-61.	Botez, Alexandru, also known as Alessandro Domici Botez, A. B. Gamba, Alexandre Botez Gamba, Holte Postale 21, Poste Grange Canal, Geneva, Switzerland.	7-22-60	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F. R. 10719, 12-25-59, 25 F. R. 7163, 7-25-60.
BERIM (Bureau d'Etudes et des Recherches pour l'Industrie (Romero), 50 rue Croixes-Petits Champs, Paris 1, France.	5-10-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polyomex, S. A., which see.)	14 F. R. 2852, 6-1-49.	Brady, Peter, also known as Bradly, Peter Radio and Television Engineers, 59 Draycott Place, London, S. W., England.	5-24-63	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F. R. 5440, 6-1-63.
Beck, Milton, 1457 Le Jeune Rd., Coral Gables, Miami, Fla.	5-25-49	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 7931, 10-14-58.	Braistis, S. A., 3 Saint-Pierre, Lausanne, Switzerland.	12-8-50	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F. R. 8686, 12-14-50.
BERMAL Importation-Exportation, S. A. R. L., 20 Avenue de l'Opera, Paris, France.	10-8-58	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEBEL, which see.)	27 F. R. 8226, 8-17-62.	Bramall, P. E., 14 & 16 Ludgate Hill, St. Paul's London E. C. 4, England.	1-29-58	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polyomex, S. A., which see.)	23 F. R. 688, 2-1-58.
Bernstein, Ferdinand, Chilehaus A/VIII, Hamburg 1, West Germany.	8-13-62	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F. R. 4184, 5-13-61.	Brandes, Ralph Harry, Boersenstrasse 16, Zurich, Switzerland.	9-24-51	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald Hall & Co. Ltd., which see.)	16 F. R. 10088, 10-3-51.
BERRY (Bureau d'Etudes et de Receptions Techniques et Industrielles, S. A. R. L.), 7 place de la Fusserie, Geneva, Switzerland.	5-10-61	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 2481, 4-28-53.	Braun, Eugen Wilhelm, Wielandstrasse 32, Hamburg-Elbeck, West Germany.	11-29-62	do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polyomex, S. A., which see.)	24 F. R. 3515, 6-1-60.
Berwin Trading Co., Inc., 15 Park Row, New York 26, N.Y.	4-23-53	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F. R. 6093, 5-8-64.	Braun, Eugen Wilhelm, Wielandstrasse 32, Hamburg-Elbeck, West Germany.	4-29-59	do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polyomex, S. A., which see.)	26 F. R. 4184, 6-13-61.
Bethell, Irving, 38 Pearl St., New York, N.Y.	5-1-64	11-1-64 (On probation from 11-2-64 to 11-2-69).*	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F. R. 4184, 6-13-61.	Bruce, Donald W., T. 80 George St., London W. 1, England.	12-31-62	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F. R. 2664, 3-28-62.
BEVAM (Bureau d'Etudes et Ventes d'Appareils Medicaur), 26rue des Pitons, Geneva, Switzerland.	5-10-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polyomex, S. A., which see.)		Brunner, Paul, Bahnhofplatz 1, St. Gall, Switzerland.	9-12-61	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F. R. 189, 1-6-63, 28 F. R. 6092, 5-27-61.

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Buenrostro, Ramon Cortes also known as Ramundo Cortes, Cortes, Avenida, Ramon 88, Mexico, D.F., Mexico.	12-19-61	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 12585, 12-17-61.
Buchholz, Peter Fritz Julius, also known as Brady, Peter, and Brady, Peter, Radio and Television Engineers, 58 Draycott Pl., London, S.W., England.	5-24-63	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 4395, 5-8-62. 28 F.R. 5440, 6-1-63.
Bureau d'Etudes et de Recherches Techniques S.A. (BERT) 7 Place de la Fusterie, Geneva, Switzerland.	5-10-61	do	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 4184, 5-13-61.
Bureau d'Etudes et des Recherches pour l'Industrie Moderne (BERIM), 50 rue Croix-des-Petits Champs, Paris 1, France.	5-10-61	do	do	26 F.R. 4184, 5-13-61.
Bureau d'Etudes Medicales (BEVAM), 25 rue des Pisons, Geneva, Switzerland.	5-10-61	do	do	26 F.R. 4134, 5-13-61.
Burgi, Karl, also known as Burgi-Tobler, Karl, Burgi-Tobler, Anna, Burgi-Tobler, K. & Company, Stampfen-Strasse 69, Zurich, Switzerland.	3-1-57	10-1-59 (on probation from 10-2-59 for duration).*	do	20 F.R. 1188, 2-25-55. 22 F.R. 1343, 3-5-57.
BUREX (Bureau Universel de Recherches d'Importation et d'Exportation), 61 Rue des Petits Champs, Paris, France.	10- 8-53	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-53.
Burke & Wilson Ltd., Prince's Building, Hong Kong.	12- 8-50	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F.R. 8868, 12-14-50.
Burn, W. A., 2 Doughty St., London, W.C. 2, England.	9-22-53	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski Corp. Ltd., which see.)	23 F.R. 7556, 9-27-53.
Burt, G. M., 6701 San Pablo Avenue, Oakland, Calif.	8-24-64	(On probation from 9-24-64 to 11-24-64).*	do	29 F.R. 12432, 8-23-64.
Burrill-Stefanoni, K. B., Warburgstrasse 33, Hamburg 36, West Germany.	8-28-59	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Alf Tommen & Co., which see.)	24 F.R. 7150, 9-3-59.
Canales, Jesus, Madero 1547, Mexicali, B.C., Mexico.	12- 4-53	do	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6543, 12-12-53.
Carona, Fernando, Piazza S. Pietro, Vincello 10-10A, Rome, Italy.	12-31-63	Indefinite.....	do	29 F.R. 183, 1-8-64.
CEBEI, also known as Comptoir European d'Exportation et d'Importation, 20 Avenue de l'Opera, Paris, France.	10- 9-53	do	do	23 F.R. 7981, 10-14-53.
Cavallo, Michel, Italy, and 61/B rue de la Chailly, Lausanne, Switzerland.	3- 7-62	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Simon Abram Silberstein, which see.)	27 F.R. 2379, 3-13-62.
Centner, Robert, 122 Rue Jules Besme, Brussels, Belgium.	4-21-61	4-21-62 (on probation from 4-22-62 for duration).*	do	29 F.R. 3576, 4-29-61.
Centralimpex, S.A., 205 Rue de la Woluwe, Ixelles, Brussels, Belgium.	8- 3-49	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bernard Liebermann, which see.)	14 F.R. 4913, 8-9-49.
Centropa, L. K., Isenbühl, Turley and Ruesler Lande 25, Vienna IX, Austria.	12-31-63	Until further notice	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 12585, 12-17-61.
C. H. Pharmacy, C. H. Pharmacy Ltd., Partnership, 145-9 and 147/5 Chakrapetch Rd., Bangkok, Thailand.	5-19-54	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 4395, 5-25-54.
Chambers, James Robert, Embassy Circus House, 7/10 Esméford St., London, E.C. 2, England.	5-24-57	2-24-58 (on probation from 2-25-58 for duration).*	do	22 F.R. 3765, 5-23-57.
Chanvit Kunothai, also known as Chanvit Kunothai, Chanvitva R., Bangkok, Thailand.	5-19-54	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 3009, 5-25-54.
Charles Leopold and Co. Ltd., also known as Leopold Charlies and Co., Ltd., 27-29 Whitfield St., London W., England.	12-10-62	do	do	28 F.R. 41, 1-1-63. 28 F.R. 2751, 2-2-63.
Chemical Industries of Nigeria Ltd., Brickfield Rd., Ebute Meta, Lagos, Nigeria.	10-26-62	12-29-63 (on probation from 12-30-63 for duration).*	do	27 F.R. 10685, 11-1-62.
Chemische Industrie, "Den Haag", N.V., Le van der Kunstraat 65-57, The Hague, Netherlands.	1-31-58	1-31-59 (on probation from 2-1-59 for duration).*	do	23 F.R. 761, 2-5-58.
China Resources Company, sometimes known as the China Resources Company, Bank of China Building, Queens Road, Hong Kong.	3-11-57	3-11-57 (on probation from 3-12-60 for duration).*	(Party related to William Kurt Samuel Wallesteiner, which see.)	22 F.R. 1650, 5-14-57. 22 F.R. 2053, 8-29-57.
Chirana Ltd., St. Eriksgatan 99, Stockholm, Sweden.	10-27-55	10-27-57 (on probation from 10-28-57 for duration).*	do	20 F.R. 8202, 11-1-55.
Christensen, Lars, Peter Bangsvej 35, Copenhagen F., Denmark.	10-12-64	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 14082, 10-15-64.
Christians' Export Co. AB, Christians' Import Co. AB, Christians' Print AB, Jenny Linds Gata 4 and Valutavagen 72, Hagersten, Sweden.	3-24-60	Until further notice.	do	25 F.R. 2657, 3-30-60. 29 F.R. 3409-3407, 3-1-64.
Chung Han-Ch'1, 449/445 Alexandra House, P. O. Box 2713, Hong Kong.	3-10-64	Indefinite.....	do	26 F.R. 3885, 6-23-61.
Chunichi Selyaku K.K., No. 14 Daikanchō, Tōkyō, Higashiku, Nagayoshi, Japan.	11-21-60	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Ulo Orr, which see.)	24 F.R. 6379, 8-7-59.
Cia. Impulsora Mexicana, S.A., Poble 44, Apartado Postal 21264, Mexico, D.F., Mexico.	8- 4-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Central de Inteligencia (A.C.I.) United States of America, which see.)	21 F.R. 775-777, 2-3-56. 28 F.R. 12533, 12-27-61. 27 F.R. 4395, 5-25-54.
C.I.C. Jenny Linds Gata 4 and Valutavagen 72, Hagersten, Sweden.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Ulo Orr, which see.)	28 F.R. 3885, 6-22-61.
Civilian Aircraft and Procurement Supply Office, Jenny Linds Gata 4 and Valutavagen 72, Hagersten, Sweden.	11-21-60	do	do	28 F.R. 5585, 6-22-61.
COFINA (Israel) Ltd., Tel Aviv, Israel.	4-29-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to COFINA S.A. and Moises Oscar Braunstein, which see.)	24 F.R. 8515, 5-1-59.

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COFINA S.A. (Compagnie Commerciale Financiere Industrielle & Agricole), 3 Rue des Cutes, Brussels, Belgium.	4-29-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 3515, 5-1-59.	Corti, Dante, Corti & Cia. s.r.l. Dante, 1/6 Piazza Campetto, Genoa, Italy, and 24 Viale Montegrappa, Prato, Italy.	4-14-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F.R. 3361, 4-15-52.
Cohen, Nisan Simon, 83 Bieshoestraal, Amsterdam, Netherlands, 1186 Broadway, New York, N.Y.	4-29-57	do	do	22 F.R. 3134, 5-2-57.	Cremer, Josef, tradename, Eugen Strasse 44, Vienna IV, Austria.	12-10-63	Indefinite	do	28 F.R. 13651-13859, 12-10-63, 29 F.R. 9207, 2-10-64, 27 F.R. 2864, 3-28-62, 27 F.R. 6000, 6-26-62, 28 F.R. 189, 1-8-63, 21 F.R. 7669, 10-9-56.
Commercial Appliance Co., 12 Wellington St., Hong Kong.	8-3-49	do	do	14 F.R. 4913, 8-4-49.	Crossley, Stanley, 5 College Close, Harrow Weald, Middlesex, England.	12-31-62	Duration	do	12-31-62
Commercial Electrica Romane, Via della Consulta 60, Rome, Italy.	6-29-60	do	do	25 F.R. 6370, 7-7-60.	Crystal Industries, Inc., 125 Cedar St., New York 6, N.Y.	10-4-56	10-3-57 (on probation from 10-4-57 for duration)*	(Party related to Fred W. Schonfeld, which see.)	21 F.R. 800, 3-11-63.
Comptelmer, S.A., also known as Cie. D'Importation et D'Exportation, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	3-8-63	do	do	28 F.R. 6077, 8-15-63.	David, (Long Beach), Israel, 511 State St., Long Beach, N.Y.	3-6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 1406, 3-11-63.
Comptelmer, S.A., also known as Cie. D'Importation et D'Exportation, 1 Pont de Meir, Union Bldg., Antwerp, Belgium.	10-30-56	do	do	28 F.R. 12289-12290, 11-2-56.	David, (Long Beach), Israel, 511 State St., Long Beach, N.Y.	5-1-53	Indefinite	do	18 F.R. 2659, 5-7-53.
Compagnie Commerciale Financiere Industrielle & Agricole (COFINA) C.A., Belgium.	4-29-59	do	do	24 F.R. 3515, 5-1-59.	Davis Electrical and Radio Accessories Ltd., Central Hall, 10 Drayton Park, N6, London, England.	3-10-50	Duration	do	18 F.R. 1406, 3-16-50.
Cutes, Bruno, Belgium.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1680, 2-1-57.	De Fiori, Enrico L., De Fiori, Victor, F. 1664 Broadway, New York, N.Y.	10-30-56	do	do	21 F.R. 8412, 11-2-56.
Compuls Ltd., 1 Broad St. Pl., London, E.C. 2, England.	10-8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 2083, 2-28-57.	D'Importation et D'Exportation Cie., also known as Compagnie Union Bldg., Antwerp, Belgium.	7-9-56	do	do	21 F.R. 8197, 7-12-56.
Comptoir European, d'Exportation et d'Importation, also known as CEEI, 20 Avenue de l'Opera, Paris, France.	6-10-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 7031, 10-14-33.	Del Bo, Giacinto Leopoldo, Via Manzoni 41A, Milan, Italy.	4-6-59	Indefinite	do	24 F.R. 2784, 4-9-59.
Comptoir General de Cooperation, 21 Rue de Madrid, Paris (86), France.	9-17-51	do	do	23 F.R. 6462, 6-17-60.	Deift, Isaac, also known as Deift, Netherlands, Weg 3, Delft, Netherlands, and Fassin, strasse 28, Berlin, West Germany.	10-30-56	Duration	do	21 F.R. 8412, 11-2-56.
Comptoir Paul, Stevens & Company, S.A., 179 Ter Rivierenslan, Deurne, Antwerp, Belgium.	10-4-56	10-3-57 (on probation from 10-4-57 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 9667, 9-21-51.	De Metz, Rene, 128 Biscoophoffaan, Deurne (Antwerp), Belgium.	10-27-55	10-27-57 (on probation from 10-28-57 for duration)*	do	20 F.R. 8202, 11-1-55.
Condor Industries, Inc., 25 Cedar St., New York 6, N.Y.	10-28-55	10-28-56 (on probation from 10-29-56 for duration)*	(Party related to Continental Commerce and Finance Co. and Noord-Hollandische Handelssociete, N.V., which see.)	21 F.R. 7699, 10-9-56.	de Peeters, Jhr. C. A. Adjunct Managing Director, N.V. Industry, Konstraat 55-57, The Hague, Netherlands.	3-17-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 1860, 3-20-58.
Continental Commerce and Finance Co., Stadhouderste 61, Amsterdam 2, Netherlands.	10-28-55	do	do	20 F.R. 8224, 11-2-55.	De Porcier, Paul, doing business as Fortier, De Smet de Nayerlaan 12, Ostend, Belgium.	11-29-62	do	do	27 F.R. 12150, 12-7-62.
Continental Commerce and Finance Co., 24 St. Mary Ave., London, E.C. 3, England.	5-25-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 8224, 11-2-55.	De Puoz, Georges Anton, Halderbachstrasse 10, Zurich, Switzerland.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1680, 3-14-57, 22 F.R. 2083, 3-28-57, 27 F.R. 2373, 3-18-64.
Contrety, Madeleine, 300 East 57th Street, New York, N.Y.	7-30-64	Until further notice.	do	24 F.R. 10719, 12-25-59.	De Swaan Romnik, Wittonburggracht 1-3, Amsterdam, Netherlands.	3-8-62	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 12370, 11-22-63.
Contrety, Pierre, Emile Marie, also known as Pierre Contrety, 3560 Fullum St., Montreal, Quebec, Canada.	10-20-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 10619, 7-30-64.	Deutranex, G. m. b. H., Parkallee 25, Hamburg 13, West Germany.	5-9-63	Duration	do	27 F.R. 4928, 5-11-62.
Cortes Buenrostro, Ramon, also known as Raimundo Cortes, Ramon B. Cortes, Ramon B. Cortes, Avenida Morelos 85, Mexico, D.F., Mexico.	12-19-61	Until further notice.	do	28 F.R. 9445, 8-28-61.	Deutsche Inter Technik, G. m. b. H., Neue Mauerstrasse 4-16, Frankfurt, West Germany.	12-6-62	Indefinite	do	27 F.R. 12197, 12-6-62.

