

and the second shipment is for 3 pieces of equipment valued at \$3,000,000, the third shipment may not exceed 3 pieces of equipment (no tolerance on “number”) valued at no more than \$5,500,000:

\$3,000,000	(the value of the unshipped 3 pieces),
+2,500,000	(25% of the original value shown on the license),

\$5,500,000

(B) If the first shipment includes \$300,000 of parts and accessories and the second shipment includes another \$300,000, the third shipment may not exceed \$400,000 because there is no shipping tolerance on commodities licensed in terms of dollar value.

PART 752—SPECIAL COMPREHENSIVE LICENSE

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SUPPLEMENT NO. 1 TO PART 752: INSTRUCTIONS FOR COMPLETING FORM BXA-748P, MULTI-PURPOSE APPLICATION, FOR REQUESTS FOR SPECIAL COMPREHENSIVE LICENSES

SUPPLEMENT NO. 2 TO PART 752: INSTRUCTIONS FOR COMPLETING FORM BXA-748P-A, ITEM ANNEX

SUPPLEMENT NO. 3 TO PART 752: INSTRUCTIONS FOR COMPLETING FORM BXA-752, STATEMENT BY CONSIGNEE IN SUPPORT OF SPECIAL COMPREHENSIVE LICENSE

SUPPLEMENT NO. 4 TO PART 752: INSTRUCTIONS FOR COMPLETING FORM BXA-752-A, REEXPORT TERRITORIES

SUPPLEMENT NO. 5 TO PART 752: INSTRUCTIONS FOR COMPLETING FORM BXA-748P-B END-USER APPENDIX

AUTHORITY: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995 (60 FR 42767, August 17, 1995).

SOURCE: 61 FR 12835, Mar. 25, 1996, unless otherwise noted.

§ 752.1 Scope.

(a)(1) *Introduction.* In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. This part describes the provisions of the Special Comprehensive License (SCL). You may apply for an SCL, when appropriate, in lieu of a license described in part 748 of the EAR, or a License Exception described in part 740 of the EAR, for multiple exports and reexports of items subject to the EAR. The SCL provides authorization to make specified exports and reexports that are otherwise prohibited by General Prohibitions One, Two, and Three described in part 736 of the EAR. The existence of an SCL does not supersede an exporter's obligation to request a separate license as may be required by part 744 of the EAR. Because the Bureau of Export Administration (BXA) does not review each individual transaction authorized by an SCL, parties to the SCL must have the mechanisms in place to ensure that each export and reexport made under an SCL meets all the terms and conditions of the license and are in accordance with all applicable provisions of the EAR. It is through the design and effective implementation of an Internal Control Program (ICP) that the SCL holder and the SCL consignee (referred to as “consignee” for purposes of this part) assure that exports and reexports are not made contrary to the EAR.

(2) *Definitions*—(i) *SCL holder.* As used in this part, “SCL holder” is that party approved on an SCL to perform activities approved under the SCL.

(ii) *SCL consignee.* As used in this part, “SCL consignee” or “consignee” means any party authorized to receive items under the SCL and named as a consignee on an approved Form BXA-752, Statement by Consignee in Support of Special Comprehensive License.

(b) *ICP requirement.* To qualify for an SCL, you must develop an ICP. Section 752.11 of this part includes a general description of the elements of the ICP, and guidance on which elements your company must implement before making shipments under the SCL. The elements of the ICP your company will develop reflect the complexity of the activities authorized under the SCL, the countries and items involved, and

the relationship between the SCL holder and the approved consignees. BXA may require you to include in your ICP any combination of elements, depending upon the nature of your SCL application. During your pre-application consultation required by § 752.5(a)(1), BXA will provide you guidance on which elements you must implement.

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25463, May 9, 1997]

§ 752.2 Eligible activities.

(a) *Possible authorizations.* Under the SCL, BXA may authorize you to perform any number of activities, which can be grouped under the general categories of “service”, “end-user”, “distribution” and “other” activities. Examples of the general categories include:

(1) *Service activities.* Exporting items subject to the EAR as spare and replacement parts for servicing or stocking.

(2) *End-user activities.* Exporting and reexporting items subject to the EAR for use as capital equipment.

(3) *Distribution activities.* Exporting and reexporting items subject to the EAR for the purpose of resale and reexport by consignees.

(4) *Other activities.* Other activities not included in paragraphs (a)(1) through (a)(3) of this section may be authorized by BXA under the SCL on a case-by-case basis.

(b) *Prohibited activities.* The general prohibitions described in § 736.2(b)(4) through (10) of the EAR apply to all exports and reexports by, and conduct of, all parties approved on your SCL, unless you are specifically authorized under the SCL to perform such activities, or the particular activity otherwise qualifies for a License Exception described in part 740 of the EAR.

§ 752.3 Eligible items.

(a) All items subject to the EAR, including items eligible for License Exceptions described in part 740 of the EAR, are eligible for export and reexport under the SCL, except:

(1) Items controlled for missile technology reasons that are identified by the letters MT in the applicable “Reason for Control” paragraph on the

Commerce Control List (CCL) (see Supplement No. 1 to part 774 of the EAR);

(2) Items controlled by ECCNs 1C351, 1C352, 1C353, 1C354, 1C991, 1E001, 1E350, 1E391, 2B352, 2E001, 2E002, and 2E301 on the CCL controlled for CB reasons;

(3) Items controlled by ECCNs 1C350, 1C995, 1D390, 2B350, and 2B351 on the CCL that can be used in the production of chemical weapons precursors and chemical warfare agents, to destinations listed in Country Group D:3 (see Supplement No. 1 to part 740 of the EAR);

(4) Items controlled for short supply reasons that are identified by the letters “SS” in the applicable “Reason for Control” paragraph on the CCL;

(5) Maritime (civil) nuclear propulsion systems or associated design or production software and technology identified in § 744.5 of the EAR;

(6) Communications intercepting devices controlled by ECCN 5A980 on the CCL;

(7) Commercial communications satellites controlled under ECCN 9A004.a on the CCL;

(8) Hot section technology for the development, production or overhaul of commercial aircraft engines controlled under ECCN 9E003.a.1. through a.12. .f, and related controls;

(9) Items specifically identified as ineligible by BXA on your approved SCL; and

(10) Additional items consistent with international commitments.

(b) Items controlled for nuclear non-proliferation reasons that are identified by the letters NP in the applicable “Reason for Control” paragraph on the CCL may be authorized on a case-by-case basis provided controls are in place to screen for proscribed end-users or end-uses.

[61 FR 12835, Mar. 25, 1996, as amended at 61 FR 54543, Oct. 21, 1996; 62 FR 25463, May 9, 1997]

§ 752.4 Eligible countries.

(a) *General provisions.* All countries are eligible under the SCL except:

(1) Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.

(2) Other countries that BXA may designate on a case-by-case basis as ineligible to receive items under the SCL.

(b) *Servicing prohibitions.* Under the SCL, you may not service any item when you know that the item is owned or controlled by, or under the lease or charter of, entities in countries identified in paragraphs (a)(1) and (a)(2) of this section or any national of such countries.

§ 752.5 Steps you must follow to apply for an SCL.

(a) *Step One: Establish applicant reliability—(1) Pre-application consultation.* To apply for an SCL, BXA must determine your reliability as a potential SCL holder. BXA usually does this through consultation with company officials and a review of the criteria identified in paragraph (a)(2) of this section. To determine whether your company requires a consultation before you apply for an SCL, contact BXA at the address, phone, or telefacsimile numbers included in § 752.17 of this part.

(2) *Criteria for determining eligibility.* BXA will review the following criteria to help determine SCL holder eligibility:

- (i) Evidence of past licensing history and projected, continuous large volume exports;
- (ii) Reliability of all parties relative to their compliance with the EAR;
- (iii) Commitment of all parties of the necessary resources to implement and maintain an adequate ICP; and
- (iv) Evidence of all parties knowledge of all provisions of the EAR.

(b) *Step Two: Establish consignee reliability—(1) Requirements.* You must make an initial determination of the reliability of all consignees that are listed on your application for an SCL, based upon the criteria described in paragraph (b)(2) of this section.

(2) *Determining reliability.* The criteria that you should take into consideration include, but are not limited to, the following:

(i) *Criteria.* (A) The proposed consignee has a satisfactory record established through BXA pre-license checks, or extensive experience as a consignee under any license issued by BXA;

(B) The proposed consignee is a wholly-owned subsidiary or a controlled-in-fact affiliate of the applicant or of a consignee that is already approved on

an SCL. See part 772 of the EAR for a definition of controlled-in-fact; or

(C) You have evidence of an established, on-going business relationship with the proposed consignee.