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Dualca Steamship Co., International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	Until further notice.	General and validated licenses, no participation, all commodities as carrier, forwarder, exporter related to William Kurt Samuel Wallersteiner, which see.)	17 F.R. 1039, 2-18-52.	Euro-Union, N.V., 21 Kloveniersburgwal, Amsterdam, Netherlands.	10-28-55	10-28-56 (on probation from 10-29-56 for duration)*	(Party related to Continental Commercials and Finance Co. and Noord-Hollandsche Handelsmaatschappij, N.V., which see.)	20 F.R. 8224, 11-2-55.
Dublin Chemicals, 39 Dame St., Dublin, Ireland.	3-11-57	3-11-60 (on probation from 2-12-60 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 1650, 3-14-57.	Everaert, Jean, 65 Rue Montagne aux Herbes Potagères, Brussels, Belgium.	2-15-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 2933, 3-21-58.
Dunlop, Archibald S., 342 West 71st St., New York, N.Y.	4-7-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 2053, 3-28-57.	Export-Elektronischer Erzeugnisse trading as Elektroport, Ackerstrasse 24, Vienna 1, Austria.	6-1-56	5-31-58 (on probation from 6-1-58 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 3890, 6-4-56.
Dunpar, G., c/o Pechniney Frogl Overseas, S.A., 22 Rue De La Clie, Geneva, Switzerland.	10-1-64	4-1-65 (on probation from 10-1-64 to 10-1-67)	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F.R. 3241, 4-12-52.	Express Internationale Spedition G.m.b.H., Wohlbehagasse 18, Vienna IV, Austria.	3-12-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 1929, 3-17-59.
Eastern Steel Supplies, Ltd., c/o Pechniney Frogl Overseas, S.A., 3 Saint-Pierre, Lausanne, Switzerland.	12-8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 13339-13340, 10-1-64.	Faerber, Elli, Faerber, Gunther, Faerber, G & E, Ltd., 143 Gillott Rd., Birmingham 16, England.	9-17-63	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 10396, 9-20-63.
Economic Digest Ltd., 2232 Coppenhelf Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	15 F.R. 8693, 12-14-50.	Farmer, Werke A. G., Grenchen, Switzerland.	7-22-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 7163, 7-28-60.
Egeler, Georg, doing business as Egeler, Industrie-Varenevertrieb, Neudlingasse 50, Vienna III, and Neudlingasse 45-47, Vienna 19, Austria.	9-4-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 1650, 3-14-57.	Fischer, Josef, also known as Willi Fischer, Moser, Grenchen, Switzerland.	7-22-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 7163, 7-28-60.
Eisber, Herbert, 47-49 Untere Viaduktgasse, Vienna III, Austria.	5-13-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 2053, 3-28-57.	Friedland, and Sagrens 44-48, Barcelona, Spain.	5-19-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 1650, 3-14-57.
Ejler, S. A., 12 Rue Jules Besme, Brussels, Belgium.	4-21-61	4-21-62 (on probation from 4-22-62 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6002, 8-7-58.	Feldas Immobiliengesellschaft, 51 Oberalptrasse, Basel, Switzerland.	3-11-57	3-11-59 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 2053, 3-28-57.
Electra Commodity & Barter Corporation, 3 East 84th St., New York, N.Y.	5-28-51	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 6659, 5-31-64.	Felix, Josef, Beckenstrasse 18, Vienna I, Austria.	5-19-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 8649, 5-22-58.
Electric Agencies (London) Ltd., Central Hall, 16 Drayton Park, N.C., London, England.	5-1-53	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 3576, 4-30-61.	Felix, Mario, doing business as Internationale Transporte, Paradiesstrasse 9, Zurich, Switzerland.	3-17-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 3885, 3-20-64.
Electroport, Ackerstrasse 26, Vienna I, Austria.	6-1-56	5-31-58 (on probation from 6-1-58 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 5295, 6-5-51.	Femenias Lores, Francisco, Rhin 75, Mexico, D.F., Mexico.	5-10-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 9022, 5-2-61.
Elimek, Apostelnkloster 21-25, Cologne, West Germany.	7-9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2459, 5-7-63.	Ferreras, Francesco, Via Trento 15, Trieste, Italy.	3-17-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 4184, 5-16-61.
Elmetrik, Svedborgsgatan 31, Malmoe, Sweden.	12-31-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 8980, 6-5-56.	Ferrochemie S.A., Bahnhofplatz 1, St. Gall, Switzerland.	3-11-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 9022, 5-2-61.
Engler & Co., Engler Ltd., Engler, Werner, Stadhansquai 7, Zurich, Switzerland.	12-1-61	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 5310, 7-12-58.	Fiduciare du Centre, 7 Place de la Fusterie, Geneva, Switzerland.	5-10-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 4184, 5-16-61.
Engler & Co., Engler Ltd., Engler, Werner, Stadhansquai 7, Zurich, Switzerland.	2-26-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 2053, 1-9-60.	Films of Great Britain Ltd., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57.
Establishments J. Coune S. A., 12 Rue Jules Besme, Brussels, Belgium.	4-21-61	4-21-62 (on probation from 4-22-62 for duration)*	(Party related to Eljee S. A. and Robert Cenner, which see.)	26 F.R. 11844, 1-9-60.	Fischer, Wolfgang, Breslauer Strasse 33, Garstedt, Bez, Hamburg, West Germany G.m.b.H., Kaiserstrasse 55, Berlin, A.G., Vienna I, Austria.	6-26-63	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 2053, 3-28-57.
Europacache Verkeas G.m.b.H. (Eurochemie S.A. C. of America) (Markes Stores) Palmengarten Strasse 1-3, Frankfurt/Main-Westhafen, West Germany.	6-13-60	3-12-62 (on probation from 3-12-62 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 10005, 10-11-62.	Fischer, Richard, doing business as Richard Fieschner Import-Export, Detmolder Str. 46, Berlin-Wilmersdorf, West Germany.	6-16-61	6-28-62 (on probation from 6-29-62 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6397, 7-4-62.

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RULES AND REGULATIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
G & L Electrical Supply Company Limited, 18 Percy St., London, W. 1, England. Graham W. 1, England. Graham W. 1, London, S. W. 1, England.	5-1-53 12-9-50	Indefinite Duration	General and validated licenses, all commodities, any destination, also exports to Canada. General and validated licenses, all commodities, any destination, also exports to Canada. General and validated licenses, all commodities, any destination, also exports to Canada (Party related to Canada).	18 F. R. 2659, 6-7-53. 19 F. R. 8868, 12-14-50. 25 F. R. 7163, 7-28-50.
Gambos, Alexander Botez, also known as A. B. Giamico, Dominic and Botez, Postal 21, Pate Grange Canal, Geneva, Switzerland. Gard, Carol, Albert Hugard, strasse 12, Staufen (Bressan), and Kempstrasse 18, Celle, and West Germany. Gebrs, Melman, Lohengrinstr. 9, Wannsee, West Berlin, West Germany.	7-22-50 9-12-51	do do	General and validated licenses, all commodities, any destination, also exports to Canada. do	26 F. R. 7277, 8-10-51. 25 F. R. 205, 25 F. R. 9854, 7-10-50. 19 F. R. 7197, 11-5-54. 22 F. R. 777, 2-5-57.
Gevirtzman, Fanny, Gevitzman, Central Hall, 16 Dray Park, N. London, England. Gibson Hong Co., 33 Ko Shing St., Hong Kong.	4-5-56 5-1-53 8-4-59	do Indefinite Duration	do do General and validated licenses, all commodities, any destination, also exports to Canada.	27 F. R. 984, 4-1-52. 21 F. R. 2302, 4-10-56. 22 F. R. 7408, 9-17-57. 18 F. R. 2609, 6-7-53. 24 F. R. 6379, 8-7-59.
Gintz, Franz, also known as Gintz, 94 Queens Court, Queenswood, London, W. 2, England. Glickman, Fred R., 140 Riverside Dr., New York, N. Y.	5-21-56 5-1-64	do 11-1-64 (On probation from 11-2-64 to 11-2-66)*	do General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 3609, 6-25-56. 29 F. R. 66-57, 29 F. R. 2014, 2-3-64. 29 F. R. 6093, 6-8-64. 18 F. R. 7179, 11-11-53.
Gold Oil Co., 41 Eendrachtsweg, Rotterdam, Netherlands.	11-6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party which sec.)	19 F. R. 2432, 4-24-54.
Goldeband, Otto, Koestergasse 11/13, Vienna VI, Austria.	6-25-62	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party which sec.)	19 F. R. 2432, 4-24-54.
Goldton-Elektronik, Lindenhofweg 7, Belp, Switzerland.	5-10-61	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party which sec.)	19 F. R. 2432, 4-24-54.
Goos, Heinz-Werner, Role Brucke 13, Hamburg-Billstedt, West Germany.	9-24-64	9-24-64 (on probation from 6-2-64 to 8-24-65)*	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Goyvarts, Robert (Alias Bernard Liebermann), 1186 Broadway, New York, N. Y., and 60 Rue Ravenstein, Brussels, Belgium. Grob, Willi, Grob, Willi, Grob, H. H. Schwannstrasse 73, Munich 15, West Germany.	8-3-60 9-16-61	8-28-62 (on probation from 6-23-62 for duration)* Duration	do do	15 F. R. 4013, 9-9-60. 26 F. R. 6396, 7-6-62. 26 F. R. 4184, 5-13-61.
Gross, Emil, Babnhofplatz 1, St. Gall, Switzerland.	9-12-61	do	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Grotos, Rolf G., 1482 York Ave., New York, N. Y. Grund, Gerhard Wilhelm, 12 Bernoldstrasse, West Germany. Grunevald, Carl, Grunevald, Carl, West Germany. Gryp, Albrecht, Belgium. Gruza, David, Geravoli, Reconquista 611, Buenos Aires, Argentina.	7-3-60 11-29-62 2-24-68 1-30-63	do do do Indefinite	do do do do	19 F. R. 8698, 12-14-50. 15 F. R. 8698, 12-14-50. 29 F. R. 56-57, 29 F. R. 2014, 3-3-64. 29 F. R. 6095, 6-8-64.

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Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
4-21-64	5-31-65 (on probation from 8-1-65 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	19 F.R. 2432, 4-24-64. 20 F.R. 3921, 6-1-65 for duration)* 23 F.R. 7331, 10-14-68.	Hanpfield, Dr. Georg, Stein Bel Homet (Sieg), West Germany.	10-12-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 14082, 10-13-64.
10-9-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	26 F.R. 7227, 8-10-61.	Hansen, Maurice, 20 Avenue de l'Opera, Paris, France.	12-13-55	do	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	24 F.R. 10719, 12-25-59.
11-25-60	11-14-61 (on probation from 11-15-61 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775, 2-3-56.	Hausler (Haeuser), R. & Co. K. G., Reichen (Haeuser) Platz, 14, Grazer, Austria.	12-11-67	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland, Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	16 F.R. 10088, 10-8-61. 21 F.R. 4372, 6-29-58.
1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 2014, 3-3-64. 29 F.R. 6093, 6-8-64. 29 F.R. 12140-5, 2-24-64. 29 F.R. 6097-6098, 5-22-64. 25 F.R. 12211, 11-29-60.	Hayashi, Tadami, also known as Shoko K. K., No. 9 Kyohashi, 2-Chome, Chuo-Ku, Tokyo, Japan.	9-24-61	do	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 10086, 10-8-61.
5-1-64	Duration	do	29 F.R. 56-57, 1-3-64. 29 F.R. 2014, 3-3-64. 29 F.R. 6093, 6-8-64. 29 F.R. 12140-5, 2-24-64. 29 F.R. 6097-6098, 5-22-64. 25 F.R. 12211, 11-29-60.	Hayuth, Sylvan L., doing business as Sela Electronics Co., 46 West End Ave., New York, N.Y.	12-12-62	(On probation as to remaining privileges, from 12-12-62 to 11-65)*	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland, Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
9-18-64	Indefinite	do	29 F.R. 12140-5, 2-24-64. 29 F.R. 6097-6098, 5-22-64. 25 F.R. 12211, 11-29-60.	Heinzel, Erich, 3 Georg-Coch-Platz, Vienna 1, Austria.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
5-11-64	do	do	29 F.R. 12140-5, 2-24-64. 29 F.R. 6097-6098, 5-22-64. 25 F.R. 12211, 11-29-60.	Helm, Altes, Helim, Dr. Franz, 8/1, Georg Coch-Platz, Vienna	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
11-23-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	29 F.R. 12140-5, 2-24-64. 29 F.R. 6097-6098, 5-22-64. 25 F.R. 12211, 11-29-60.	Herfstedt, A. B., 34-B Artillerigatan, Stockholm, Sweden.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
12-19-61	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hernandez Garcia, Ignacio, Avenida Morelos 96, Mexico, D.F., Mexico.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
12-19-61	Duration	do	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hernandez Rodriguez, Victor, Comdor No. 286, Mexico City, Mexico.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
3-11-67	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallerstein, which see.)	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hertford Chemical Co., Nottingham Pl., London, W. 1, England.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
8-13-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hersfeld, Louis Gerhard, also known as Hertfeld, Louis Gerhard, Boklundarvagen 76, Hagersten, Sweden.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
12-26-61	Indefinite	do	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hesslgrun Instrument, Hesselgren, Tore, Borensvagen 1, Jönköping, Sweden.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
8-4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hip Wah Hong Ltd., 445 Alexander House, Hong Kong, and 101 Rua do Guimarães, Alagoas.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
8-4-59	do	do	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Ho, Stanley, also known as Ho Huns, Sun 448/448, Alexandra House P.O. Box 2719, and 12 Connaught Road, Hong Kong.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
9-30-60	do	do	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hof, W., Lougrie Rue Nueve 43, Antwerp, Belgium.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
10-27-55	10-27-57 (on probation from 10-28-57 for duration)*	(Party related to Stemmler Imet, N. V., which see.)	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hof, W., Lougrie Rue Nueve 43, Antwerp, Belgium.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.
12-1-61	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	26 F.R. 12335, 12-27-61. 27 F.R. 4395, 5-6-62. 26 F.R. 12334, 12-27-61. 28 F.R. 3929, 8-22-63. 27 F.R. 1660, 12-17-63. 22 F.R. 3033, 3-29-67. 27 F.R. 8226, 8-17-62.	Hollander, E. S., 3 Kasstraat, Baarn, The Netherlands.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba. (Party related to Hydrocarbon Research, Inc., which see.)	26 F.R. 5335, 6-21-61. 27 F.R. 787, 1-25-62. 27 F.R. 12487, 12-18-62. 27 F.R. 12487, 12-18-62.

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation was not violated.

RULES AND REGULATIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Industrie-Warenverkehr, Neulinggasse 50, Vienna III, and Strasserstrasse 43-47, Vienna 19, Austria.	8-4-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6002, 8-7-58.
Industrielle Handelsundernehmung, v/h Rotterdamseche Producten, 23 Maarten Dijkstraan, Rotterdam, Nederland.	11-6-53	do.	do.	18 F.R. 7179, 11-11-53.
Ingenieur, Neleimerik AB, Fact 38, Alingsas, and Svedenborgsgatan 31, Malmo, Sweden.	7-14-60	Indefinite	do.	25 F.R. 295, 1-9-60. 25 F.R. 6854, 27-7-60. 27-7-60, 379, 3-13-62.
Infer S.A., Via Gottardo 14, Locarno 2, Switzerland.	3-7-62	Duration	do.	29 F.R. 7431-7422.
Interagente, Kallingsgatan 29, Göteborg, Sweden.	6-19-64	do.	do.	14 F.R. 4913, 8-9-60.
Intercontinental Import-Export S.A., 70 Rue du Lombard, Brussels, Belgium.	8-3-49	do.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bernard Liebermann, which see.)	28 F.R. 2536, 3-15-63. 28 F.R. 6027, 6-13-63.
Intereltronica Italiana, Via della Consulta 50, Rome, Italy.	3-8-63	do.	General and validated licenses, all commodities, any destination, also exports to Guido Benigni, which see.)	28 F.R. 12389-12390, 11-20-63. 29 F.R. 6093, 5-8-64.
International American Forwarding Corp., 38 Pearl St., New York, N.Y.	5-1-64	11-1-64 (On probation from 11-2-64 to 11-2-68).	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 29 F.R. 2033, 8-29-57.
International Cement Corporation Ltd., Vancouver & Chilliwack, B.C., Canada.	3-11-57	3-11-60 (on probation from 3-12-60 for duration).	do.	28 F.R. 2336, 3-15-63. 28 F.R. 6027, 6-13-63.
International Export Co., Via della Consulta 50, Rome, Italy.	3-8-63	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 12389-12390, 11-20-63. 27 F.R. 12180, 12-7-62.
International Import and Export Co., Ltd., 12 Bernadotstrasse, West Berlin-Grünevald, West Germany.	11-29-62	do.	do.	18 F.R. 7179, 11-11-53.
International Meat Co., 41 Emdrachsweg, Rotterdam, Netherlands.	11-6-53	do.	General and validated licenses, all commodities, any destination, also exports to Klaasen, et al. (Party related to which see.)	28 F.R. 5585, 6-22-61.
International Models AB, Jenny Lands Gata 4 and Valutavägen 72, Hagersten, Sweden.	11-21-60	do.	General and validated licenses, all commodities, any destination, also exports to Thomas Ulo Orr, which see.)	21 F.R. 775-777, 2-3-56.
International Trading Co., also known as Kokusa Babel-Sho, 608-4 Fuchoka Bide, Uchikawacho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do.	General and validated licenses, all commodities, any destination, also exports to Lovee and Co., which see.)	23 F.R. 3549, 6-22-58.
Interntransporte, Parsonstrasse 9, Zurich, Switzerland.	5-19-58	do.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to which see.)	27 F.R. 4528, 5-11-62.
Intertechnik, G.m.b.H., 1 Lilienstrasse, Vienna 1, Austria.	8-9-62	do.	do.	19 F.R. 2432, 4-24-54.
Intertrack Holzgrosshandels Import & Export, G.m.b.H., Hochstrasse 19, Frankfurt, West Germany.	4-21-54	do.	General and validated licenses, all commodities, any destination, also exports to Hanke Chemie, et al. (Party related to which see.)	27 F.R. 12180, 12-7-62.
Intimes G.m.b.H., 12 Bernadotstrasse, West Berlin-Grünevald, West Germany.	11-29-62	do.	General and validated licenses, all commodities, any destination, also exports to Gerhard (William Grund, which see.)	