(ii) *Exception.* The provisions of paragraph (b)(2)(i) of this section do not preclude the authority of BXA to determine the reliability and eligibility of a proposed consignee. BXA may, based upon any negative information on the proposed consignees, deny a proposed consignee.

(c) *Step Three: Prepare your documentation.* Complete Form BXA-748P, Multipurpose Application, Form BXA-748P-A, Item Appendix, Form BXA-748P-B, End-User Appendix, an ICP, a comprehensive narrative statement, Form BXA-752, Statement by Consignee in Support of Special Comprehensive License, Form BXA-752-A, Reexport Territories, and all applicable certifications. Submit this documentation to BXA at one of the addresses included in § 752.17 of this part.

(1) *Form BXA-748P, Multipurpose Application, and Form BXA-748P-A, Item Appendix.* You must complete Form BXA-748P and Form 748P-A according to the instructions found in Supplement Nos. 1 and 2 of this part.

(2) *Form BXA-748P-B, End-User Appendix.* You must identify end-users on Form BXA-748P-B if you are requesting approval to export or reexport items controlled for nuclear non-proliferation or chemical and biological control reasons.

(3) *ICP.* You must provide a copy of your proposed ICP as required by § 752.11 of this part. You must indicate whether any of the elements of the ICP will not be implemented and explain why these elements were deemed inapplicable. Existence of a properly constructed ICP will not relieve you of your responsibility to comply with requirements of all applicable regulations pertaining to your SCL;

(4) *Comprehensive narrative statement.* Prepare a comprehensive narrative statement on your company letterhead that includes the following information:

(i) An overview of the total business activity that will be performed by you and all other parties who will receive items under the authority of your SCL,

including consignees, subcontractors, and vessels;

(ii) A description of the nature and anticipated volume of regular and repetitive transactions proposed by consignees under the license;

(iii) An explanation of the relationship between the parties to the application, such as affiliate, subsidiary, or parent, etc;

(iv) A certification that you will implement, upon approval of the application by BXA, an ICP that incorporates all applicable elements listed in §752.11 of this part and any additional elements as required by BXA upon approval of the SCL; and

(v) Information on whether proposed consignees are end-users or will reexport the items received under your SCL. You must describe the proposed consignee's activities completely to determine the appropriate ICP elements that you and your consignees must implement.

(5) *Form BXA-752, Statement of Consignee in Support of Special Comprehensive License.* This Form is completed by each consignee. You must submit one completed, signed, original Form BXA-752 for each proposed consignee on your SCL application. See Supplement No. 3 to this part for instructions on completing Form BXA-752. Form BXA-752 is not required if the proposed consignee is both an end-user and a "foreign government agency" as defined in part 772 of the EAR.

(6) *Form BXA-752-A, Reexport Territories.* You must complete Form BXA-752-A, and attach it to the appropriate Form BXA-752, whenever Blocks 8B, 8C, 8E, and/or 8F are selected on Form BXA-752. See the instruction found in Supplement No. 3 to this part. Form BXA-752-A is not required if the proposed consignee is both an end-user and a foreign government agency (see part 772 of the EAR for a definition of foreign government agency).

(7) *Consignee certifications.* Each consignee must provide certain certifications on company letterhead that is signed by the consignee. Attach certifications to the appropriate Form BXA-752. Each consignee must certify that:

(i) They will implement, upon approval of the SCL by BXA, an ICP that incorporates all applicable elements

listed in §752.11 of this part and any additional elements as required by BXA upon approval of your SCL. If certain elements of an ICP will not be included, state the reasons for that determination;

(ii) They will comply with all provisions of the EAR, including the record-keeping provisions of part 762 of the EAR, all applicable system review requirements of §752.14 of this part, and the reexport restrictions of §752.6 of this part; and

(iii) They will make available for inspection, upon request by BXA, all records required by §752.12 of this part and part 762 of the EAR.

(8) *Additional certifications.* (i) *Temporary exports.* Proposed consignees that plan to exhibit or demonstrate items in countries other than those in which they are located or are authorized under an SCL, an approved Form BXA-752, or a License Exception provision described in §740.8(a)(2)(iii) of the EAR may obtain permission to do so by including the following additional certification on company letterhead, and attaching it to Form BXA-752.