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Inversiones Mexicanas, S.A., Reforma 37-404, Mexico, D.F., Mexico.	12-10-61	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Transcontinental, S.A., and to Jose Cortes Buencosia, William Kurt Samuel Wallersteiner, which see.)	28 F.R. 12335, 12-7-61. 27 F.R. 4995, 5-6-62.
Istawa S.R.L., Via Mario Pagano 35, Milan, Italy.	3-11-57	3-11-60 (on probation from 3-12-60 for duration).	do.	22 F.R. 1650, 3-14-57. 22 F.R. 2033, 3-28-57.
Itellana Gestione Immobiliari, Società (S.I.G.I.), 24 Viale Montegrappa, Prato, Italy.	4-14-52	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Dante Corti, which see.)	17 F.R. 3301, 4-15-52.
J. W. Kent (Foreign Trade) Ltd., 408 Strand, London, W.C. 2, England.	9-17-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Joseph W. Kent, which see.)	28 F.R. 6515, 6-25-63. 28 F.R. 10432, 9-26-63. 28 F.R. 12391-12392, 11-22-63.
J.W. Transport & Travel Association, 2232 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration).	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 29 F.R. 2033, 8-29-57.
Jackson, George, 18 Buckingham Gate, London, S.W. 1, England.	12-8-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	15 F.R. 8968, 12-14-50. 29 F.R. 7693-7694, 6-16-64.
Jacques, Ron, Jacques Radio-Street, Rushden, Northants, England.	6-16-64	Indefinite	do.	28 F.R. 4184, 6-19-61.
Jesig, Francois, also known as Goldon-Elektronik, 7 Place de la Fusterie, Geneva, Switzerland.	5-10-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polycomer, S.A., which see.)	
Jesouzo, Mathurin Marie, 106 Avenue Feyzintrais, Casablanca, Morocco.	10-8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to CEEI, which see.)	23 F.R. 7391, 10-14-58.
Jerhot, Franz, doing business as Flugmechanik und Luftfahrzeugverleih, Franz Jerhot, and also as Motorenwerk Franz Jerhot, Klagenfurt, Austria.	5-11-64	do.	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 6097-6100, 5-22-64.
Jerry, Williams & Co., Hong Kong.	6-1-56	Duration	do.	21 F.R. 3973, 6-6-56.
Jean Saegyo K.K., No. 14 Hirano-cho, 2-Chome, Higashi-Ku, Osaka, Japan.	1-31-56	do.	General and validated licenses, all commodities, any destination, also exports to Fujisawa Shoko K.K., which see.)	21 F.R. 777, 3-3-56.
Jochheim, Hans, Kallingsgatan 29, Göteborg, Sweden.	6-9-64	do.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to William Kurt Samuel Wallersteiner, which see.)	29 F.R. 7431-7432, 6-9-64.
Johnson & Warren Ltd., 2232 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration).	do.	22 F.R. 1650, 3-14-57. 22 F.R. 2033, 3-28-57.
Jones Brian, 3 Clapham Common, North Side, London, S.W. 4, England.	4-27-62	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Electrical Agencies (London) Ltd., and Mosche Gevitzman, which see.)	18 F.R. 2965, 6-7-53.
Jones, Jimmy Lee, 610 Oregon Avenue, San Mateo, Calif.	7-30-64	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 10618-10619, 7-30-64.
Joseph Helmut, The White House, Flat 343, Albany Street, London N.W. 1, England.	6-9-64	2-9-66 (on probation from 2-10-63 to 8-9-66).	do.	29 F.R. 7431-7432, 6-9-64.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Kajihara, Tokio, 15 Akasaka Tamate-cho, Minato-ku, Tokyo, Japan.	3-31-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 2938, 4-1-60.
Kallman, John J., 185 Madison Avenue, New York, N.Y.	7-30-64	Until further notice.	.....do.....	20 F.R. 10618-10619, 7-30-64.
Kamer, L., Eastcheap Buildings, 19 Eastcheap, London, E. C. 3, England.	3-31-64	.....do.....	.....do.....	20 F.R. 4746, 4-2-64.
Kassner, Adnan, Kaiser Adnan and Adel Kassner Bldg., Maarad St., P.O. Box 1531, Beirut, Lebanon.	4-15-57	Indefinite	.....do.....	22 F.R. 2717, 4-15-57.
Kastner, George, Kastner, Ludwig, Rosauer Lande 25, Vienna IX, Austria, and Istanbul, Turkey.	12-31-63	Until further notice.	.....do.....	20 F.R. 56-57, 1-3-64.
Kabo, Mochits and Kato, Tokyo, Kagawa of (Mitsubishi Bank), 104 Daitokucho, Yatai, Higashiku, Nagoya-shi, Japan.	1-31-56	Duration	.....do.....	21 F.R. 775-784, 2-3-56.
Kausch, Manfred, Fackelstrasse 8, Kaiserlautern, West Germany.	7-2-64	Indefinite	.....do.....	20 F.R. 8495-8496, 7-2-64.
Kazantzis, Theodore E., 17 Battery Pl., New York, N.Y.	10-15-48	Duration	.....do.....	13 F.R. 6126, 10-15-48.
Keil, P., New, Binnohpiats 1, St. Gall, Switzerland.	9-12-61	.....do.....	.....do.....	26 F.R. 6992, 9-27-61.
Keith, Federal C, 115 Broadway, New York 6, N.Y.	12-12-62	12-11-67	General and validated licenses, all commodities and technical data for Sino-Soviet bloc destinations (including Poland and Rumania) and Cuba.	27 F.R. 12487, 12-18-62.
Kent, Joseph W., 408 Strand, London, W.C. 2, England.	12-12-62	(On probation as to remaining export from 12-12-62 to 12-11-65).*	.....do.....	.....do.....
Kerrania Property Co. Ltd., 27 Canalside Rd., East Grinstead, Sussex, England.	9-17-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 6315, 6-28-63.
KEBSCO, G.m.b.H., Mainulstrasse 8, Frankfurt, West Germany.	5-31-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 10432, 9-28-63.
Kessler, Hans Jr., Kessler, Hans St., Mainulstrasse 8, Frankfurt, West Germany, and Villa Santa Catalina, Portafuente, Malorca, Spain.	3-29-58	.....do.....	.....do.....	20 F.R. 12691-11-22-58.
King, W. B., 2 Doughty St., London, W. C. 2, England.	3-29-58	.....do.....	.....do.....	24 F.R. 9048, 12-9-59.
Kitahara, Koji, 15 Akasaka Tamate-cho, Minato-ku, Tokyo, Japan.	3-31-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakumaki Corp. Ltd. which see.)	20 F.R. 2093, 4-1-60.
Klassen, A. A., Klassen, J. M. A., 41 Bendrechtweg, Rotterdam, Netherlands.	11-6-53	.....do.....	.....do.....	21 F.R. 7699, 10-9-56.
Klein, Alison, 294 East 86th St. 220th St., Laurlton, N.Y.	8-29-49	.....do.....	.....do.....	20 F.R. 2093, 10-9-56.
Klient Laboratories Ltd., 2232 Coppertield Rd., London, E. 3, England.	3-11-67	3-11-60 (on probation from 3-12-60 for duration).*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-67, 20 F.R. 2093, 3-28-57.
Kokusha Boeki Shokai, also known as International Trading Co., 603-4 Fukuoka Bldg., Uchigawacho, 2-Chome, Chiyoda-ku, Tokyo.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Levee and Co., which see.)	21 F.R. 775-777, 2-3-56.
Korman, William J., Korman & Co., Inc., 38 N. York Row, New York, N.Y.	4-23-63	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2481, 4-28-63.
Kow Tung Heng, or Koh Tung Heng, trading as C. H. Pharmacy, 147/75 Chakrapich Rd., Bangkok, Thailand.	5-10-54	.....do.....	.....do.....	19 F.R. 8009, 6-28-54.
Krainz & Co., Herrngasse 6, Vienna, Austria.	4-13-59	Indefinite	.....do.....	24 F.R. 2915, 4-16-59.
Kretschmer, c/o Peabody Prögl Oyevassa, S.A., 22 Rua De La Citte, Geneva, Switzerland.	10-1-64	4-1-65 (on probation from 10-31-64 to 4-1-65).*	General and validated licenses, all commodities and technical data, any destination, also exports to Canada.	20 F.R. 8889-13840, 10-1-64.
Krueger, Herbert, Krueger, Luise (Johannsen), Hanau-Wilhelmsbad, Hohe Taune 10, West Germany.	4-21-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 2452, 4-24-64.
Kühner, Frederick M., 94-25 Rockaway Boulevard, Ozone Park, New York, N.Y.	10-27-64	1-27-65 (on probation from 1-29-65 to 10-28-65).*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Henke Chemie, et al. which see.)	20 F.R. 14757-14759, 10-28-64.
Kupperman, Bert, 2711 Henry Hudson Parkway, Riverdale 63, N.Y.	7-14-61	1-13-63 (on probation from 1-14-63 for duration).*	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 6957, 7-21-61.
Kurrio, Emmerich, 168 Weehrlino Quertel, Vienna IX, Austria.	6-10-60	Indefinite	.....do.....	25 F.R. 5546, 6-18-60.
Kutscha, Fritz, G.m.b.H., Rainstrasse 25, Salzburg, Austria, and Steinhagegasse 13, Vienna, Austria.	6-16-61	6-25-62 (on probation from 6-29-62 for duration).*	(Party related to Willi Groh and Willi Groh, G.m.b.H., which see.)	26 F.R. 5719, 6-27-61.
Labeco A/B, Kungsgatan 4A, Stockholm C, Sweden, and Kursergatan 206, Berlin W. 1, West Germany.	11-23-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 6397, 7-6-62.
Lechnitz, Karl L., Oberallergasse 4, Vienna III, Austria.	10-10-61	.....do.....	.....do.....	23 F.R. 12211, 11-29-60.
Lai, I. K., Lai, S. K., owners of Levee and Co., Room 604, Fukuoka Bldg., Uchigawacho, 2-Chome, Chiyoda-ku, Tokyo, Japan, and K. Guest's Rd. Chantilly, France.	1-31-66	.....do.....	.....do.....	28 F.R. 3644, 24 F.R. 8303, 10-13-69.
Lambert, 20 Avenue de l'Opera, Paris, France.	10-8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	26 F.R. 9026, 10-21-61.
Langenecker & Co., 7 Grillparzerstrasse, Vienna, Austria.	7-2-63	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 3-3-56.
Lange, Werner, Reiss Brucke 18, Hamburg-Billstedt, West Germany.	9-24-64	10-24-64 (on probation from 10-28-64 to 8-24-65).*	.....do.....	23 F.R. 7931, 10-14-63.
La Rapida Shipping & Trading Co., 1664 Broadway, New York, N.Y.	3-10-60	Duration	.....do.....	29 F.R. 12432, 8-29-64.
Larholt, Louis, 1 Albermarle St., London, W. 1, England.	4-27-62	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Electrical Agencies (London) Ltd. and Moscoe Gevritzman, which see.)	15 F.R. 1464, 3-16-60.

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

RULES AND REGULATIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Larkins, G.D., 2 Doughty St., London, W.C. 2, England.	9-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowaki Corp. Ltd., which see.)	23 F.R. 7550, 9-27-58.
Larkins, G. D. & Co., Ltd., Buckingham House, 19/21 St., London, S.W. 1, England.	12- 9-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gaud Stanley Fanchaud, which see.)	15 F.R. 8908, 12-14-50.
Latin American Development Co., Ltd., Piccadilly House, Piccadilly Circus, London S.W. 1, England.	12-31-62	(On probation from 12-31-62 to 12-31-63).*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gaud Stanley Fanchaud, which see.)	27 F.R. 2864, 3-28-62. 27 F.R. 6000, 6-28-62. 28 F.R. 189, 6-6-63.
Lau Yiu Chuen, 326 Prince's Bldg., Hong Kong.	6- 1-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 3878, 6-6-58.
Lauter G.m.b.H., Kurfurstendamm 266, Berlin W. 15, and Oroy-Niederrhein, West Germany.	11-23-60	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Lebacoz A/B, which see.)	25 F.R. 12211, 11-29-60. 28 F.R. 3544, 4-28-61.
Lauter, Mikkel, c/o A/B Labeco, Kungsgatan 4A, Stockholm, Sweden.	11-23-60	do	do	25 F.R. 12211, 11-29-60. 28 F.R. 3544, 4-28-61.
Leeco, Yoon, 173 Rue Paul Bert, Lens 9, France and Bonneville (Ha. Savoie), France.	12- 1-61	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 11844, 12-9-61.
Lee On Construction Co., Ltd., 33 Ko Shing St., Hong Kong.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progreso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Leffon, Charles, 27-29 Whitfield St., London W. 1., England.	12-10-62	do	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 41, 1-1-63. 28 F.R. 2751, 3-20-63. 28 F.R. 41, 1-1-63. 28 F.R. 2751, 3-20-63.
Leopold Charles and Co., Ltd., also known as Charles Leopold and Co., Ltd., 27-29 Whitfield St., London W. 1., England.	12-10-62	do	do	28 F.R. 41, 1-1-63. 28 F.R. 2751, 3-20-63.
Les Grands Editions Publiques, Les Grands Editions Publiques, 7 Rue des Petites Ecuries, Paris 10, France.	12-13-55	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Union Eclair, Les Produits Chimiques, and Jean Richard, which see.)	20 F.R. 9469, 12-13-55. 21 F.R. 672, 6-20-56.
Levee and Co., Room 604, Fukoku Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-ku, Tokyo, Japan, and 60 Queen's Road Central, Hong Kong.	1-31-58	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-58.
Levee and Co., Room 604, Fukoku Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-ku, Tokyo, Japan, and 60 Queen's Road Central, Hong Kong.	5- 5-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Contrasty, Pierre Emile Made, which see.)	29 F.R. 6661, 5-27-64.
Li Hsiu Kuang (Alias S. K. Lai), Room 604, Fukoku Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-ku, Tokyo, Japan, and 60 Queen's Road Central, Hong Kong.	1-31-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-58.
Li Hsiu Kuang (Alias S. K. Lai), Room 604, Fukoku Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-ku, Tokyo, Japan, and 60 Queen's Road Central, Hong Kong.	8- 3-49	do	do	14 F.R. 4913, 8-9-49.

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Lien Hsin Hang, 443 Alexandra House, P.O. Box 2713, and 259 Hennessy Rd., Hong Kong.	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progreso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Lijnssad, D. N.V. Transport en Handelsmaatschappij, 180 Colosseum, Boursseboord, Rotterdam, Netherlands.	10-27-55	(On probation from 10-27-55 for duration).*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Klasen, et al., which see.)	20 F.R. 8226, 11-2-55.
Lijnssad, Dirk, 7 Duinweg, Wassenaar, Netherlands.	10-27-55	do	do	20 F.R. 8226, 11-2-55.
Lindemann, E. & Co., 41 Eencrachsieweg Rotterdam, Netherlands.	11- 6-53	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Klasen, et al., which see.)	19 F.R. 7179, 11-11-53.
Linson Trading Co., also known as Lien Hsin Hang, 443 Alexandra House, P.O. Box 2713, and 259 Hennessy Rd., Hong Kong.	8- 4-59	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Agencia Comercial "Progreso" (ACP) and/or Stanley Ho, which see.)	24 F.R. 6379, 8-7-59.
Lippig, F. O., doing business as Elimex, Apostelntoester 21-25, Cologne, West Germany.	7- 9-58	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard F. E. Erlich, which see.)	23 F.R. 6310, 7-12-58.
Lodewijk, Cornelis, doing business as Lodewijk, C. Lodewijk, Johannes, doing business as Lodewijk, Johannes Import-Export, and also known as Louis, John and Lewis, John, Boezemsingel 181 C, Rotterdam 1, Netherlands.	5- 5-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Contrasty, Pierre Emile Marie, which see.)	29 F.R. 6991, 5-27-64.
London Export Corp. Ltd., 5 St. James St., London, W. 1, England.	5-24-57	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 3765, 5-24-57.
London Wax Refining Co., 22/2 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration).*	do	22 F.R. 1650, 3-14-57. 22 F.R. 2033, 3-28-57.
Louis, John, Boezemsingel 181 C, Rotterdam 1, Netherlands.	5- 5-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Contrasty, Pierre Emile Marie, which see.)	29 F.R. 6991, 5-27-64.
Loyal Trust, The, Vauduz, Liechtenstein.	3-28-57	3-11-60 (on probation from 3-12-60 for duration).*	do	22 F.R. 3033, 3-28-57.
Lu Lieh Ming, proprietor, Weil Lu Trading Co., P.O. Box 697, 201, Rama 1 Rd., Pratumwan, Bangkok, Thailand.	5-19-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 3009, 5-25-54.
Lynch, Thomas P., 280 Kleminth St., Brisbane, California, and 21 Bridge St., New York, N.Y.	6-10-60	do	do	25 F.R. 5462, 6-17-60.
Lyon Raymond, 20 Avenue de l'Opera, Paris, France.	8-15-49	do	do	14 F.R. 5207, 8-19-49.
Lyrton, M., 24 Queensborough Ct., London, N. 3, England.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which see.)	23 F.R. 7931, 10-14-58.
Maag-Feischerin, Jacob, Stadhausquai 7, Zurich, Switzerland.	5-24-63 5-25-63 5-24-64	8-24-62 5-24-64 (on probation from 5-24-64 to 2-24-66).*	Validated licenses.	28 F.R. 5440, 6-1-68.
Maag-Feischerin, Jacob, Stadhausquai 7, Zurich, Switzerland.	2-29-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Engler Ltd., which see.)	24 F.R. 1573, 3-3-59.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
MacDonald Hall & Co. Ltd., P.O. Box 28, Finsbury Square, London E.C. 2, England	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 688, 2-1-58.
Mitsui Export-Import G.M.B.H., 166 Waeinger Guertel, Vienna IX, Austria.	6-10-60	do	do	25 F.R. 5546, 6-18-60.
Malach Industries, Ralph Malach, doing business as Ralph Malach Industries, 122 St. Helens Ave., Toronto 4, Canada.	9-16-63	9-16-65 (on probation from 9-17-65 to 9-17-69)	do	23 F.R. 10307, 9-20-63.
Matourene, Andre Emile, 20 Avenue de l'Opera, Paris, France.	10- 5-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEL, which see.)	23 F.R. 7931, 10-14-58.
Mansaco, Inc., 1860 Broadway, New York, N.Y.	6-15-64	9-15-64 (on probation from 9-16-64 to 6-14-65)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEL, which see.)	29 F.R. 7694, 6-16-64.
Mandatsare Trehand, A. G., Vauduz, Liechtenstein.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Hanke-Chemie, et al., which see.)	19 F.R. 2432, 4-24-54.
Manufacture Nouvelle de Textiles (MANOTEX), 3 Rue Olivier de Serres, Paris 15, France.	8- 3-49	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bernard Liebermann, which see.)	14 F.R. 4913, 8-9-49.
Marchant Rechenmaschinen, GmbH, Rote Brucke 13, Hamburg-Billstedt, West Germany.	8-24-64	(On probation from 8-24-64 to 8-24-65)*	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 12432, 8-28-64.
Maria, S. A., 7 Place de la Fusterie, Geneva, Switzerland.	5-10-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 4184, 5-18-61.
Marinble, Hovsagavatan 5, Stockholm, Sweden.	10-15-62	10-15-64 (on probation from 10-16-64 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 10229, 10-18-62.
Marinoni, Gigi, Via Gottardo 14, Locarno 2, Switzerland.	3- 7-62	Duration	do	27 F.R. 2379, 3-10-62.
Maru, Tadami, also known as Hayashi, Tadami, official of Tokyo Soko K.K., No. 9, 2-20-20, Chome, Chuo-ku, Tokyo, Japan.	1-31-56	do	do	21 F.R. 775-777, 2-3-56.
Massatsuro, Kazushige, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	3-31-60	do	do	25 F.R. 2668, 4-5-60.
Mazloumian, Bramall & Co., P.O. Box 130, Aleppo, Syrian Arab Republic.	1-29-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Macdonald Hall & Co. Ltd., which see.)	23 F.R. 688, 2-1-58.
Meersman, Willy-Louis, 225 Avenue Van Rijnswijk, Antwerp, Belgium.	12- 8-50	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gerald Stanley Panchaud, which see.)	16 F.R. 3670, 4-28-51.
Meiwa Industrial Co. Ltd., 225 Fukuoka-chi, Fukuoka-shi, Chiku-shu, Chiyoda-ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Levee and Co., which see.)	21 F.R. 775-777, 2-3-56.
Mejman, Petrus, doing business as Gebrs. Meijman, Lohengrinstr. 9, Wannesee, West Berlin, West Germany.	4- 5-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Levee and Co., which see.)	21 F.R. 2302, 4-16-56.
Metallport, S.A.R.L., 26 Rue de la Republique, Paris, France.	4-25-56	do	do	22 F.R. 4748, 9-17-57.
Metalimport, Ltd., Dreikoenigstrasse 21, Zurich Switzerland.	4-25-56	do	do	21 F.R. 2852, 5-1-56.
Metallurgical Enterprises Ltd., 53 Alecia Gardens, Kenon, Middlesex, England.	4-27-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Electrical Agencies (Levatom) Ltd., and Meche Gevitzman, which see.)	18 F.R. 2695, 5-7-53.
Metro, N. V. (Middle European Transport Undertaking) Strevelsweg 700, Rotterdam, Netherlands.	10-20-63	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 9445, 8-28-63.
Meyns, Peter & Co., Meyns, Peter, Gertruidendreef 10, Middelburg, Zeeland, The Netherlands.	1-29-59	Duration	do	28 F.R. 11461-11462, 10-25-58.
Middle East Cotton Co., Kasar Refinery, P.O. Box 133, Beirut, Lebanon.	10-20-63	Until further notice.	do	29 F.R. 806, 10-25-63.
MIMSIA (Makajales Industriales Masquinarias, S.A.), Rhuin 75, Mexico, D.F., Mexico.	4-15-57	Indefinite	do	23 F.R. 2717, 4-18-57.
Mines Import-Export Trehand-Vertrieb, P.O. Box 44-40, Vacht, S.P.R.L., Volhardingstraat 27, Antwerp, Belgium.	10-26-62	12-20-63 (on probation from 12-20-63 for duration)*	(Party related to Femenias Lores, Francisco, which see.)	27 F.R. 10665, 11-1-62.
Monpe System, Edif. Banco del Caribe, Prado y Reiguo, Havana, Cuba.	9-30-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 9820, 10-13-60.
Monza Martins, Edif. Avenida de Cadeba, Prado y Reiguo, Havana, Cuba.	12- 1-61	Indefinite	do	26 F.R. 11844, 12-9-61.
Mortal, Jean Paul, 20 Avenue de l'Opera, Paris, France.	7-14-61	Duration	do	27 F.R. 10005, 10-11-61.
Moser, Willi, Farmer, also known as Willi Farn, also known as Sutterland, and Sagra 44-58, Barcelona, Spain.	7-14-61	do	do	26 F.R. 6866, 7-21-61.
Motorenwerk, Franz Jethot, Klagenfurt, Austria.	8- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to CEEL, (which see.)	23 F.R. 7931, 10-14-58.
Mullis, Roberto Castellon, Avenida Cuifahuaco 146, Mexico D.F., 13, Mexico.	7-22-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 7163, 7-28-60.
Munch, Kurt, Hegegasse 5, Mussel, Jose Luis, Mexicali No. 59-2, Mexico City, Mexico.	5-11-64	Indefinite	do	29 F.R. 6590-6698, 5-22-64.
Mullis, Roberto Castellon, Avenida Cuifahuaco 146, Mexico D.F., 13, Mexico.	9-10-64	Duration	do	29 F.R. 12884-12885, 9-12-64.
Muscat, Joseph, 271 Wanchal Rd., Hong Kong.	4-21-54	do	do	19 F.R. 2432, 4-24-54.
Muscat, Joseph, 271 Wanchal Rd., Hong Kong.	9-29-64	Until further notice.	do	29 F.R. 13615-13616, 10-3-64.
Nagai Kogyo, 605-4 Fukuoka-ku, Uchisaiwai-cho, 2-Chome Chiyoda-Ku, Tokyo, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Levee and Co., which see.)	29 F.R. 14757, 21 F.R. 775-2-3-56.
Nanyang Bros. Tobacco Co., Ltd., 271 Wanchal Rd., Hong Kong.	12-17-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Suspension for 18 months or as long as Treasury Dept., designates national, which-ever longer.)	22 F.R. 10811, 12-20-57.

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RULES AND REGULATIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Nathan, Max, 1860 Broadway, New York, N.Y.	6-15-64	9-15-64 (on probation from 9-16-64 to 6-14-65). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (With specified exceptions.)	20 F.R. 7694-7695, 6-16-64.
Naurup, Theodor Poulsen, Gertrudenkirchhof 10, Hamburg 1, West Germany.	1-29-59	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Peter Meyn & Co, which see.)	24 F.R. 742, 2-3-59.
Nedimtrans, N. V., 68 Coolkingel, Boursgebouw, Rotterdam, Netherlands.	10-27-55	(On probation from 10-27-55 for duration). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 8226, 11-2-55.
Nelson, A., Nelson & Company, A., Nelson, Mrs. Danielle L. Stee, New York, N.Y., 2 Orchard Street, New York, N.Y.	3-23-49	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 1399, 3-29-49.
Nelson, Murray M., Nelson, Inc., Murray M., Nelson's Trading House, 1151 East 165th St., New York, N.Y.	3-23-49	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 1399, 3-29-49.
Newmark, M. & Co., Ltd., 5 & 7 Watling Court, Cannon St., London, England.	3-26-56	Indefinite.....	.....do.....	21 F.R. 1941, 3-29-56.
New York Export Agency Co., 280 Klematis St., Bismarck, California, and 21 Bridge St., New York, N.Y.	9-15-49	Duration.....	.....do.....	21 F.R. 2851, 5-1-56.
Ng Fung Hong, Bank of China Building, Hong Kong.	10-16-64	Indefinite.....	.....do.....	14 F.R. 5207, 8-19-49.
Noble, L. A. W., 2 Doughty St., London, W. C. 2, England.	9-23-58	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to China Resources Company, which see.)	29 F.R. 14682, 10-19-64.
Noord-Hollandische Handelsmaatschappij, N. V., Kellersgracht 702, Amsterdam, Netherlands.	10-28-55	10-28-55 (on probation from 10-29-55 for duration). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowaki Corp. Ltd., which see.)	23 F.R. 7556, 9-27-58.
Norman, John, Hovslagergatan 3, Stockholm, Sweden.	10-15-62	10-15-62 (on probation from 10-16-64 for duration). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 6224, 11-2-56.
Norte Americana Compania, 15 Park Row, New York 38, N. Y.	4-23-53	4-10-65 (on probation from 4-11-65 to 4-11-67). Duration.....	.....do.....	27 F.R. 10239, 10-18-62.
Nucleonica S.p.A., Piazza S. Pietro, Vincio 10-10A, Rome, Italy.	12-31-63	Indefinite.....	.....do.....	18 F.R. 2481, 4-28-63.
Nupasa, Alfred, Moenckebergstrasse 11, I. Stock, Hamburg 1, West Germany.	4-10-64	4-10-64 (on probation from 4-11-65 to 4-11-67). Duration.....	.....do.....	29 F.R. 183, 1-6-64.
Nystrars Fabrik A/B, Erik Dahlbergsgatan 4, Goteborg, Sweden.	6-10-60	Duration.....	.....do.....	29 F.R. 6260, 4-17-64.
Obeqi, Les Fils de Basile, Obeqi, Maurice, Obeqi, Raymond, Khan Ghoumrok, P. O. Box 277, Aleppo, Syrian Arab Republic.	6-9-65	.....do.....	.....do.....	23 F.R. 6462, 6-17-60.
Obermayr, Albert, Rotenturmstrasse 25, Vienna 1, Austria.	6-1-56	.....do.....	.....do.....	20 F.R. 4190, 6-16-56.
Oceanic Express Co., 168 West 23rd St., New York, N. Y.	3-24-50	3-11-65 (on probation from 6-1-56 for duration). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to William Kurt Sauer Watersteiner, which see.)	21 F.R. 3880, 6-6-56.
Oestawa Handelshaus A.G., Vaduz, Leichenstein, and Renweg 3, Vienna III, Austria.	3-11-57	3-11-60 (on probation from 3-12-60 for duration). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 1821, 3-30-50.
Oleins, S.A., Genferstrasse 24, Zurich, Switzerland.	12-18-59	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 1660, 2-1-57. 22 F.R. 2953, 2-28-57.

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Oleynick & Company, L. Oley-nick, Lead, 1151 East 165th St., New York, N. Y.	3-23-49	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	14 F.R. 1899, 3-23-49.
Omnia K. G. Kraus, Weiss & Co., 30A Hanauerstrasse, Munich 54, West Germany.	10-8-63	4-9-64 (on probation from 4-9-64 to 4-9-66). Duration.....	.....do.....	28 F.R. 10927, 10-11-63. 28 F.R. 13552-13553, 12-14-63.
Oriental Purchasing Co., Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oversea Trading Co. (H.K.) Ltd., which see.)	29 F.R. 8018, 7-10-58. 28 F.R. 4600, 7-10-58.
Oriental Trading Co., Ltd., sometimes known as Toyo Bocki K. Ka, or Toyo Trading Co., 15A Kaneko, Yamaguchi, Minato-ku, Tokyo, Japan.	8-31-60	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 2868, 4-5-60.
Orr, Augustin Orr, Selma Christian, Jenny Linds Gata 4 and Valstavagen 72, Hagersten, Sweden.	11-21-60	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Ulo Orr, which see.)	26 F.R. 5385, 6-22-61.
Orr, Thomas Ulo, doing business under firm names Christian's Export Co. A.B.; Christian's Export Co. B.B.; Christian's Export Co. C.C.; Christian's Aircraft and Procurement Supply Office; International Models A.B.; TUC International Corp.; TUO Svenska Forsalings AB; and Vastlands Farfabrik A.B.; successor to Polaro (for Polaro) Chemical Co. A.B. Jenny Linds Gata 4 and Valstavagen 72, Hagersten, Sweden.	11-21-60	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 5385, 6-22-61.
Oresses Trading Co. (H. K.) Ltd., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	.....do.....	.....do.....	28 F.R. 5400, 11-14-58.
Panchaud Freres, S.A., 3 Saint-Pierre, Lausanne, Switzerland.	12-9-50	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gerald Stanley Panchaud, which see.)	24 F.R. 4062, 5-29-50. 16 F.R. 8968, 12-14-50.
Panchaud, Gerald Stanley, Panchaud, John, Breithardt, 1 Galeide, Benjamin Constant, Lausanne, Switzerland, and 18 Buckingham Gate, London, S. W. 1, England.	12-9-50	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Guido Benigni, which see.)	15 F.R. 8968, 12-14-50.
Pannaggi, Eura, Via della Consulata 90, Rome, Italy.	3-9-63	.....do.....	.....do.....	28 F.R. 2636, 3-15-63. 28 F.R. 6027, 6-12-63.
Pan Pacific Trading Co., 602 Broderick St., San Francisco, Calif.	3-31-49	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F.R. 12289-12290, 11-22-49.
Paris-Labo, 7 Rue du Cardinal Lemoine, Paris 5, France.	11-6-64	Indefinite.....	.....do.....	14 F.R. 1689, 4-8-60.
Passot, Madeleine, 106 Avenue Focymirant, Casablanca, Morocco.	10-8-53	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to C.E.L., which see.)	10-18-64. 28 F.R. 7931, 10-14-58.
Pawlitta, Dr. Josef, Hegelgasse 5, Vienna 1, Austria.	4-21-64	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 2482, 4-24-64.
Peak Products Co., Eastcheap Buildings, 20 Eastcheap, London, E. C. 4, England.	3-31-64	Until further notice.	.....do.....	29 F.R. 4746, 4-2-64.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation	Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Pebinsky Progl Overseas, S.A., 22 Rue de la Clef, 100 Rue de Docks Lyons, Terraux, France.	10-1-64	4-1-65 (on probation from 10-31-64 to 4-1-65)*	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 13539-13544, 10-1-64.	Rederi A/B Lenter Shipping 34-B Adlerbergatan, Stockholm, Sweden.	11-23-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	25 F.R. 12211, 11-23-60.
Perez, Jose Fernandez, 2685 South-west 14th St., Miami, Florida.	7-14-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 6566, 7-21-61.	Rei Shu Ko (Alias S. K. Lai), Room 604, Fukoku Bldg., Uchi-saiwa-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan, and 50 Queen's Road Central, Hong Kong.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-777, 2-3-56.
Pertnetti, Dante, Via Trento 15, Trieste, Italy.	8-17-64	Indefinite	do	29 F.R. 3885, 8-20-64.	Richard, Jean, 27 Rue des Petites Ecuries, Paris 10, France.	8-24-50	do	do	15 F.R. 1821, 8-20-50.
Peters, Jhr. C. A. de A. dunct Meester, Director, De Nederlandsche Industrie "Deun Haeg", N.V., Le van der Kemstraat 35-37, The Hague, Netherlands.	10-27-55	10-27-57 (on probation from 10-28-57 for duration)*	do	20 F.R. 8202, 11-1-56.	Rimberg, Alfred, K. G., Rimberg, Alfred, Varvagen 41, Stockholm, Sweden, and Rheinmuenchstrasse 36, West Germany.	8-24-50	do	do	20 F.R. 9469, 12-16-55.
Peters, Karl, also known as Peter-Hassel, Karl, Elstergasse 17, Vienna 13, Austria.	6-12-63	10-12-63 (on probation from 10-13-63 to 6-12-66)*	do	26 F.R. 6237, 6-18-63.	Riviere, Maurice, 20 Avenue de l'Opera, Paris, France.	12-13-55	do	do	21 F.R. 4822, 6-20-56.
Plak, Alexander W., Feleistrasse 87, Zurich, Switzerland.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6237, 6-18-63.	Rochat, Philippe, 7 Place de la Fusterie, Geneva, Switzerland.	8-13-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	27 F.R. 8226, 8-17-62.
Plasticmetal GmbH, Sleszenheimerstrasse 23, Salzburg, Austria.	6-16-61	6-28-62 (on probation from 6-29-62 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F.R. 2432, 4-24-54.	Rogers, B., 14 & 16 Ludgate Hill, St. Paul's, London E.C. 4, England.	10-8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	23 F.R. 7331, 10-14-58.
Plein, A., & Co., (London) Ltd., Salisbury House, London Wall, London E.C. 2, England.	6-24-63	8-24-63	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 5719, 6-27-61.	Robimpoft Trust, Vaduz, Liechtenstein.	6-10-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	26 F.R. 4184, 6-10-61.
Poeschl, Otto, 6 Traktgasse, Vienna XIX, Austria.	10-3-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 6236, 6-18-63.	Rohi, Rudolph, Wien IV, Operngasse 36/5, Vienna, Austria.	1-29-53	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	23 F.R. 688, 2-1-58.
Poland (or Polro) Chemical Co., 100, Jenny Lind Strada and Valvargen 72, Hagersten, Sweden.	11-21-60	do	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 5685, 6-22-61.	Rose, M., Handelsgesellschaft m.B.H., Biberstrasse 22, Vienna, Austria.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	19 F.R. 2432, 4-24-54.
Polymex, S. A., 7 Place de la Fusterie, Geneva, Switzerland, and 2054 Case Ville, Lausanne, Switzerland.	5-10-61	do	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 4184, 5-12-61.	Rose, Max, Biberstrasse 22, Vienna, Austria.	1-18-61	do	do	26 F.R. 607, 1-24-61.
Pofe, Alton, St. Eriksgatan 60, Zurich, Switzerland.	3-24-60	Until further notice	do	25 F.R. 2687, 10-27-60.	Ross Ensign Ltd., Ross Ltd., 3 Clapham Common, North Side, London, S.W. 4, England.	1-18-61	do	do	18 F.R. 2695, 6-7-58.
Pory & Dunwoody Ltd, Union Works, Bear Gardens, London, S.E. 1, England.	10-14-59	Indefinite	do	24 F.R. 8683, 10-27-60.	Roth, Dr. Gerard, 25 rue des Pitons, Geneva, Switzerland.	4-27-62	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	26 F.R. 607, 1-24-61.
Prodalco, S.A.R.L., 15 Rue de la Clef, and 7 Place de la Fusterie, Geneva, Switzerland.	6-9-55	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 4190, 6-15-55.	Rothman, Paul, Rothman & Son, Inc., Philip, 338 Broadway, New York 13, N.Y.	5-10-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	26 F.R. 4184, 6-13-61.
Program-Antomation, Volhard-Ingstrast 27, Antwerp, Belgium.	12-1-61	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F.R. 11844, 12-4-61.	Royal Industrial Company, 150 Broadway, Room 914, New York, N.Y.	8-4-64	do	General and validated licenses for new or used United States machinery or equipment, the design of any version of a flag of the United States, present or former, any destination, also exports to Canada.	29 F.R. 11283-11284, 8-6-64.
Pun, Tsao E., & Co., Room 1201, Wing On Life Bldg., P.O. Box 2606, Hong Kong.	12-17-57	do	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 10005, 10-11-62.	Ryuwa Sangyo Co., Ltd, also known as Choro Sangyo K.K., No. 1-1-Chome, Saitama-Ku, Chiyoda Ku, Tokyo, Japan.	4-28-53	do	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	18 F.R. 2481, 4-28-53.
Quebec Industrial Equipment, 3019 Terrebonne, Ste. Foy, Quebec, Province of Quebec.	1-20-64	do	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 10311, 12-20-57.	Swarf and Swason Livret Co., Ltd, which see.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada, which see.	21 F.R. 775-777, 2-3-56.
Reinz Gesellshaft fuer Elektrotechnik m.B.H., 6 Romerstrasse, Munich 23, West Germany.	2-21-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 10304, 10-20-62.	General and validated licenses, all commodities, any destination, also exports to Canada.				

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RULES AND REGULATIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Sachs & Co., GmbH, Schwantzenstrasse 23, Munich 19, West Germany.	6-18-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Willi Grob, G.m.b.H., which see.)	26 F.R. 5712, 6-27-61.	SERTI, S.A. (Societe d'Etudes et de Recherches Technique et Industrielles), 7 Place de la Fusserie, Geneva, Switzerland.	6-9-55	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Lea Filis de Basile Obegi, and Polycomez, S.A., which see.)	20 F.R. 4190, 6-15-55, 26 F.R. 4184, 5-13-61.
Saida, Societe Immobiliere de la S.A., Paris, France.	4-25-56	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	21 F.R. 2852, 5-1-56.	Seto, Wai Man, Hong Kong	8-5-53	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 4751, 8-11-53, 29 F.R. 12432, 8-20-54.
Samprod Ges.m.b.H. Ltd., Rechbauerstrasse 16, Graz, Austria.	11-25-60	11-14-61 (on probation from 11-16-61 for duration.)	.....do.....	26 F.R. 7227, 8-10-61.	Severin, Victor G., 108 East Live Oak, San Gabriel, Calif.	8-24-54	9-24-54 (on probation from 9-25-54 to 9-24-56)*	.....do.....	29 F.R. 11934-11935, 8-20-61.
Sanchez, Michael, Ascuenaga 656, Buenos Aires, Argentina.	10-27-54	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 14757-14759, 10-29-54.	SICOPAR, also known as Societe Industrielle et Commerciale de Pieces Detachees, 46 Rue de l'Ecliquier, Paris 10, France.	3-12-62	Duration.....	.....do.....	27 F.R. 2487, 3-15-62, 19 F.R. 2432, 4-24-54, 27 F.R. 2379, 3-19-62.
Satis, A. G., Boersenstrasse 16, Zurich, Switzerland.	9-24-51	.....do.....	.....do.....	16 F.R. 10088, 10-1-51.	Siegrist, Eugen, Wittensgasse 2a, Kuesnacht, Switzerland.	4-21-54	.....do.....	.....do.....	27 F.R. 7197, 4-19-53, 11-5-54, 22 F.R. 727, 3-5-57.
Satis, S. A., Mellicoe, Switzerland.	9-24-51	.....do.....	.....do.....	16 F.R. 10088, 10-1-51.	Siviana, J. Austr, Regleigasse 5, Sibersheim, Alton Alram, 61/B Avenue du Chally, Lausanne, Switzerland.	3-7-52	.....do.....	.....do.....	27 F.R. 12197, 23 F.R. 5191, 4-19-53, 19 F.R. 7197, 11-5-54, 22 F.R. 727, 3-5-57.
Sauders, Lorenzo L., 1729 Montross, Dallas, Texas, and Avenida Morelos 98, Mexico, D.F., Mexico.	12-19-61	Until further notice.	.....do.....	26 F.R. 12433, 12-27-61.	Sibersheim, Simon Alram, 61/B Avenue du Chally, Lausanne, Switzerland.	12-6-62	Indefinite.....	.....do.....	27 F.R. 12197, 23 F.R. 5191, 4-19-53, 19 F.R. 7197, 11-5-54, 22 F.R. 727, 3-5-57.
Saxony Manufacturing Co., Ltd., 132 St. Helens Ave., Toronto 4, Canada.	9-16-63	9-16-63 (on probation from 9-17-63 to 9-17-68)*	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 4395, 5-8-62, 28 F.R. 10807, 9-20-63.	Simons, J., N.V. Industrie En Handelsonderneming, Groothandelsgebouw, Conradstraat 38, Rotterdam, Netherlands.	10-28-54	Duration.....	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F.R. 1797, 11-5-54, 22 F.R. 727, 3-5-57.
Schitzer & Co., Schifler, Herbert E., 3/4 Georg Coeh-Platz, Vienna, Austria.	5-11-64	Indefinite.....	.....do.....	29 F.R. 6997-6998, 5-22-64.	Smits, J., Import-Export, N.V., Vliethaven 10a, Rotterdam, Netherlands.	10-29-54	.....do.....	.....do.....	19 F.R. 1797, 11-5-54, 22 F.R. 727, 3-5-57.
Schmid, Franz, Schiebbel, Wilhelmstrasse 1, Lillingasse, Vienna, Austria.	5-9-62	Duration.....	.....do.....	27 F.R. 4528, 5-11-62.	Smits, J., K. 41 Eendrechtsweg, Rotterdam, Netherlands.	11-6-53	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Klussen, et al, which see.)	19 F.R. 1797, 11-5-54, 22 F.R. 727, 3-5-57.
Schmid, Fred W., 125 Cedar Street & 120 Liberty Street, New York 6, New York.	10-4-56	10-3-57 (on probation from 10-4-57 for duration)*	.....do.....	21 F.R. 7699, 10-9-56.	Societe Commerciale d'Afrique (SOCODA), Volhardingstraat 27, Antwerp, Belgium, and 19 Avenue Ministre Rubens, Leopoldville, Congo.	12-1-61	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Louis Vandervaten, which see.)	26 F.R. 11844, 12-5-61, 27 F.R. 10005, 10-11-62.
Schueler, Carola, Albert Hugardstrasse 12, Staufen (Freising), and Kempstrasse 13, Celte, West Germany.	9-12-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 954, 2-1-62.	Societe d'Etudes et de Recherches Technique et Industrielles (SERTI), S.A., 7 Place de la Fusserie, Geneva, Switzerland.	6-9-55	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Louis Vandervaten, which see.)	20 F.R. 4190, 6-15-55, 26 F.R. 4184, 5-13-61.
Schweizer, Johannes, 69 Stampfenstrasse, Zurich, Switzerland.	3-1-57	10-1-59 (on probation from 10-2-59 for duration)*	.....do.....	22 F.R. 1343, 3-5-57.	Societe d'Etudes de l'Union Francaise, Paris, France.	4-25-56	.....do.....	.....do.....	21 F.R. 2852, 6-1-56.
Schwartz, Rolf, Kurfurstendamm 26 A, Berlin 15, West Germany.	10-25-62	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 12211, 11-29-60, 26 F.R. 3444, 4-26-61.	Societe Generale de Produits Chimiques et Biologiques, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	.....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.)	20 F.R. 9489, 12-15-55, 21 F.R. 4322, 6-20-56.
Scott, Pierre, 3860 Fullum Street, Montreal, Quebec, Canada.	10-20-63	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 9445, 8-25-63, 28 F.R. 11461-11462, 10-25-63.	Societe Industrielle et Commerciale de Pieces Detachees, also known as SICOPAR, 46 Rue de l'Ecliquier, Paris 10, France.	8-19-54	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 11934-11935, 8-20-61.
Sela Electronics Co., 545 West End Ave., New York, New York.	5-1-64	Duration.....	.....do.....	29 F.R. 806, 1-21-64, 29 F.R. 56-57, 29 F.R. 2014, 3-2-64, 29 F.R. 6093, 5-9-64, 29 F.R. 5482, 6-17-60.	Societa Italiana Gestione Immobiliare (S.I.G.), Via, Italy.	4-14-52	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Dante Corti, which see.)	17 F.R. 3391, 4-15-52.
Selart, Ewald, Selart & Co., Erik Dahlbergsgatan 4, Goteborg, Sweden, also doing business in Finland.	3-24-49	.....do.....	.....do.....	14 F.R. 1605, 22 F.R. 1850, 22 F.R. 2043, 3-28-57.	SOCORIN (Societa Per Il Commercio Internazionale, I.N.C.), Via Trento 15, Trieste, Italy.	3-17-64	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 3365, 3-20-64.
Semadis & Co., Semadis, Peter K., 641 8th Ave., New York, N.Y.	3-11-57	3-11-60 (on probation from 3-12-50 for duration)*	(Party related to William Kurt Samuel Wallenstein, which see.)						