I (We) request authorization to reexport temporarily, for exhibit or demonstration in countries eligible to receive items under the Special Comprehensive License. The items exported will be retained under my (our) ownership and control, and will be returned by me (us) to (name destination) promptly after their exhibit or demonstration abroad, and in no case later than one year after the date of reexport, unless other disposition is authorized in writing by the Bureau of Export Administration.

(ii) *Chemicals and chemical equipment certification.* If you are requesting authority to export chemicals or chemical equipment eligible for the SCL, you must obtain a signed written statement on company letterhead from the proposed consignee(s) and end-user(s) (except those located in Country Group A:3) (see Supplement No. 1 to part 740 of the EAR) certifying the following:

No chemicals or chemical equipment received under this Special Comprehensive License will be transferred, resold, or reexported to a destination that requires a license, unless the new end-user has been approved by the Bureau of Export Administration, and in no case will the items be retransferred, resold, or reexported to a party who is not the end-user.

(iii) *Nuclear nonproliferation certification.* If you are requesting the export or reexport under the EAR of items controlled for nuclear nonproliferation reasons described in §744.2(a) of the EAR, prior to submitting an SCL application, you must obtain a signed written statement on company letterhead from the proposed consignee(s) and end-user(s) certifying the following:

(A) The items to be exported or replicas thereof (“replicas” refer to items produced abroad based on physical examination of the items originally exported, matching it in all critical design and performance parameters), will not be used in any of the activities described in §744.2 of the EAR; and

(B) Written authorization will be obtained from BXA prior to transferring or reexporting the items, unless they are destined to Canada or would not require a license to the new country of destination.

[61 FR 12835, Mar. 25, 1996, as amended at 61 FR 64285, Dec. 4, 1996; 62 FR 25463, May 9, 1997]

§752.6 Reexports.

(a) *Authorized reexports.* All consignees may reexport items without approval from BXA under any one of the following circumstances, unless otherwise specifically excluded by the provisions of the EAR or by a condition placed on your SCL.

(1) Reexports that qualify for a License Exception authorized by part 740 of the EAR;

(2) Reexports to destinations approved by BXA through validation of Form BXA-752 and/or Form BXA-752-A according to the terms stated on the Form BXA-752 or BXA-752-A; or

(3) Reexports of items approved under an SCL to and among other consignees approved on the same SCL, provided that the items are eligible to the new destination in accordance with your approved SCL and §752.3 of this part.

(b) *Prohibitions.* You are prohibited from the following activities without specific authorization from BXA:

(1) Transferring, reselling, or reexporting under your SCL any chemicals or chemical equipment identified with the letters “CB” in the applicable “Reason for Control” paragraph on the

CCL (see Supplement No. 1 to part 774 of the EAR); and

(2) Reexporting under your SCL items identified by the letters NP in the applicable “Reason for Control” paragraph on the CCL to destinations not listed in country group A:4 (see Supplement No. 1 to part 740).

(c) *Sourcing.* Consignees who obtain U.S.-origin items abroad that are eligible for the SCL but that are subject to General Prohibitions One, Two, or Three (see part 734 of the EAR) may reexport them under the authority of your SCL, provided that they are reexported in accordance with the ICP required by §752.11 of this part, and any other applicable conditions or reexport restriction placed on your SCL by BXA. Either the SCL holder or the consignee through the SCL holder must submit the sourcing request for reexport of items on Form BXA-752.

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25464, May 9, 1997]

§752.7 Direct shipment to customers.

(a) *General authorization.* (1) Upon request by a consignee, an SCL holder or another consignee approved under the same SCL is authorized to deliver products directly to the requesting consignee’s customer in either:

(i) The requesting consignee’s country; or

(ii) Another country authorized to receive items under the requesting consignee’s validated Form BXA-752-A.

(2) The SCL holder or consignee making direct shipments authorized by this section must implement an ICP containing procedures governing such shipments.

(3) SCL holders and consignees using the direct shipment provision may invoice the shipments directly to the requesting consignee’s customers if copies of applicable invoices are maintained by both the shipping party and requesting consignee.

(b) *Procedures—(1) Exports by an SCL holder.* The SCL holder may make a direct shipment by entering on the Shipper’s Export Declaration the name and address of the customer as ultimate consignee and adding the notation “by order of (name and address of consignee requesting the direct shipment)”. The notation must appear below the item

description and must cite the SCL number followed by the three digit number of the consignee requesting the “by order of” shipment.