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
SORICE (Societe de Représentation Industrielle et de Commerce pour l'Europe, France and Wundtstrasse 66-60, Berlin-Charlottenburg 5, and Grunewaldstrasse 85, Frankfurt, West Germany. South Sea Trading Co., Ltd., 314 China Building, Hong Kong.	5-10-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polycomet, S.A., which see.)	26 F.R. 4184, 5-13-61.
Speath, Anneliese, Speath, Karl, Hahn, 6 Romerstrasse, Munich 23, West Germany. Spicer Food Co., Ltd., 22-32 Copthelld Rd., London, E. 3, England.	10-4-56	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 7699, 10-9-56.
Spies Trust, Vaduz, Liechtenstein.	2-21-57	Indefinite.....	do.....	22 F.R. 1153, 2-27-57.
Sporre, Carl Alvar, Hovslagsgatan 5, Stockholm, Sweden.	3-11-57	3-11-60 (on probation from 10-16-64 for duration). Duration.....	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1660, 3-14-57, 22 F.R. 2038, 22 F.R. 2832, 5-1-56.
Springer, Willi August Richard, doing business as Springer, 5 Hamburg 11, West Germany. Standard Chemica S.A., Via Piemonte 63, Rome, Italy.	10-15-62	10-15-64 (on probation from 10-16-64 for duration). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	27 F.R. 10229, 10-18-62.
Standard Chemical & Pharmaceutical Corp. Ltd., 22-32 Copthelld Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration). do.....	do.....	27 F.R. 8226-8227, 8-17-62.
Standard Chemie, 5 Steinhovelstrasse, Ujm-Donau, West Germany.	3-11-57	do.....	do.....	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57, 22 F.R. 1650, 3-28-57, 22 F.R. 2033, 3-14-57, 22 F.R. 2033, 3-28-57.
Standard Chemie, A.G., Vaduz, Liechtenstein.	3-11-57	do.....	do.....	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57, 22 F.R. 2033, 3-28-57.
Standard Chemie, A.G., St. Albanen 8, Basel, Switzerland. Stau Juergen, Parkallee 25, Hamburg 13, West Germany.	3-25-57	do.....	do.....	22 F.R. 2033, 3-28-57, 28 F.R. 12370, 11-22-63.
Stawa A. G., Vaduz, Liechtenstein.	3-11-57	3-11-60 (on probation from 3-12-60 for duration). do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57.
Stawa Company, 22-32 Copthelld Rd., London, E. 3, England.	3-11-57	Indefinite.....	do.....	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57.
Stamege Handel Mit Steuerungs-technik und Messgerate, Wohllebengasse 115, Vienna IV, Austria. Stemmler, Carl Herman, Ferdinandsplatz 1, Vaduz, Liechtenstein. Stein-Hirschgebouw, Post Box 640, Amsterdam, Netherlands. Stemmler-imex Bucc., Loughe Rue Nueve 43, Antwerp, Belgium.	11-19-63	Indefinite.....	do.....	28 F.R. 12370, 11-22-63.
Stemmler-imex Bucc., Loughe Rue Nueve 43, Antwerp, Belgium.	3-11-57	Indefinite.....	do.....	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57.
Steuerungstechnik und Messgerate, G.M.B.H., Yehringstrasse 12, Vienna IX, Austria.	4-10-64	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Stemmler-imex, N.V., which see.)	29 F.R. 5178, 4-18-64.
Stevens, Paul, Comptoir Paul Stevens & Company, S.A., 179 Ter Rivierenlaan, Deurne, Antwerp, Belgium. Stonehill, G. C., 18 Buckingham Gate, London, E. W. 1, England. Stumpf, Rudolph, Albert Hugardstrasse 12, Stauden (Grossau), Germany. Sun Kee, 444 Alexandras House, P.O. Box 2713, Hong Kong.	5-10-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polycomet, S.A., which see.)	26 F.R. 4184, 5-13-61.
Stevens, Paul, Comptoir Paul Stevens & Company, S.A., 179 Ter Rivierenlaan, Deurne, Antwerp, Belgium.	5-10-61	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polycomet, S.A., which see.)	26 F.R. 4184, 5-13-61.
Stumpf, Rudolph, Albert Hugardstrasse 12, Stauden (Grossau), Germany.	10-4-56	do.....	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 7699, 10-9-56.
Sun Kee, 444 Alexandras House, P.O. Box 2713, Hong Kong.	2-21-57	Indefinite.....	do.....	22 F.R. 1153, 2-27-57.
Sung, W. W., 12 Wellington Street, Hong Kong.	3-11-57	3-11-60 (on probation from 10-16-64 for duration). Duration.....	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1660, 3-14-57, 22 F.R. 2038, 22 F.R. 2832, 5-1-56.
Swart, Dick Zeger, 3106 Chamboard St., Quebec 10, Canada.	4-25-56	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	25 F.R. 6370, 7-7-60.
Swatson Bewick, Co., Ltd., 3019 Terreboune, Ste. Foy, Quebec, Canada.	10-15-62	10-15-64 (on probation from 10-16-64 for duration). Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	27 F.R. 10229, 10-18-62.
Swatson Livet Co., Ltd., 3108 Chamboard St., Quebec 10, Canada.	3-11-57	3-11-60 (on probation from 3-12-60 for duration). do.....	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57, 22 F.R. 1650, 3-28-57, 22 F.R. 2033, 3-14-57, 22 F.R. 2033, 3-28-57.
Surek, Mojsek, 20 Avenue de l'Opera, Paris, France.	3-11-57	do.....	do.....	27 F.R. 8226-8227, 8-17-62.
Takano, Yonesaburo, official of Tokyo Shoko K.K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan. Tameas, S. A., Reconquista 615, Buenos Aires, Argentina.	3-11-57	do.....	do.....	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57, 22 F.R. 1650, 3-28-57, 22 F.R. 2033, 3-14-57, 22 F.R. 2033, 3-28-57.
Technica Hidromecanica, S.A., Insurgentes Sur-16, Mexico, D. F., Mexico.	3-25-57	do.....	do.....	22 F.R. 2033, 3-28-57, 28 F.R. 12370, 11-22-63.
Technical Progres S.A., Haldenbachstrasse 10, Zurich, Switzerland.	3-11-57	do.....	do.....	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57.
Television & Elektronik, K. G., Fackelstrasse 8, Kaiserslautern, West Germany. Teutronik, Bid. Heuvelink 111, Arnhem, Netherlands.	11-19-63	Indefinite.....	do.....	28 F.R. 12370, 11-22-63.
Teutronik, Bid. Heuvelink 111, Arnhem, Netherlands.	3-11-57	do.....	do.....	22 F.R. 1650, 3-14-57, 22 F.R. 2033, 3-28-57.
Tetronik Buchert & Co., Fackelstrasse 8, Kaiserslautern, West Germany. Tormac, Kasstrasse 7, Dueseldorf, West Germany.	3-11-57	10-27-57 (on probation from 10-28-57 for duration). do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	27 F.R. 8226, 11-1-65.
Tetronik Buchert & Co., Fackelstrasse 8, Kaiserslautern, West Germany.	10-27-55	10-27-57 (on probation from 10-28-57 for duration). do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	27 F.R. 8226, 11-1-65.
Tetronik Buchert & Co., Fackelstrasse 8, Kaiserslautern, West Germany.	10-27-55	do.....	do.....	27 F.R. 8226, 11-1-65.
Thiel, Reynold, 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	4-10-64	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	20 F.R. 8202, 11-1-55.
Thiel, Reynold, 15 Rue de la Cite, and 7 Place de la Fusterie, Geneva, Switzerland.	6-9-55	do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	23 F.R. 3188, 5-18-55.

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RULES AND REGULATIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Thimet, Gustav, Thimet, Gustav, & Co., Holzstrasse 49-51, Munich, West Germany, and Weststrasse 31, Frankfurt/Main, Germany.	3-7-62	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F.R. 2380, 3-13-62.	Transmare Handelsmaatschappij, N.V., Meent 93, Rotterdam, Netherlands.	5-24-57	5-24-58 (on probation from 5-23-58 for duration)*	(Party related to Continental Commerce and Finance Co. (see), also exports to Canada. (Party related to Louis Van derveen, N. V., which see.)	22 F.R. 3765, 5-23-57.
Thimet & Jany, Weesstrasse 31, Frankfurt/Main, West Germany.	3-7-62	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	27 F.R. 2380, 3-13-62.	Traverse, N.V., 51 Stadhouderstraat, Amsterdam, Netherlands.	10-28-55	10-28-56 (on probation from 10-27-55 for duration)*	(Party related to Continental Commerce and Finance Co. (see), also exports to Canada. (Party related to Louis Van derveen, N. V., which see.)	20 F.R. 8224, 11-2-55.
Thuis, C., Thuis and Hollander, THV, 3 Kanstraat, Baarn, The Netherlands.	12-1-61	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	26 F.R. 11844, 12-9-61.	Trusset Est., Rebera 199, Shaan bel Buchs, Liechtenstein.	3-30-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Contrary, Pierre Emile Marie, which see.)	29 F.R. 6901, 5-27-64.
Tinsley, E. & Son Ltd., 22/22 Coppenfield Rd., Canal Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57.	Tong, C. S., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Contrary, Pierre Emile Marie, which see.)	23 F.R. 5400, 7-10-58.
Tinsley, E., Trading Ltd., 22/22 Coppenfield Rd., London, E. 3, England, and 1 Brickfield Rd., Epsom, Surrey, England.	3-11-57	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57.	TUC International Corp., Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Tokyo Shoko K.K., No. 9 Kyogyocho, Chuo-Ku, Tokyo, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775-2-2-56.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Tomsen, Alf & Co., Warburgstrasse 33, Hamburg 36, West Germany.	8-28-59	do	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 7150, 9-3-59.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Torrey Trading Ltd., Copperfield Rd., Westhill, Ontario, Canada.	9-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Tous, Abelardo, Presidente Zayas 86, Havana, Cuba.	8-24-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F.R. 12432, 8-29-64.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Toutimpex, Tangier, 21 Rue de Madrid, Paris (8e), France.	6-10-60	do	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 5402, 6-17-60.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Tower Warehousing Co. (London) Ltd., Brown Bear Alley, London, E. 1, England.	12-8-60	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gerald Stanley Pancho and John Brathwaite Pancho, which see.)	15 F.R. 8698, 12-14-50.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Toyo Beeki, K. K. or Toyo Trading Co., 15 Akasaka Tamateicho, Minato-ku, Tokyo, Japan.	3-31-60	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	23 F.R. 5402, 6-17-60.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Toyo Koki, Room 603-4 Fukoku Bldg., Uchisaiwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	15 F.R. 8698, 12-14-50.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Toyo Trading Co., 15 Akasaka Tamateicho, Minato-ku, Tokyo, Japan.	3-31-60	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	23 F.R. 5402, 6-17-60.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
TRAFOPORT N.V., Handelsmaatschappij, 24, Plomportstraat, Rotterdam, Netherlands.	4-6-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	24 F.R. 2754, 4-4-59.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Tradeq, S.A., 65 Rue Montaigne, Bruxelles, Belgium.	3-15-63	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	28 F.R. 2833, 3-21-63.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Trans Chemie, 702 Keizersgracht, Amsterdam, Netherlands.	10-28-55	10-28-56 (on probation from 10-28-56 for duration)*	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	20 F.R. 8224, 11-2-55.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.
Transcontinental, S.A., Avenida Morelos 66, Mexico, D.F., Mexico.	12-19-61	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Gustav Thimet, which see.)	26 F.R. 12355, 12-27-61.	TUO Svenska Forsalnings AB, Jenny Lind's Gata 4 and Valittavagen 72, Hagersten, Sweden.	11-21-40	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Thomas Uio Orr, which see.)	26 F.R. 5685, 6-22-61.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Vogt, Dr. Alois, Pfargasse 3, Vaduz, Liechtenstein.	9-12-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	27 F. R. 924, 2-1-62.
Von Den Velden, Reinhard, 6 Marocco, Mexico.	3-7-62	do	do	27 F. R. 2380, 3-13-62.
von der Fuhr, Hans W.J.M., von der Fuhr, Werner H.H., doing business as Chem. Techn., Industrie "Tilburg," N.V., Poststraat 30, Postbox 37, Tilburg, Netherlands.	1-31-63	1-31-59 (on probation from 2-1-59 for duration)*	do	23 F. R. 761, 2-5-58.
Von, Johannes Hendrikus, doing business as Ondernemingsmaatschappij H. Vos, Westlandsstraat 3, Dordrecht, Netherlands.	10-20-63	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F. R. 9445, 8-28-63.
Wah Yun Company, sometimes known as China Resources Company or Hui Jun Company, 100, Front Street, Building, Metro, N. V. (Midden Europe Transport Onderneming), Strevelsvweg 700, Rotterdam, Netherlands.	10-20-63	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	28 F. R. 11461-11462, 8-28-63.
Walker, Olga J. (Mrs.), Chemin Deslys, Lausanne, Switzerland.	8-24-64	9-24-64 (on probation from 9-24-64 to 8-24-65)*	do	29 F. R. 805, 1-1-64, 29 F. R. 12482, 8-23-64.
Wallstone Construction Co. Ltd., 2232 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57.
Waller Estates Ltd., 540 Burrard St., Vancouver, B.C., Canada.	3-11-57	do	do	22 F. R. 2033, 3-28-57.
Waller Family Trust Ltd., Chambers, Nassau, Bahamas.	3-11-57	do	do	22 F. R. 1650, 3-14-57.
Walter Investment Corp. Ltd., Copperfield Rd., Westhill, Ontario, Canada.	3-11-57	do	do	22 F. R. 2033, 3-28-57.
Walter, W.K.S. 2232 Copperfield Rd., London, E. 3, England.	3-25-57	do	do	22 F. R. 2033, 3-28-57.
Waltersteiner Familien Trust, Vaduz, Liechtenstein.	3-11-57	do	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57.
Wallersteiner, William, Kurt Samuel, 2232 Copperfield Rd., London, E. 3, England.	3-11-57	do	do	22 F. R. 1650, 3-14-57.
Wassmer, Eugene E., doing business as Wassmer & Cie., Morgentalstrasse 10, Zurich 2/85, Switzerland.	8-12-60	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	25 F. R. 7894, 8-17-60.
Watford Chemical Co. (Canada) Ltd., Copperfield Rd., Westhill, Ontario, Canada.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	do	22 F. R. 1650, 3-14-57.
Watford Chemical Co. Ltd., 2232, Copperfield Rd., Canal Rd., London, E. 3, England.	3-11-57	do	do	22 F. R. 1650, 3-14-57.
Watford Chemical Corp., New York, N. Y.	3-11-57	do	do	22 F. R. 1650, 3-14-57.

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Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
Watford Chemicals (Alberta) Ltd., Royal Bank of Canada Chambers, Edmonton, Alberta, Watford Realty Ltd., Copperfield Rd., Westhill, Ontario, Canada.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57.
Welslein, Hermann, Welslein, Hermann, K. G., Hietzinger, 141, Hauptstrasse 98, Vienna, Austria.	5-11-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F. R. 6998-6999, 5-29-64.
Wesinger, Meinzer Landstrasse 148, Frankfurt on the Main, West Germany.	10-2-64	do	do	20 F. R. 13616-13617, 10-3-64.
Well Lu Trading Co., P. O. Box 697, 201, Rama 1 Rd., Pathumwan, Bangkok, Thailand.	5-10-54	Duration	do	19 F. R. 2009, 5-28-54.
Wellems, Anna, trading as Stenepe Handel Mit Stenerung, Lebnick and Kesselsate, Wollanstrasse 16, Vienna IV, Austria.	4-10-64	Indefinite	do	29 F. R. 6178, 4-19-64.
Wemach Maschinen-Chemie-Vertriebs G.m.b.H., 2-10 Hohenzellerstrasse, Cologne, West Germany.	7-9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard Fischer, which see.)	23 F. R. 6310, 7-12-58.
Wenger, Pierre, 7 Place de la Fusserie, Geneva, Switzerland.	5-10-61	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Polycorner S. A., which see.)	26 F. R. 4184, 5-13-61.
Westawa G.m.b.H., 30 Friedrich-Ebert-Strasse, Frankfurt, West Germany.	3-11-57	3-11-60 (on probation from 3-12-60 for duration)*	(Party related to William Kurt Samuel Wallersteiner, which see.)	22 F. R. 1650, 3-14-57.
Wester Metaalwarenfabriek, Amsterdam, Netherlands.	10-27-55	10-27-57 (on probation from 10-28-57 for duration)*	(Party related to Steamliner Inex, N. V., which see.)	20 F. R. 5202, 11-1-55.
Western Metal A. G., Zurich and Lausanne, Switzerland.	4-25-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abel, which see.)	21 F. R. 2852, 5-1-56.
Whitefords Investment Trust Ltd., 1 Albemarle St., London, W. 1, England.	4-27-62	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Electrical Agencies (London) Ltd., and Mesche Gevritzman, which see.)	18 F. R. 2985, 5-7-53.
Wilmann, Guenter, 34 Klein Buchholzer Kirchweg, Haubstadt, West Germany.	4-18-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	26 F. R. 2442, 4-21-61.
Williams, Jerry & Co., Hong Kong.	6-1-56	do	do	21 F. R. 3878, 6-4-56.
Williams, Olive, also known as Olive Bewick, 3019 Terrebonne, Ste. Foy, Quebec, Province of Quebec.	1-20-64	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Livet Zeger Swart and Swalson Lipter Co. Ltd., which see.)	27 F. R. 10304, 10-20-62.
Wilson, James Beith, 2, Dougherty St., London W.C. 2, England.	9-28-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowaki Corp. Ltd., which see.)	28 F. R. 4591, 5-7-58.
Winkler, Benjamin, 126 Cedar Street, New York, N.Y.	6-26-64	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	29 F. R. 8100-8151, 6-25-64.
Wolf Oil Corp. S. A., Wolfe, Paul A. H. P., Georges Gillot Street, Hemiksem, Antwerp, Belgium.	11-21-62	do	do	27 F. R. 1683, 11-20-62.
				28 F. R. 1495, 2-20-63.
				23 F. R. 14246-14247, 12-24-63.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Wolff, Hans, doing business as Hans Wolff Export-Import, Bingerstrasse 31, Berlin-Wilmersdorf, West Germany.	4-15-57	(On probation from 4-15-57 for duration.) <sup>1</sup>		22 F.R. 2717, 4-18-57.
Wolfson, Irving N., 15 Park Row, New York 38, N.Y.	4-28-53	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2481, 4-28-53.
Wunsch, Gunther, trading as Akku, Licht G. Wunsch, Ziegeloffengasse 17, Vienna 5, Austria.	3-24-54	Indefinite.....	do.....	29 F.R. 3828, 3-27-54.
Youssef, Leon, 12 Avenue des Arts, Brussels, Belgium.	3-25-57	do.....	do.....	22 F.R. 2055, 3-28-57.
Zelantra, N. V., Leendert Sparreboomstraat 13, Rotterdam, Netherlands.	11- 3-64	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to F. Walda, which see.)	28 F.R. 9445, 8-28-63. 28 F.R. 11461-11462, 10-25-63. 29 F.R. 505, 1-21-64. 29 F.R. 15225, 11-11-64. 21 F.R. 3609, 5-25-56.
Zemanec & Co., Ltd., 46-47 Chancery Lane, London W.C. 2, England.	5-21-56	Duration.....	General and validated licenses, all commodities, any destination, also exports to Canada.	16 F.R. 5295, 6-5-51.
Zetlin, David or Davis, Zetland Corp., David, Zetland, David, Zetlan, David or Davis, 46 Cedar St., New York, N.Y.	5-28-51	do.....	do.....	28 F.R. 10927, 10-11-63. 28 F.R. 13552-13553, 12-14-63. 29 F.R. 5018, 4-10-64.
Ziffer, Friederich, also known as Ziffer, Fritz, 30A Hanauerstrasse, Munich 54, West Germany.	10- 8-63	4-8-64 (on probation from 4-9-64 to 4-9-66). <sup>1</sup>	do.....	

<sup>1</sup>Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

## PART 383—ADMINISTRATIVE REVIEWS AND APPEALS

Sec.

- 383.1 General provisions.  
383.2 Administrative review.  
383.3 Appeals.

**AUTHORITY:** The provisions of this Part 383 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

### § 383.1 General provisions.

(a) **Purpose.** This Part 383 sets forth the procedures applicable to: (1) The consideration of requests for administrative review by the Office of Export Control of protested regulations and actions of the Office of Export Control and (2) appeals to the Appeals Board for the U.S. Department of Commerce.

(b) **Definitions.** For the purposes of this Part 383:

(1) "Regulation" means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in a Current Export Bulletin which is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action, including a return without action of a license application, taken by the U.S. Department of Commerce under the Export Control Law or by a duly authorized employee thereof under a regulation with respect to a particular person.

(3) "Administrative review" means a request for relief, as provided in § 383.2, from the provisions of a regulation or an administrative action as defined in subparagraphs (1) and (2) of this paragraph.

(4) "Appeal" means a request for relief, as provided in § 383.3, from the provision of a regulation or of an administrative action, and includes a request for relief from a decision issued by the

Office of Export Control upon a request for administrative review.

(5) "Petitioner" means a person filing a request for an administrative review.

(6) "Appellant" means a person filing an appeal.

(c) **Grounds for requesting administrative review and appeal.** (1) Any person may request an administrative review as provided in § 383.2 or may appeal to the Appeals Board for the U.S. Department of Commerce as provided in § 383.3, as appropriate, from any regulation, order (excluding denial or probationary orders<sup>1</sup>), or other administrative action taken by the U.S. Department of Commerce under the Export Control Law or delegated authority relating thereto, where such regulation, order, or other administrative action works an exceptional and unreasonable hardship upon him, or improperly discriminates against him.

(2) However, problems of an over-all nature, affecting exporters as a group, will not be considered within this procedure, but may be referred to Commodity Advisory Panels and Commodity Advisory Committees as provided in § 384.1 of this chapter.

### § 383.2 Administrative review.

(a) **Scope.** The Office of Export Control will consider a request, submitted in accordance with the provisions of this § 383.2, for an administrative review of any regulation or administrative action (other than a denial or probationary order<sup>1</sup>) as specified in § 383.1(b) and (c).

(b) **Submission of request for administrative review.**—(1) Request for administrative review must be in writing. A request for administrative review and accompanying material shall be filed in

<sup>1</sup> See §§ 382.4, 382.11, 382.13, and 382.15 of this chapter for the appeals procedure regarding denials of export privileges.

duplicate, unless otherwise indicated below. If the submission of two copies of all accompanying documents or exhibits would place an undue burden on the petitioner, waiver of this rule may be requested at the time the request is filed. A request for administrative review shall be in letter form.

(2) **Information to be contained in requests for administrative review.** A request for administrative review shall clearly state (i) the provisions of the regulation or the administrative action which is protested, (ii) the grounds for the request, and (iii) the relief requested by the petitioner. The various grounds for the request shall be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) **Additional requirements for specified requests for administrative review.** In addition to the above-described letter, the following papers shall be included with requests of the kinds described in this subparagraph (3).

(i) Request for administrative review of rejection of license application shall include (a) the Form IT- or FC-204A, Notification of Rejection, (b) a new original copy of the rejected license application, Form FC-419, and (c) a Form FC-420, Application Processing Card showing the old case number.

(ii) Request for administrative review of a multiple commodity or a multiple consignee application disallowed in part shall include (a) a complete new application covering only the rejected items, and (b) the appropriate Form FC-420, Application Processing Card, showing the old case number.

(iii) Request for administrative review of rejection of request for extension of license or other amendment shall include (a) the license unless it has been previously surrendered to the U.S. Department of Commerce or a Collector of Customs, and (b) the Form IA-763, Request for and Notice of Amendment Action.

(iv) Request for administrative review of denial of request to transfer an export license shall include (a) letter of request for transfer from the transferor and transferee, (b) the original license unless the license is on file with the Office of Export Control or has been surrendered to a Collector of Customs, and (c) the Form IA-763, Request for and Notice of Amendment Action, if this form was submitted to the Office of Export Control.

(c) **When and where to file a request for administrative review.** A request for administrative review shall be filed not later than 45 days after the publication date of a regulation, or the date of notification of administrative action. A request for administrative review shall be filed with and addressed to the U.S. Department of Commerce, Bureau of International Commerce, Office of Export Control, Ref: "Administrative Review," Washington, D.C., 20230.

(d) **Decisions.** A request for relief may be granted or denied, in whole or in part. If the decision in an administrative review of a licensing action is favorable to the petitioner, the license or amendment will be granted in answer to

the petition. Decisions on other types of administrative reviews will be furnished to the petitioner in writing. If the decision is unfavorable, he may appeal to the Appeals Board in accordance with the provision of § 383.3.

### § 383.3 Appeals.

(a) *Establishment and scope of Appeals Board.* (1) The Appeals Board for the Department of Commerce has been established as an impartial body in the Office of the Secretary to consider appeals and render final decisions thereon. The Board consists of a Chairman and two members.

(2) Any person may appeal to the Appeals Board, upon the grounds indicated in § 383.1(c), in accordance with the following provisions of this § 383.3.

(b) *Preparation of appeals.* (1) *General requirements.* (i) An appeal shall be clearly marked "Ref: Appeals Board for the U.S. Department of Commerce" and shall be in letter form. The appeals letter shall be prepared in accordance with § 383.2(b) and shall be accompanied by the same information and documents specified therein.

(ii) Where an appeal is filed from a decision on an administrative review, the appellant may request the Office of Export Control, in writing, to transmit to the Appeals Board the documentation originally submitted to the Office of Export Control in accordance with § 383.2(b) as the required initial documentation.

(2) *Request for oral presentation.* A request for an oral presentation before the Appeals Board, as provided in paragraph (d) (3) of this section, must be in writing and should be included with the appeal.

(c) *When and where to file appeals.* (1) *When to file.* Appeals, other than appeals from denial or probationary orders,<sup>2</sup> may be filed with the Appeals Board by means of a written notice filed not later than 45 days after the appellant received notice from the U.S. Department of Commerce of any regulation or administrative action.<sup>3</sup> Appellant may also appeal from undue delay in acting on appellant's license application.

(2) *Where to file.* All appeals shall be addressed to the U.S. Department of Commerce, Appeals Board, Washington, D.C., 20230.

(d) *Consideration of appeals.* (1) *Initial referral to the Office of Export Control.* Customarily, any appeal which has not already been considered under administrative review (see § 383.2) is initially referred by the Appeals Board to the Office of Export Control. After appropriate action, the Office of Export Control will submit its recommendation for the consideration of the Board.

(2) *Referral by the Office of Export Control.* Where unusual circumstances warrant, the Office of Export Control on its own initiative, may request the Appeals Board to consider an application

for an export license at the Appeals level. In such case, the Appeals Board will so notify the appellant.

(3) *Oral presentations.* In a case where the appellant so requests or the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D.C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation unless waived by appellant. Such presentation will be heard informally; generally, no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. An appellant need not be represented by counsel unless he so wishes.

(4) *Records.* Records concerning an appeal may be made available for inspection and copying by persons properly concerned, upon written application. Such application shall be addressed to the U.S. Department of Commerce, Appeals Board, Washington, D.C., 20230, and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purposes for which it is sought.

(e) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part, or dismissed at the request of the appellant. The decision on an appeal signed by the Chairman of the Appeals Board will be communicated to the appellant in writing.

## PART 384—GENERAL ORDERS

Sec.	
384.1	Commodity advisory panels and committees.
384.2	Conduct of business and practice in connection with export control matters.
384.3	Authority of Collectors of Customs to exercise export control authority in event of enemy attack.
384.4	Disclosure of license issuance and other information.
384.5	Revocation of authorization to re-export or redistribute commodities and technical data to Country Group W, Y, or Z.

**AUTHORITY:** The provisions of this Part 384 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

### § 384.1 Commodity advisory panels and committees.

(a) *Purpose.* (1) The purpose of this § 384.1 is to establish a procedure whereby the Office of Export Control of the U.S. Department of Commerce may consult with the export trade and obtain advice and recommendations concerning export licensing policies and procedures under the Export Control Law.

(2) The provisions of this § 384.1 are not to be construed as prohibiting individuals or groups of individuals from seeking discussions with employees of the Office of Export Control.

(b) *Organization of the panels and committees.* (1) *Representation by commodities.* It is intended, for convenient operation and size, to provide representa-

tion of the export trade by commodities. Wherever practicable, segments of the trade handling different commodities (or groups of commodities) will be represented by separate panels or committees. Where a panel is formed, the membership may be called upon to meet as a whole, or committees may be organized from among the members to consider specific problems as they arise. The panels and committees will be selected by the Office of Export Control.

(2) *Standards of selection.* As the purpose of the panel or committee is to give advice and make recommendations to the Office of Export Control affecting the trade as a whole, or segments thereof, the members of the panel or committee will be selected in an effort to obtain advice and recommendations which will represent the viewpoint of all parts of the trade involved. The panel or committee will be formed of the minimum number of persons necessary to represent a fair cross-section of the trade in the commodity (or groups of commodities) from the standpoints of (i) large, medium, and small-sized companies, (ii) geographical distribution, (iii) segments of the export trade involved—e.g., by types of exporters (such as manufacturers, manufacturers' representatives, merchant exporters, combination export managers, etc.), (iv) by types of commodities, and (v) trade association membership and non-membership.

(3) *Special conferences.* If export trade advice is sought on a special problem, and there is no foreseeable need to seek the continuing advice of the trade, a special conference may be called. Except for omission of formal establishment of a panel or committee, the procedure for calling and conducting a special conference shall be the same as set forth under the provisions of this § 384.1.

(4) *Representation of small business.* In forming a commodity advisory panel or committee, the Office of Export Control will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress) and the President's memorandum to heads of Executive Departments and Agencies of December 12, 1947, with respect to the representation of small business on Government committees.

(5) *No compensation allowed.* Members of the panels and committees pay their own expenses and are entitled to no compensation for their services.

(c) *Functions of the panels and committees.* (1) *Authorized activities.* The functions of a commodity advisory panel or committee formed by the Office of Export Control under this § 384.1 is to give advice and make recommendations through one or more commodity advisory committees to the Office of Export Control, at committee meetings, on export licensing policies and procedures affecting those parts of the export trade represented by the committee. Where deemed appropriate, in view of the nature of a specific licensing policy or procedure, the Office of Export Control will authorize the holding of full panel meetings.

(2) *Unauthorized activities.* (1) No other activities by a commodity advisory panel or committee or by its members is sponsored or authorized by the U.S.

<sup>2</sup> See §§ 382.4, 382.11, 382.13 and 382.15 of this chapter for the appeals procedure regarding denials of export privileges.

<sup>3</sup> A rejection of an export license application on the ground that the proposed exportation is contrary to the national interest may be appealed.

Department of Commerce or the Office of Export Control. No meeting of the commodity advisory panel or committee, or any part thereof, is sponsored or authorized by the Department of Commerce or the Office of Export Control unless such meeting is called and conducted by appropriate officials of the Office of Export Control in accordance with the provisions of this section.

(i) The panel or committee is not authorized to determine policies for the export trade nor is it authorized to compel or coerce any person to comply with any request, order, or regulation made by the U.S. Department of Commerce or the Office of Export Control.

(d) *Meetings of the panels and committees*—(1) *Calling of meetings.* (i) Commodity advisory panel meetings and commodity advisory committee meetings will be called by the Office of Export Control in connection with the promulgation of export licensing policies or procedures affecting the parts of the export trade represented by the panel or committee, as the case may be, except where the necessary timing or other public exigency does not permit such prior consultation.

(ii) A meeting of a trade advisory panel or committee may be proposed by any three of its members. Such proposal should be addressed to the Government presiding officer and state the reasons for proposing the meeting. The Government presiding officer is responsible for determining whether a meeting should be called.

(2) *Agenda and presiding officer.* (i) The agenda of the meeting will be prepared by the Office of Export Control. A representative of the Office of Export Control will preside at every panel meeting and every committee meeting.

(ii) Prior to a meeting, members of a panel or committee may propose subjects for the agenda to the Government presiding officer, but during a meeting may not introduce any subject not included on the agenda.

(3) *Attendance at meetings.* (i) Attendance at meetings shall be limited to duly appointed members and invited Government representatives. The attendance of other persons at meetings, such as industry or trade observers or alternates for accredited members, is not authorized. If it is essential for the purpose of a particular meeting to invite a non-member expert or technician who can provide advice concerning a specialized subject, a special written invitation from the Office of Export Control will be required requesting the attendance of such person at the meeting.

(ii) A meeting of a segment or segments of an advisory panel or committee may be called to discuss subjects of interest to only that part of the trade, provided the segment of the trade is representative, or that additional representatives are appointed in order to make it representative.

(4) *Conduct during meetings.* During a meeting, members are restricted to expressions of advice and recommendations and may not make resolutions nor shall they submit or request submission of a vote regarding a recommendation under discussion.

(5) *Minutes.* The Office of Export Control will keep minutes of each meeting and, where practicable, will make summaries available to members of the commodity advisory panel, the committee, the export trade, and the press.

**§ 384.2 Conduct of business and practice in connection with export control matters.**

(a) *Exclusion of persons guilty of unethical conduct or not possessing required integrity and ethical standards*—

(1) *Who may be excluded.* Any person, whether acting on his own behalf or on behalf of another, who shall be found guilty of engaging in any unethical activity or who shall be demonstrated not to possess the required integrity and ethical standards, may be excluded from (denied) export privileges on his own behalf or may be excluded from practice before the Bureau of International Commerce on behalf of another in connection with any export control matter, or both, as provided in Part 382 of this chapter.

(2) *Grounds for exclusion.* Among the grounds for exclusion are the following:

(i) Inducing or attempting to induce by gifts, promises, bribes, or otherwise, any officer or employee of the Bureau of International Commerce or any customs or post office official, to take any action with respect to the issuance of licenses or any other aspects of the administration of the Export Control Law, whether or not in violation of any regulation;

(ii) Offering or making gifts or promises thereof to any such officer or employee for any other reason;

(iii) Soliciting by advertisement or otherwise the handling of business before the Bureau of International Commerce on the representation, express or implied, that such person, through personal acquaintance or otherwise, possesses special influence over any officer or employee of the Bureau of International Commerce;

(iv) Charging, or proposing to charge, for any service performed in connection with the issuance of any license, any fee wholly contingent upon the granting of such license and the amount or value thereof. This provision will not be construed to prohibit the charge of any fee agreed to by the parties; provided that that the out-of-pocket expenditures and the reasonable value of the services performed, whether or not the license is issued and regardless of the amount thereof, are fairly compensated; and

(v) Knowingly violating or participating in the violation of, or an attempt to violate, any regulation with respect to the exportation of commodities or technical data, including the making of or inducing another to make any false representations to facilitate any exportation in violation of the Export Control Law or any order or regulation issued thereunder.