(2) *Reexports by a consignee.* An approved consignee may make a direct reexport shipment to a customer of another approved consignee on the same SCL by showing on the commercial invoice the name and address of the customer as ultimate consignee and adding the notation “by order of (name and address of consignee requesting the direct shipment).”

§ 752.8 SCL application review process.

(a) *Scope.* Under an SCL, you are authorized to make multiple exports and reexports without review and approval of each individual transaction by BXA. To approve an SCL, BXA must be satisfied that the persons benefiting from this license will adhere to the conditions of the license and the EAR, and that approval of the application will not be detrimental to U.S. national security, nonproliferation, or foreign policy interests. In reviewing and approving a specific SCL request, BXA retains the right to limit the eligibility of items or to prohibit the export, reexport, or transfer of items under the SCL to specific firms, individuals, or countries.

(b) *Elements of review.* To permit BXA to make such judgments, BXA will thoroughly analyze your past export and reexport transactions, inspect your export and reexport documents, and interview company officials of both the applicant and the consignees, as necessary. If BXA cannot verify that an appropriate ICP will be implemented upon approval of the SCL by BXA, or establish the reliability of the proposed parties to the application, it may deny the application, or modify it by eliminating certain consignees, items, countries, or activities.

(c) *Order requirement.* You do not need to have in your possession an order from the proposed consignee at the time you apply for an SCL. However, evidence of a consignee’s firm intention to place orders on a continuing basis is required.

(d) *Criteria for review.* BXA will consider the following factors during the processing of your SCL application:

(1) The specific nature of proposed end-use and end-uses;

(2) The significance of the export in terms of its contribution to the design, development, production, stockpiling, or use of nuclear or chemical or biological weapons, or missiles;

(3) The types of assurances against design, development, production, stockpiling, or use of nuclear or chemical and biological weapons, or missiles that are included in the ICP;

(4) The nonproliferation credentials of the importing country;

(5) Corporate commitment of the resources necessary to implement and maintain an adequate ICP;

(6) Evidence of past licensing history of the applicant and consignees, and projected, continuous large volume exports and/or reexports;

(7) Reliability of all parties;

(8) Information on all parties’ compliance with the provisions of the EAR; and

(9) All parties’ knowledge of the EAR.

(e) *Application processing time-frames.* Upon receiving an SCL application, BXA may review the application for up to two weeks to determine whether the SCL application is complete. When all documentation requirements are met, BXA will register the application. After the date of registration, the SCL application will be processed according to the procedures described in part 750 of the EAR.

§ 752.9 Action on SCL applications.

(a) *Approval of SCL applications—(1) Validity period.* SCLs are valid for four years from the date of approval.

(2) *Extension of validity period.* You may request an extension of your valid SCL for an additional four years, but such requests must be received by BXA at least 30 days prior to the expiration of your SCL. If approved, Form BXA-748P and your letter requesting an extension will be validated and returned to you, extending the validity period for four years. No further extensions will be approved. A new application and support documentation is required at the end of that eight-year period. To

apply for an extension, complete Form BXA-748P by completing Blocks 1, 2, 3, and 4. In addition, mark "Special Comprehensive License" in Block 5, place an "x" in "Letter of Explanation" in Block 6, and mark "other" in Block 8. Include your SCL number in Block 9, and indicate in Block 24 that you are requesting an extension to your SCL. Submit the completed Form BXA-748P and a statement on your company letterhead indicating:

(i) That you continue to abide by the provisions and conditions of the SCL; and

(ii) Any changes to the original SCL that you are requesting (see § 752.10 of this part for procedures on changed circumstances).

(3) *Support documentation*—(i) *General information*. BXA will validate all approved support documentation with the Department of Commerce seal and date of validation.

(ii) *Form BXA-752, Form BXA-752-A, and Form BXA-748P-B*. With the approved SCL, you will receive two validated copies of each approved Form BXA-752, Statement by Consignee in Support of Special Comprehensive License and, if applicable, Form BXA-752-A, Reexport Territories, and Form BXA-748P-B, End-User Appendix. You must retain one copy, and send one copy to the approved consignee. You must also attach a letter to each approved Form BXA-752 that includes each of the following elements:

(A) A description of all recordkeeping requirements of the EAR applicable to the activities of the consignee;

(B) Information on any applicable re-export restrictions on items received by the consignee under the SCL;

(C) A description or copy of § 752.16 of this part, listing administrative actions that may be taken for improper use of, or failure to comply with, the SCL and its required procedures;

(D) A description of any special conditions or restrictions on the license applicable to the consignee, including approved lists of customers, countries, and items, when required;

(E) A description of the elements of the SCL holder's ICP relevant to the SCL consignee;

(F) A copy of the high risk customer profile contained in § 752.11(c)(13)(i) of this part, when required;

(G) A copy of the Denied Persons List currently in effect and notification that you will send the consignee regular updates to this list;

(H) A notice that the consignee, in addition to other requirements, may not sell or otherwise dispose of any U.S. origin items when it knows that the items will be used in the activities prohibited by part 744 of the EAR;

(I) A requirement that the consignee acknowledge, in writing, receipt of this letter of transmittal outlining their obligations under the SCL, and certify that it will comply with all of the requirements, including implementation of an ICP if required by § 752.11 of this part; and

(J) A description of any special documentation requirements for consignees reexporting items to destinations having such requirements.

(4) *Special license conditions*. BXA may place special conditions on your SCL, such as restrictions on eligible items, countries, end-uses, end-users or activities, or a requirement that certain sales or transfers of items under the SCL are subject to prior reporting to BXA. Such special conditions will be listed on your SCL or in a letter from BXA to the SCL holder. You must inform all relevant consignees of all license conditions prior to making any shipments under the SCL.

(b) *Denial of SCL applications*. (1) If BXA intends to deny your SCL application, you will be notified and have opportunity to respond according to the procedures in § 750.6 of the EAR.

(2) BXA may at any time prohibit the sale or transfer of items under the SCL to specified individuals, companies, or countries. In such cases, the SCL holder must inform all consignees, and apply for a license described in part 748 of the EAR for subsequent transactions with such excluded parties.

(3) If a consignee is not approved, Form BXA-752 will be returned to the SCL holder with a letter explaining the reason for denial.

(4) If a particular destination is not approved, it will be removed from the appropriate Form BXA-752-A.

(c) *Return without action.* BXA may determine to return the SCL application without action. Under such circumstances, the application and all related documents will be returned to you along with a letter stating the reason for return of the license application, explaining the deficiencies or additional information required for reconsideration, or advising you to apply for a license described in part 748 of the EAR. BXA may return your entire application or merely documents pertaining to a specific consignee request.

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25464, May 9, 1997]

§ 752.10 Changes to the SCL.

(a) *General information.* Certain changed circumstances regarding the SCL require prior approval from BXA before you make such changes, while others require only notification to BXA. Changes and notifications of license holder information must be initiated by submitting Form BXA-748P. Changes and notifications of consignee information must be initiated by submitting Form BXA-752.

(b) *Changes requiring prior written approval from BXA.* The following circumstances require prior written approval by BXA. Such requests must be submitted by the SCL holder, and changes are not effective until BXA approves the request. Upon approval of a change described in this paragraph, BXA will return to the SCL holder a validated copy of the request, indicating any changes that may have been made to your request, or any special conditions that may have been imposed.

(1) *Change of SCL holder company name.* You must submit to BXA Form BXA-748P, Multipurpose Application, for any change in the name of the SCL holder company. Complete Blocks 1, 2, 3, and 4. Mark "Special Comprehensive License" in Block 5, and "other" in Block 8. In Block 9, include your SCL number. Briefly indicate the purpose of the change in Block 24 (i.e., a change in company name). Enter the new information in the relevant Blocks, and complete Block 25. The SCL holder must send a copy of the validated Form BXA-748P to each approved consignee, and advise them to attach the copy of

the validated form to their validated Form BXA-752.

(2) *Change in consignee name or address.* You must submit to BXA Form BXA-752, Statement by Consignee in Support of Special Comprehensive License, when requesting a change in consignee name, or if the consignee moves out of the country. The consignee must complete Block 3, mark "change an existing consignee" and provide the new consignee information in Block 4. In Block 9, explain change of address from "Address A" to "Address B". Also, complete Block 10 and the SCL holder signature Block information.