(3) *Definition.* As used in this section, the terms "practice before the Bureau of International Commerce" and "appear before the Bureau of International Commerce," include:

(i) The submission on behalf of another of applications for export licenses

or other documents required to be filed with the Bureau of International Commerce, or the execution of the same;

(ii) Conferences or other communications on behalf of another with officers or employees of the Bureau of International Commerce for the purpose of soliciting or expediting approval by the Bureau of International Commerce of applications for export licenses or other documents, or with respect to quotas, allocations, requirements or other export control actions, pertaining to matters within the jurisdiction of the Bureau of International Commerce.

(iii) Participation on behalf of another in any proceeding pending before the Bureau of International Commerce; and

(iv) The submission to a customs official on behalf of another of a license or Shipper's Export Declaration or other export control document.

(4) *Proceedings.* All proceedings under this § 384.2 shall be conducted in the same manner as provided in Part 382 of this chapter.

(b) *Employees and former employees.* Persons who are or at any time have been employed on a full-time or part-time, compensated or uncompensated, basis by the United States Government are subject to the provisions of Title 18, U.S. Code, secs. 203, 205 and 207 (Public Law 87-849, 87th Congress) in connection with representing a private party or interest before the U.S. Department of Commerce in connection with any export control matter.

**§ 384.3 Authority of collectors of customs to exercise export control authority in event of enemy attack.**

(a) Each Collector of Customs is hereby authorized and directed in the event of an enemy attack on any part of the United States, to prohibit completely or curtail to the extent deemed necessary and advisable by each Collector, any exports through ports under the Collector's jurisdiction.

(b) This general authorization shall be subject to any orders or directives transmitted from the Office of Export Control or the U.S. Treasury Department's Bureau of Customs, either prior to or subsequent to an enemy attack.

(c) In the exercise of this authority, consideration should be given for the safety of any vessels in port, loading or having aboard export cargo, as well as the necessity for maintaining loading or unloading facilities for emergency purposes.

**§ 384.4 Disclosure of license issuance and other information.**

(a) *License issuance information.* Effective on July 5, 1961, by order of the Secretary of Commerce, the Office of Export Control will make available daily, for each export license granted on the previous business day, (1) a general description of the commodity or technical data licensed for export, (2) the total value of the licensed commodity, and (3) the country of destination of the exportation.

(b) *Unshipped balance information.* Effective on June 1, 1962, the Office of Export Control will make available daily,

certain information with regard to unshipped balances remaining on expired, revoked, or cancelled licenses issued for Country Group W, Y, Z, and for Yugoslavia. This information will include a general description of the commodity, the value of the unshipped balance of the licensed commodity and the country of destination specified on the license.

(c) *No other information disclosed.* No other specific information regarding any validated export license will be made available to the public by the Office of Export Control, except with the approval of the Secretary of Commerce.

**§ 384.5 Revocation of authorization to reexport or redistribute commodities and technical data to Country Group W, Y, or Z.**

Any authorization to reexport or redistribute commodities or technical data to Country Group W, Y, or Z which was specifically granted prior to March 1, 1962, by the Office of Export Control or any predecessor agency, and which is not generally permitted by the provisions of § 371.4 of this chapter, is revoked, effective August 31, 1962. Any United States exporter who was granted specific authorization to reexport or redistribute commodities to these destinations shall immediately notify the ultimate consignee named therein of the expiration date of the outstanding authorization.

*NOTE:* A request for extension of the validity period of a specific authorization to reexport or redistribute commodities to the destinations listed above after August 31, 1962, may be made under the provisions of § 372.12(c)(3) of this chapter.

**PART 385—EXPORTATION OF TECHNICAL DATA**

Sec.	
385.1	Definitions.
385.2	General Licenses.
385.3	Security provisions for certain types of technical data.
385.4	Exportation under a validated license.
385.5	Presentation of Shipper's Export Declaration.
385.6	Reexportations.

*AUTHORITY:* The provisions of this Part 385 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

**§ 385.1 Definitions.**

(a) *Technical data.* "Technical Data" means any professional, scientific or technical information, including any model, design, photograph, photographic film, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, utilization, or reconstruction of articles or materials. The provisions of this Part 385, technical data do not apply to "classified" Technical Data, i.e., technical data which have been officially assigned a security classification, i.e.: "top secret," "secret," or "confidential," by an officer or agency of the United States Government. The exportation of classified technical data is controlled by the Office of Munitions Control, U.S. Department of State,

Washington, D.C., 20520. (See § 370.5 of this chapter.)

(b) *Exportation of technical data.*<sup>1,2</sup> "Exportation of Technical Data" is defined as any release of unclassified technical data for use outside the United States. It includes the actual shipment out of the United States as well as the furnishing of data in the United States to persons with the knowledge or intention that the persons to whom it is furnished will take such data out of the United States.

**§ 385.2 General licenses.**

(a) *Which general license may be used—*(1) *Scientific and educational technical data.* Unclassified scientific or educational technical data, as described in paragraph (d) of this section, may be exported under the provisions of General License GTDS in either published or unpublished form. At the discretion of the exporter, scientific or educational technical data may be exported under General License GTDP or GTDU if the specified provisions of either of these general licenses are met (see paragraphs (b) and (c) of this section).

(2) *Other types of technical data.* Unclassified technical data which do not fall within the definition of "scientific" or "educational" as defined in paragraph (d) of this section, may be exported as follows:

(i) Under the provisions of General License GTDP if it is generally available in published form (see paragraph (b) of this section).

(ii) Under the provisions of General License GTDU if it is not generally available in published form (see paragraph (c) of this section).

A validated export license is required if the technical data are not exportable under the provisions of General License GTDS, GTDP or GTDU.

(b) *General License GTDP; published technical data.* A general license designated GTDP is hereby established authorizing the exportation to all destinations of unclassified technical data generally available in published form. Technical data are considered as generally available in published form if they are:

- (1) Sold at newsstands or bookstores;
- (2) Available by subscription or purchase without restrictions to any person

<sup>1</sup> License applications for, or questions as to, the exportation of unclassified technical data relating to commodities which are licensed by government agencies other than the U.S. Department of Commerce shall be referred to the appropriate government agency for consideration.

<sup>2</sup> In addition to the regulations issued by the U.S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are subject to the U.S. Department of Commerce regulations covering the exportation of technical data, in the same manner as the exportation of other types of technical data. Patent attorneys and others are advised to consult with the U.S. Patent Office, Washington, D.C., 20231, relative to the U.S. Patent Office Regulations concerning the filing of patent applications or amendments in foreign countries.

or available without cost to any person; or

- (3) Freely available at public libraries.

*NOTE:* Technical data which has not actually been printed but would be freely disclosed to the general public, upon request, and which would be printed for public distribution if demand warranted, are also considered as "generally available in published form."

(c) *General License GTDU; unpublished technical data—*(1) *Applicability.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, which are either unpublished or not generally available in published form (that is, technical data not exportable under the provisions of General License GTDP), subject to the other provisions and limitations set forth in this paragraph (c).

(2) *Destination restrictions.* This general license shall not be applicable to any exportation of technical data directly or indirectly to Country Group W, Y, or Z; except that technical data such as manuals, instruction sheets, or blueprints may be exported to any destination other than in Country Group Z (including Cuba), provided that the technical data are:

(i) Sent as part of the transaction involving, and directly related to, a commodity licensed for export from the United States to the same consignee and destination to which the commodity was or will be exported;

(ii) Sent no later than one year following the shipment of the commodity to which the technical data are related;

(iii) Of a type normally delivered with the commodity;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(v) Not related to the production, manufacture, or construction of the commodity.

(3) *Restriction relating to types of technical data.* This general license shall not be applicable to technical data relating to the commodities described below in this subparagraph (3). The limitations set forth in this subparagraph (3) do not apply to the exportation of operating and maintenance instructional material or to technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components.

(ii) The following electronic commodities: (a) Electrical and electronic instruments. Export Control Commodity No. 72953, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Export Control Commodity No. 72499;

(b) Airborne transmitters, receivers, and transceivers, Export Control Commodity No. 72499;

(c) Airborne direction finding equipment, Export Control Commodity No. 72499; or

(d) Airborne electronic navigation apparatus and airborne radar equipment, Export Control Commodity No. 72953.

(iii) Neutron generators, employing the electrostatic acceleration of ions and designed for operation without an external vacuum system, and specially fabricated parts and accessories for such neutron generators, Export Control Commodity No. 72970.

(4) *Requirement of written assurance for certain data, services, and materials.* No exportation of technical data of the kind described in this subparagraph may be made under the provisions of this General License GTDU until the exporter has received written assurance from the importer that neither the technical data nor the direct product<sup>3</sup> thereof is intended to be shipped, either directly or indirectly, to Country Group W, Y, or Z, except as provided in paragraph (iv) below. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement which restricts disclosure of the technical data to use only in a country other than Country Group W, Y, or Z, and prohibits shipment of the direct product<sup>3</sup> thereof by the licensee to Country Group W, Y, or Z. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance can not be obtained. In addition, this general license is not applicable to any exportation of technical data of the kind described in this subparagraph if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to Country Group W, Y, or Z.

(1) Technical data and services listed in (a) of this subdivision for the plants, processes, and equipment listed in (b) of this subdivision:

(a) *Types of technical data and services.* (1) Proprietary research and the results therefrom;

<sup>3</sup>The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of the use of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, but the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the tech-

(2) Processes developed pursuant to research (including technology with regard to component equipment items);

(3) Catalyst production, activation, utilization, reactivation and recovery;

(4) Plant and equipment design and layout to implement the processes; and

(5) Construction and operation of plant and equipment.

(b) *Types of plants and processes.* The following plants or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:<sup>4</sup>

alkylation.	oxidation.
aromatization.	oxo process.
cracking.	ozonolysis.
dehydrogenation.	polymerization.
desulfurization.	reduction.
halogenation.	reforming.
hydrogenation.	selective absorption.
isomerization.	selective adsorption.
nitration.	

(ii) Technical data relating to the following commodities usable in processes listed in subdivision (i) (b) of this subparagraph.

Dept. of Commerce Export Control Commodity No.	Commodity Description
71913--	Oil burners and gas combustion burners, ceramic cup type only; and parts and accessories n.e.c., specially fabricated for ceramic cup burners.
71914--	Nonelectronic industrial furnaces (heaters) of the following types: (a) cylindrical having a suspended deflecting cone, or (b) radiant wall employing multiple independently controlled ceramic cup burners and parts and accessories, n.e.c., specially designed for the furnaces (heaters).
71918--	Heat exchangers having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5, and specially fabricated parts and accessories, n.e.c.
71921--	Industrial pumps specially designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; and specially designed parts and attachments therefor.
71921--	Other industrial pumps having all flow-contact surfaces made of or lined with any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel, or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing more than 3 percent of (i) chromium and molybdenum combined (ii) chromium and tungsten combined or (iii) chromium, molybdenum,

nical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct product.

<sup>4</sup>This includes plants, or processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

Dept. of Commerce Export Control Commodity No.	Commodity Description
71922--	Axial flow and mixed flow air and gas compressors capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
71922--	Axial flow and mixed flow air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
71922--	Centrifugal air and gas compressors having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
71922--	Centrifugal air and gas compressors capable of receiving a power input of 500 horsepower or greater and specifically designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
71922--	Stationary positive displacement air and gas compressors, reciprocating, capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
71922--	Stationary positive displacement air and gas compressors, reciprocating, over 125 horsepower, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
71922--	Parts and accessories, n.e.c., specially fabricated for compressors included above under Export Control Commodity No. 71922.
71923--	Separators and collectors, industrial process types, n.e.c., and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
71980--	Equipment, n.e.c., specially designed for use in the following units: (a) solvent processing, (b) fractionating, rectifying and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulfurization, (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories therefor, n.e.c.

<sup>5</sup>The materials applicable to the flow-contact surfaces of this equipment are: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (i) carbon, (j) graphite, or (k) acid/heat resistant cement.



Dept. of  
Commerce  
Export  
Control  
Commodity  
No.

## Commodity Description

- 71980... Mixing and blending machines and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
- 71980... Fractionating columns as follows: (a) having, or having provisions for 25 or more trays, or (b) having all flow-contact surfaces made of or lined with any of the materials specified in footnote 1; and specially fabricated parts and accessories, n.e.c.
- 71980... Other processing vessels, non-mixing, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5; and specially fabricated parts and accessories, n.e.c.
- 71980... Pulsation dampeners, and specially fabricated parts and accessories, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
- 71992... Automatic control or regulating pipe valves having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
- 71992... Automatic control or regulating pipe valves specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
- 71992... Pipe valves, brass, bronze, or other nonferrous metals, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
- 71992... Pipe valves, brass, bronze or other nonferrous metals, specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
- 71992... Pipe valves, iron or steel, having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
- 71992... Pipe valves, iron or steel, specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions.
- 71992... Pipe valves, n.e.c., having all flow-contact surfaces made of or lined with any of the materials specified in footnote 5.
- 71992... Parts and accessories specially fabricated for valves listed above under Export Control No. 71992.

(iii) Technical data relating to the following materials and equipment:

- (a) Steel line pipe of a size greater than 19 inches o.d. and having a yield strength greater than 40,000 p.s.i. as determined by API test (Export Control Commodity Nos. 67821 and 67831).
- (b) Forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and having a yield strength greater than 40,000 p.s.i. as determined by API test (Export Control Commodity No. 67850);
- (c) Centrifugal pumps designed for an internal pump-case working pressure of over 300 p.s.i. and a power input greater than 1,000 hp., and specially fabricated parts and accessories (Export Control Commodity Nos. 71921 and 71922);

(d) Air and gas compressors, reciprocating, centrifugal, axial flow and mixed flow types, capable of receiving a power input greater than 2,000 hp., and designed for a discharge greater than 300 p.s.i., and specially fabricated parts and accessories (Export Control Commodity Nos. 71921 and 71922);

(e) Steel valves, with an inlet or outlet dimension 17 inches or greater and designed for a working pressure of over 300 p.s.i., and specially fabricated parts and accessories (Export Control Commodity No. 71992);

(f) Other presses specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., as follows: (1) O-ing presses, (2) U-ing presses, and (3) straightener-expander presses (Export Control Commodity No. 71514);

(g) Parts and accessories (Export Control Commodity No. 71954) for presses listed above under Export Control Commodity No. 71514;

(h) Portable pneumatic and hydraulic drilling machines capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow (Export Control Commodity No. 71953);

(i) Meters with inlet or outlet diameter 10 inches or larger specially designed to measure flow in petroleum and/or natural gas pipe line (Export Control Commodity No. 72954);

(j) Valves specially designed for temporarily stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d. (Export Control Commodity No. 71992);

(k) Automatic pipe welding machines capable of welding the joints of steel line pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Export Control Commodity No. 72992);

(l) Pipe mills specially designed for the manufacture of steel pipe of a size greater than 19 inches o.d., and specially fabricated parts and accessories (Export Control Commodity No. 71522);

(m) Molecular sieves (for example, crystalline calcium aluminosilicate; crystalline sodium aluminosilicate; crystalline alkali metal aluminosilicates, etc.) (Export Control Commodity No. 51460);

(n) Pyrolytic graphite (i.e., graphite and doped graphites produced by vapor deposition) in any form (Export Control Commodity No. 66363); semi-finished or finished materials or products containing pyrolytic graphite as a standing body, a coating, a lining, or a substrate (Export Control Commodity Nos. 59972, 66363, and 72996); and

(o) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates (Export Control Commodity No. 72992).

(p) Cementing equipment; sidewall coring equipment; blowout preventers; fishing tools incorporating integral moving parts, casing cutters, and casing pullers; drilling control and surveying instruments; safety joints, jars, back-off tools, slip or telescopic joints; pipe and

casing tongs, power type; percussion or vibratory attachments for rotary drilling; and draw works and rotary tables designed for an input of 150 hp. and over (Export Control Commodity No. 71842);

(q) Rotary drill rigs incorporating rotary tables and with draw works designed for an input of 150 hp. and over (Export Control Commodity No. 71842);

(r) Rotary rock drill bits (cone or roller types), and specially fabricated parts and accessories, n.e.c. (Export Control Commodity Nos. 69524 and 71842);

(s) Gravity meters and specially designed parts and accessories (gravimeters) (specify by name) (Export Control Commodity No. 86191);

(t) Casing head and Christmas-tree assemblies, 2,000 p.s.i. and over, chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment and bottom hole pumps; and work-over rigs (Export Control Commodity No. 71933);

(u) Well logging instruments and equipment and seismograph equipment except observatory type (Export Control Commodity No. 72954);

(v) Acetal resins (Export Control Commodity No. 58120); and

(w) Alpha trioxymethylene (trioxane) (Export Control Commodity No. 51207).

(iv) The limitations set forth in this subparagraph (4) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

(5) Requirement of written assurance for certain additional products and destinations. (i) Except for technical data requiring a written assurance in accordance with the provisions of subparagraph (4) of this paragraph, and except as provided in subdivision (v) of this subparagraph; no exportation of technical data relating to the commodities described below in this subdivision (i) may be made under the provisions of this General License GTDU, until the United States exporter has received a written assurance from the foreign importer (including any Canadian importer) that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly:

(a) Reexport, directly or indirectly, to Country Group W, Y, or Z, any technical data relating to commodities not identified by the symbol "B" in the last column of the Commodity Control List, or not exportable to Country Group W under the provisions of General License G-DEST (see § 371.7 of this chapter);

(b) Export, directly or indirectly, to Country Group Z, any direct product of the technical data if such direct product is not identified by the symbol "B" in the last column of the Commodity Control List, or not exportable to Country Group W under the provisions of General License G-DEST (see § 371.7 of this chapter); or

\*The term "direct product" used in this sentence and in this context only is defined to mean the immediate product (including processes and services) produced directly by use of the technical data.

<sup>1</sup> See footnote on preceding page.

(c) Export, directly or indirectly, to any destination in Country Group W or Y any direct product\* of the technical data if such direct product is identified by the symbol "A" in the last column of the Commodity Control List.

(ii) If the direct product\* of any technical data is a complete plant or any major component of a plant which is capable of producing a commodity not identified by the symbol "B" in the last column of the Commodity Control List, or not exportable to Country Group W under the provisions of General License G-DEST (see § 371.7 of this chapter), or in the United States Munitions List, a written assurance by the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) shall be obtained by the United States exporter (via the foreign importer), stating that, unless prior authorization is obtained from the Office of Export Control, such person will not knowingly:

(a) Reexport, directly or indirectly, to Country Group W, Y, or Z, the technical data relating to the plant or the major component of a plant;

(b) Export, directly or indirectly, to Country Group Z, the plant or the major component of a plant (depending upon which is the direct product\* of the technical data) or any product of such plant or of such major component if such product of the plant is not identified by the symbol "B" in the last column of the Commodity Control List, or not exportable to Country Group W under the provisions of General License G-DEST (see § 371.7 of this chapter), or in the United States Munitions List; or

(c) Export, directly or indirectly, to Country Group W or Y, the plant or the major component of a plant (depending upon which is the direct product of the technical data) or any product of such plant or of such major component, if such product is identified by the symbol "A" in the last column of the Commodity Control List, or appear in the United States Munitions List.