(3) *Addition of new consignee.* You must submit to BXA Form BXA-752 for requests to add consignees to an SCL. Complete Form BXA-752 in accordance with the instruction in Supplement No. 3 to this part, marking "Add a New Consignee" in Block 3. Use Block 9 to describe the proposed consignee's role in the activities authorized by the SCL. Form BXA-752 is not required if the proposed new consignee is a foreign government agency and the items will not be reexported. If Form BXA-752 is not required, the SCL holder may submit the request to add the foreign government agency to the SCL on company letterhead. You must include the proposed consignee's complete street address.

(4) *Change in reexport territories.* You must submit to BXA Form BXA-752 and Form BXA-752-A to add a country to a consignee's approved reexport territory. Upon approval of change in reexport territory, BXA will return to the SCL holder two validated copies of Form BXA-752 and Form BXA-752-A, Reexport Territories, along with any special conditions that may have been imposed.

(i) *Form BXA-752.* Complete Block 3 by marking "Change an Existing Consignee". In Block 4, enter the consignee name and consignee number. In Block 5, enter the SCL number. In Block 9, enter "to add a country to the reexport territory". Complete Block 10 and the SCL holder signature block information.

(ii) *Form BXA-752-A.* Complete Blocks 2 and 3. Mark each country that

you are adding to your reexport territory.

(5) *Adding items to your SCL.* The following procedures apply to requests to add items to your SCL. Upon approval, BXA will send you a validated Form BXA-748P and, if applicable, Form BXA-748P-A. The SCL holder must send a copy of each validated form to all applicable consignees and attach a copy to their Form BXA-752.

(i) *Adding one item.* You must submit to BXA Form BXA-748P to request the addition of a single item to your SCL. Complete Blocks 1, 2, 3, and 4. Mark an "x" in the "Special Comprehensive License" box in Block 5, and "other" in Block 8. Include your SCL number in Block 9. In Block 24, enter "add ECCN". Complete items (a) and (j) in Block 22 and in Block 25.

(ii) *More than one item.* You must submit to BXA Form BXA-748P and Form BXA-748P-A to request to add more than one item to your SCL. Complete Form BXA-748P according to the instructions in paragraph (b)(5)(i) of this section. In Block 24, insert the phrase "add ECCNs on attached Form BXA-748P-A. Complete Block 1 on Form BXA-748P-A by including the "Application Control Number" (found on Form BXA-748P). Complete Block 21 and 24, if needed, to describe any special circumstances (i.e., the new item will only be exported to specific consignees and will not be reexported).

(6) *Changes to add end-users.* You must submit to BXA Form BXA-752 and Form BXA-748P-B to add or change end-users to consignee authorizations. When you request multiple "types of requests" (i.e., additions or changes) on a single Form BXA-752; you must specify in Block 9, the type of request for each end-user. Example: end-user XXX is to be "added" and end-user AAA is to be "changed" from "end-user AAA" to "end-user ABA".

(i) *Form BXA-752.* On Form BXA-752, complete Block 3.B, "change an existing consignee". Include the consignee number in Block 4. Include the SCL number in Block 5. In Block 9 insert the phrase "To add an end-user" or the phrase "To change an end-user". Complete Block 10 and include the SCL holder signature block information.

(ii) *Form BXA-748P-B.* On Form BXA-748-B, complete Blocks 1 and 19. In Block 21, cite the end-user requirement or condition (i.e., end-user XXX is requested in compliance with §752.5(c)(8)(ii) of this part, which requires prior authorization to reexport chemicals under the SCL). Also, list the items (by ECCN and by description) that each end-user will receive and for what purpose, if approved by BXA.

(c) *Changes that do not require prior approval from BXA.* The following changes regarding your SCL do not require prior approval from BXA, however, such changes must be submitted on the appropriate forms no later than 30 days after the change has occurred. BXA will validate the forms, and return one copy to you for your records.

(1) *Change of SCL holder address, export contact information, or total value of license.* You must submit to BXA Form BXA-748P, Multipurpose Application, for any change in the SCL holder's address, export contact information, or total value of the license. Complete Blocks 1, 2, 3, and 4. Mark "Special Comprehensive License" in Block 5, and "other" in Block 8. In Block 9, include your SCL number. Briefly indicate the purpose of the change in Block 24. Enter the new information in the relevant Blocks. Complete Block 25. The SCL holder must send a copy of the validated Form BXA-748P to each approved consignee, and advise each approved consignee to attach the copy of the validated form to their validated Form BXA-752.