**NOTE:** Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, (b) and (c) of this subdivision require certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of United States origin exported under General License GTDU.

Except as to items which are identified in the last column of the Commodity Control List the symbol "A," and items on the United States Munitions List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDU for exportation of this type of technical data is hereby deferred to and including May 31, 1965, subject to the following limitations:

1. The exporter shall, at least two weeks before the initial exportation of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify

\* See footnote on preceding page.

the United States Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by (b) of this subdivision, and such product is (i) not identified by the symbols "A" and "B" in the last column of the Commodity Control List or (ii) is identified by the symbol "B" and requires a validated license for exportation to Country Group W by the information set forth in the column titled "Validated License Required for Country Groups Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirement of (b) and (c) of this subdivision as to plant products which are identified by the symbol "A" in the last column of the Commodity Control List, or are on the United States Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, The Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exportations of technical data pursuant to any type of contract or arrangement, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

However, exporters of technical data for complete plants and major plant components pursuant to any pre-June 1, 1965, licensing agreement are advised that after May 31, 1965, written assurances may be required under (b) and (c) of this subdivision as to the future disposition of products of such plants or major plant components.

(iii) The required assurance may be in the form of a letter or other written communication from the importer or, if applicable, the person in control of the distribution of the products of a plant; or the assurance may be incorporated into a licensing agreement which restricts disclosure of the technical data to use only in authorized destinations, and prohibits shipment of the direct product\* thereof by the licensee to any unauthorized destination. An assurance included in a licensing agreement will be acceptable for all exportations made during the life of the agreement. If such assurance is not received this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance can not be obtained.

(iv) In addition, this general license is not applicable to any exportation of technical data of the kind described in this subparagraph (5) if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the direct product\* to be manufactured abroad by use of the technical data is intended to be exported directly or indirectly to any unauthorized destination.

(v) The limitations set forth in this subparagraph (5) do not apply to the exportation of technical data included in an application for the foreign filing of a patent, provided such foreign filing of a patent application is in accordance with the regulations of the United States Patent Office.

**NOTE:** A written assurance is not required for the exportation under this General License GTDU of any technical data which do

not fall within the description set forth in paragraph (c) (4) or (5) of this section.

(d) *General License GTDS; scientific and educational technical data.* A general license designated GTDS is hereby established authorizing the exportation to all destinations of unclassified scientific and educational technical data involving:

(1) Dissemination of information not directly and significantly related to design, production and utilization in industrial processes, including such dissemination by correspondence and attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories. "Instruction" is interpreted not to include research under contract where the research relates directly and significantly to design, production, and utilization in industrial processes.

### § 385.3 Security provisions for certain types of technical data.

(a) *General.* (1) This § 385.3 establishes a procedure whereby persons or firms may obtain, through the Office of Export Control, official United States Government opinions as to the desirability of exporting or releasing for use in friendly foreign countries certain types of unpublished technical data which have significance to the common security and defense of the United States.

(2) Official opinions are not necessary in order to export advertising catalogs or pamphlets; sales technical data supporting a proposal or quotation for installation of United States origin equipment; maintenance, repair and operating data for existing installations of United States origin equipment; technical data for the assembly, erection and installation of United States origin equipment licensed for export.

(b) *Scope.* The scope of this § 385.3 is concerned with technical data in connection with:

(1) Advanced developments, technology, and production "know-how";

(2) Prototypes; and

(3) Special installations.

(c) *Substance.* (1) Before completing arrangements to export or release for use in any friendly foreign country any unpublished technical data included in the scope of the security provisions, an exporter should request an official opinion from the United States Government, through the Office of Export Control, as to the desirability of exporting or releasing the technical data. A request for official opinion from the United States Government shall be submitted by letter, in duplicate, to the U.S. Department of Commerce, Office of Export Control (Attn: 8510), Washington, D.C., 20230. Information included in this request will be treated in confidence so that competitive relationships will not be disturbed.

(2) The request shall set forth all the necessary facts required to present to the Office of Export Control a complete disclosure of the relationships existing between the applicant and the consignee and an adequate description of the type of technical data to be exported. The

request should present a composite picture of the kind and types of technical data, the uses for which and by whom such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(3) As a minimum, the letter should include the following information:

(i) A detailed itemization of the technical data to be exported, including a detailed description of the nature of the specific technical data, processes involved, if any, and whether new installations, developments or projects are concerned.

(ii) A list of names and addresses of the firms in foreign countries who will use or see the technical data.

(iii) Whether the technical data will be used abroad in the production of any material or product that is to be exported from the country of ultimate destination, and if so, name of the country(ies) to which the material or product is to be exported, and if possible, the estimated quantities of each material or product.

(iv) Whether the technical information is required for the national defense, public health, or safety of the country of destination. If the technical data are to be used in a project sponsored by the United States Government, it should be so indicated.

(v) The form in which the information will be furnished to the foreign consignee (e.g., blue prints, specifications, technical aid contracts, manufacturing agreements, patent licensing arrangements, instructional or training material, training in the United States or abroad of foreign personnel, supervision or operation abroad by United States personnel, or any other form of communication).

#### § 385.4 Exportation under a validated license.

(a) *Scope.* Under the provisions of this § 385.4, there is established a procedure for the exportation of technical data not exportable under a general license.

(2) Pursuant to this procedure, application may be made for a validated license which, if issued, authorizes the exportation of specified technical data to a designated foreign consignee or consignees, within a validity period of six months.

(b) *Application Form and Application Processing Card.* An application for a technical data license shall be submitted on Form FC-419, Application for Export License, accompanied by a Form FC-420, Application Processing Card, as described in paragraph (c) of this section, and the letter of explanation described in paragraph (d) of this section.

(c) *Completion of Application Form and Application Processing Card.*—(1) *General instructions for completing Application Form, FC-419.* Form FC-419 shall be completed as provided in § 372.5 of this chapter, except that the items for producer or supplier, quality to be shipped, Export Control Commodity number, and price, shall be left blank. The commodity description item shall contain a general statement which specifies the

form(s) of the technical data (blue prints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form FC-419 immediately above the printed words "United States of America."

(2) *Special provisions for certain commodities.* These special provisions are applicable to technical data relating to the following commodities:

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter).

(ii) The following electronic commodities not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1 of this chapter):

(a) Electrical and electronic instruments, Export Control Commodity No. 72953, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Export Control Commodity No. 72499;

(b) Airborne transmitters, receivers, and transceivers, Export Control Commodity No. 72499;

(c) Airborne direction finding equipment, Export Control Commodity No. 72499; or

(d) Airborne electronic navigation apparatus and airborne radar equipment, Export Control Commodity No. 72499.

(iii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system, and specially fabricated parts and accessories for such neutron generators, Export Control Commodity No. 72970.

(iv) For all license applications covering technical data relating to any of the commodities in subdivision (i), (ii), or (iii) of this subparagraph for export to any destination other than Country Group W, Y, or Z, an applicant shall attach to the license application a written statement of assurance from his foreign consignee that the technical data will not be reexported directly or indirectly to any country without prior authorization from the Office of Export Control. The statement shall also show that the direct product<sup>7</sup> produced by use of the technical data will not be exported directly or indirectly to Country Group W, Y, or Z without prior authorization from the Office of Export Control. However, if the United States exporter is not able to obtain the required statement, or the consignee is unwilling to furnish assurances with respect to all of the re-

<sup>7</sup> The term "direct product" used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data. The coverage of the term does not extend to the results of the use of such "direct product." For example, if the technical data relate to the design of a new or improved airborne transmitter, the airborne transmitter produced from such data is a direct product of the data. However, if the technical data relate to the design of equipment which will be used for the production of airborne transmitters, then the equipment rather than the transmitter is the direct product of the technical data.

quirements, the exporter may attach an explanatory statement to his license application setting forth the reasons therefor.

(3) *Completion of Application Processing Card, Form FC-420.* The Application Processing Card, Form FC-420, shall be completed as provided in § 372.5 of this chapter except that the Export Control Commodity number, processing code, related commodity group number, and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the processing code.

(d) *Letter of explanation.* Each application shall be supported by a comprehensive letter of explanation in duplicate, setting forth all the necessary facts required to present to the Office of Export Control a complete disclosure of the relationship existing between the applicant and the consignee and to describe adequately the type of technical data to be exported. The letter of explanation should present a composite picture of the kind and types of technical data, the uses for which such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(e) *Issuance and use of validated licenses.* When an application for a license to export technical data is approved by the Office of Export Control, an export license will be issued on Form FC-628, authorizing, subject to the provisions of the Export Regulations and to the terms and provisions of such license, the exportation of the types of technical data described therein.

(f) *Export clearance.* The Technical Data license shall be deposited with the Collector of Customs at the port of exit before placing the data on a pier, or dock or other place of loading, for the purpose of exporting by water or air. Similarly, the technical data license shall be deposited with the Postmaster before exporting the technical data by mail, including surface and air parcel post.

(g) *Amendments.* Requests for amendments shall be made in accordance with the provisions of § 380.2 of this chapter.

(h) *Other applicable provisions.* Insofar as consistent with the provisions of this § 385.4, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this section.

#### § 385.5 Presentation of shipper's export declaration.

Prior to the exportation or release of technical data for foreign use a Shipper's Export Declaration, in the number of copies set forth in § 379.3(c) of this chapter, shall be presented to the Collector of Customs at the port of exit. Technical data exported by mail, including surface or air parcel post, or by telegram, wireless, cable, or telephone do not require the presentation of a Declaration. However, where a partial shipment is made by mail under authority of a validated license deposited with the Collector of Customs, a duplicate Declaration, authenticated by the Collector of

Customs, as set forth in § 379.1(b) (1) (ii) of this chapter, shall be presented to the Postmaster.

### § 385.6 Reexportations.

(a) *Prohibited reexportations*—(1) *General license.* Unless the reexportation of technical data exported from the United States under a general license has been specifically authorized by the Office of Export Control or is otherwise authorized under the provisions of paragraph (b) of this section, no person in the United States or in a foreign country may:

(i) Reexport such technical data, directly or indirectly, in whole or in part, from the authorized country or countries of ultimate destination;

(ii) Export such technical data from the United States with the knowledge that it is to be reexported, directly, or indirectly, in whole or in part, from the authorized country or countries of ultimate destination.

(2) *Validated license.* Unless the reexportation of technical data exported from the United States under a validated license or the direct product or products of such technical data manufactured abroad as are covered by § 385.2(c) (4) have been specifically authorized by the Office of Export Control or are otherwise authorized under the provisions of paragraph (b) of this section, no person in the United States or in a foreign country may:

(i) Reexport such technical data or such direct products thereof, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown on the export license or in the destination control statement on the Shipper's Export Declaration, Bill of Lading, commercial invoice; or

(ii) Export such technical data from the United States with the knowledge that it or such direct products thereof are to be reexported, directly or indirectly, in whole or in part, from the country or countries of ultimate destination shown in the destination control statement shown on the export license or in the Shipper's Export Declaration, Bill of Lading, or commercial invoice.

(iii) Export or reexport, directly or indirectly, in whole or in part, from the authorized country or countries of ultimate destination, the direct product or products manufactured abroad by use of such technical data as are covered by § 385.2(c) (4).

(b) *Permissive reexportations.* Any technical data which have been exported from the United States may be reexported from any destination to any other destination provided that, at the time of reexportation, the technical data to be reexported may be exported directly from the United States to the new country of destination under General License GTDP, GTDU or GTDS.

## PART 398—PRIORITY RATINGS

Sec.

- 398.1 DO (priority) ratings and allotment symbols (DMS) for MRO supplies for foreign civil air carrier aircraft.
- 398.2 Defense supporting priority assistance.

Sec.

- 398.51 Supplement 1; Countries for which the Federal Aviation Agency handles DO ratings or allotment symbols for foreign civil air carrier aircraft.

**AUTHORITY:** The provisions of this Part 398 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

### § 398.1 DO (priority) ratings and allotment symbols (DMS) for MRO supplies for foreign civil air carrier aircraft.

(a) *Delegation of Authority.* (1) The Federal Aviation Agency has delegated to the Office of Export Control, the right to assign DO ratings on purchase orders for maintenance, repair, and operating supplies (MRO) and supporting navigational aids for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in Supplement No. 1 to Part 398. This rating authority will be exercised in accordance with a program established by the Business and Defense Services Administration and limited in total dollar value for each calendar quarter.

(2) The Office of Export Control is further authorized to assign allotment symbols for the procurement of controlled materials<sup>1</sup> for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in Supplement No. 1 to Part 398.

(b) *Program.* The Office of Export Control will consider a request under the Civil Air Carrier Program for Foreign Aircraft for the assignment of:

(1) An allotment symbol for the procurement of controlled materials, and

(2) A DO rating for commodities other than controlled materials.

When a request is approved, the Office of Export Control will assign the appropriate allotment symbol or rating, using the following Department of Defense program identification symbols:

- A-1—Aircraft Program.  
A-7—Electronics and Communications Equipment Program.  
B-9—Production Equipment Program.  
C-9—Miscellaneous Program.

(c) *Ratings not assigned by Office of Export Control.* A request for a DO rating or allotment symbol on a purchase order for delivery of maintenance, repair and operating supplies and supporting navigational aids to foreign civil air carriers registered in any of the countries listed in § 398.51 shall be submitted to Federal Aviation Agency, Plant Assets Branch IM-324, Material Management Division, Washington, D.C., 20553.

(d) *Submission of request for assignment of DO ratings or allotment symbols.* A request to the Office of Export Control to assign a DO rating or allotment symbol to a purchase order shall be by letter, addressed to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230. The following

<sup>1</sup> See DMS Regulation No. 1, as amended, issued by the Business and Defense Services Administration for listing of controlled materials.

information and documents must be attached to the letter:

(1) A duplicate copy of the purchase order or bill of material containing the following information:

(i) The name of the foreign airline for which materials are required;

(ii) The supplier's name;

(iii) Purchase order number of the air carrier;

(iv) Total dollar value; and

(v) End delivery date.

(2) A statement that the supplier will not deliver the material without a DO rating or allotment symbol and that the air carrier cannot obtain the material from any other source.

(3) In the case of commodities other than controlled materials, a statement as to whether any of the material covered by the order requires a validated export license from either the Office of Export Control or the Department of State (see § 370.5(a) of this chapter). If a license is required from the Office of Export Control, submit either a Form FC-419, Application for Export License, or the case number or export license number assigned by the Office of Export Control; if from the Department of State, furnish the license application number or the export license number.

(4) (i) In the case of controlled materials, the request for allotment symbol must be submitted simultaneously with the Form FC-419 when a license is required under the export regulations.

(ii) In a case where an exporter desires to make shipment of a controlled material not requiring an individual export license (i.e., General Licenses GLV, G-DEST, etc.), the request for the allotment symbol shall specify the net weight, type of controlled material, and Export Control Commodity number.

(5) A supplier may also request a DO rating or allotment symbol on behalf of the air carrier or its representative by submitting the above information. In such case, the supplier must notify the air carrier or its representative in writing, that a request for DO rating or allotment symbol has been made and send a copy of such notification to the U.S. Department of Commerce, Office of Export Control, Washington, D.C., 20230.

### § 398.2 Defense supporting priority assistance.

A request for, or information as to, export priority assistance for approved defense supporting programs should be directed to the U.S. Department of Defense, Assistant Secretary of Defense (International Security Affairs), Washington, D.C., 20301.

### § 398.51 Supplement 1; countries for which the Federal Aviation Agency handles DO ratings or allotment symbols for foreign civil air carrier aircraft.

NORTH AMERICA  
Greenland.  
Miquelon and St. Pierre Islands.

CENTRAL AMERICA

British Honduras.

BERMUDA AND CARIBBEAN

Bahamas.  
Barbados.

Bermuda.  
 French West Indies:  
 Guadeloupe.  
 Martinique.  
 Jamaica.  
 Leeward and Windward Islands:  
 Antigua.  
 St. Christopher.  
 Nevis.  
 Anguilla.  
 Montserrat.  
 Grenada.  
 St. Vincent.  
 St. Lucia.  
 Dominica.  
 British Virgin Islands.  
 Netherlands Antilles.  
 Trinidad and Tobago.

## SOUTH AMERICA

British Guiana.  
 Falkland Islands.  
 French Guiana.  
 Surinam.

## EUROPE

Austria.  
 Azores.  
 Belgium.  
 Cyprus.  
 Denmark.  
 France:  
 Andorra.  
 Monaco.  
 Gibraltar.  
 Greece.  
 Iceland.  
 Ireland.  
 Italy:  
 San Marino.  
 Vatican City.  
 Liechtenstein.  
 Luxembourg.  
 Malta.  
 Netherlands.  
 Norway.  
 Portugal.  
 Sweden.  
 Switzerland.  
 Trieste.  
 Turkey.

United Kingdom.  
 West Germany.  
 Yugoslavia.

## ASIA

Aden.  
 Arabia Peninsula States, n.e.c.:  
 Muscat.  
 Oman.  
 Qatar.  
 Yemen.  
 Trucial Sheikhs.  
 Bahrain.  
 Brunei:  
 Sarawak.  
 Cambodia.  
 Goa.  
 Hong Kong.  
 Jordan.  
 Korea, Republic of.  
 Kuwait.  
 Laos.  
 Macao.  
 Malaya.  
 Nansai and Nanpo Islands.  
 Philippines, Republic of the.  
 Portuguese Timor.  
 Sarawak.  
 Singapore.  
 Taiwan (Formosa).  
 Thailand.  
 Viet-Nam.

## AUSTRALIA AND OCEANIA

British Western Pacific Islands:  
 British Solomon Islands.  
 Fiji Islands.  
 Gilbert and Ellice Islands.  
 New Hebrides.  
 Pitcairn and adjacent islands.  
 Tonga Islands.  
 French Pacific Islands:  
 French Polynesia.  
 New Caledonia.

## AFRICA

Angola.  
 Algeria.  
 British East Africa:  
 Kenya Colony.  
 Tanganyika.  
 Uganda.

Pemba.  
 Zanzibar.  
 British West Africa:  
 Gambia.  
 Sierra Leone.  
 St. Helena.  
 Cameroon, Federal Republic of.  
 Congo, Republic of The (Leopoldville).  
 Federation of Rhodesia and Nyasaland.  
 French Somaliland.  
 Ghana:  
 Togoland.  
 Madeira Islands.  
 Malagasy Republic:  
 Comoro Islands.  
 Reunion.  
 Mauritius and Dependencies.  
 Mozambique.  
 Morocco.  
 Nigeria and Cameroons.  
 Seychelles and Dependencies.  
 Somali Republic.  
 Tunisia.  
 Republic of South Africa:  
 Basutoland.  
 Bechuanaland.  
 Swaziland.  
 Western Africa:  
 Dahomey.  
 Ivory Coast.  
 Mauritania.  
 Niger.  
 Mali.  
 Senegal.  
 Togo.  
 Upper Volta.  
 Western Equatorial Africa:  
 Congo, Republic of (Brazzaville).  
 Gabon.  
 Central African Republic:  
 Chad.  
 Western Portuguese Africa, n.e.c.:  
 Cape Verde.  
 Portuguese Guinea.  
 Principe.  
 Sao Tome.

NOTE: Text of this revision is continued in Section 2 of Part II of this issue of the FEDERAL REGISTER.