(2) *Deletion of consignees.* You must submit to BXA Form BXA-752 if you remove a consignee from your SCL. Complete Block 3.C. Indicate your consignee number in Block 4 and your SCL case number in Block 5. Explain the reason for the action in Block 9. Complete Block 10 and the SCL holder signature information. You must notify all remaining consignees if any consignee is no longer eligible to receive items under the SCL.

(3) *Changes in ownership or control of the SCL holder or consignee.—(i) SCL holder.* You must notify BXA of changes in ownership or control by submitting to BXA Form BXA-748P. Complete Blocks 1, 2, 3 and 4, mark "Special Comprehensive License" in

Block 5. Mark and “x” in “other” in Block 8 and indicate the SCL number in Block 9. Include the SCL holder information number in Block 14, and describe the change in Block 24, indicating the circumstances necessitating the change (i.e., mergers), and changes in persons who have official signing authority. Also complete Block 25.

(ii) *Consignee*. You must notify BXA of changes in ownership or control of the consignee company by submitting to BXA Form BXA-752. Complete Block 1. Mark and “x” in “change an existing consignee” in Block 3.B, and complete Blocks 4 and 5. In Block 9, describe the change, indicating the circumstances necessitating the change (i.e., mergers), and changes in persons who have official signing authority. Complete Block 10 and the SCL holder signature block information.

(iii) *Transfers and SCLs after control changes*. Note that under § 750.10(a) of the EAR you may not transfer a license—including a Special Comprehensive License—except with the prior written approval of BXA. In addition, BXA reserves the right to modify, revoke, or suspend an SCL in the event of a change in control of the previously approved SCL holder or consignee(s). In reviewing requests to transfer an SCL or consignee authority under an SCL and in reviewing changes in control of an SCL holder or approved consignee, BXA will consider the reliability of the new parties.

(4) *Remove reexport territories*. If you remove a country from a consignee’s approved reexport territory, you must submit to BXA Form BXA-752 and Form BXA-752-A. You cannot add and delete countries on the same forms. Upon review of the change in reexport territory, BXA will return to the SCL holder two validated copies of Form BXA-752 and Form BXA-752-A.

(i) *Form BXA-752*. Complete Block 1. Complete Block 3 by marking “change an existing consignee”. In Block 4, enter the consignee name and consignee number. In Block 5, enter the SCL number. Complete Block 10 and the SCL holder signature block information.

(ii) *Form BXA-752-A*. Complete Blocks 1, 2, 3, and 5. Mark each country that you are removing from the reex-

port territory with an “x”. Mark an “x” in “Other Specify” and insert “delete”.

(5) *Remove items from your SCL*. The following procedures apply if you remove an item from your SCL. After review of the change by BXA, BXA will send you a validated Form BXA-748P and Form BXA-748P-A, if applicable. The SCL holder must send a copy of each validated form to all applicable consignees and attach a copy to their BXA-752.

(i) *Removing one item*. You must submit to BXA Form BXA-748P if you remove a single item from your SCL. Complete Blocks 1, 2, 3 and 5. Mark “Special Comprehensive License” in Block 5 and mark “other” in Block 8. Include your SCL number in Block 9. State “delete ECCN” in Block 24. Complete items (a) and (j) in Block 22 and Block 25.

(ii) *Removing more than one item*. You must submit to BXA Form BXA-748P and Form BXA 748P-A if you remove more than one item from your SCL. Complete Form BXA-748P according to the instructions in paragraph (a)(5)(i) of this section, except in Block 24, state “delete ECCNs on attached BXA-748P-A”. Complete Form BXA 748P-A by including the “application control number” (found on Form BXA-748P) in Block 1. Complete items (a) and (j) in Block 22 for each item you are removing from your SCL.

(6) *Remove end-users from your SCL*. You must submit to BXA Form BXA-752 if you remove end-users from consignee authorizations. (Use Form BXA-748P-B, if additional space is needed.) After review by BXA, BXA will return to the SCL holder two validated copies of Form BXA-752 and Form BXA-748P-B, which will include any special instructions that may be necessary. You must send one copy of Forms BXA-752 and BXA-748P to the relevant consignee.

(i) *Form BXA-752*. On Form BXA-752, complete Block 1 and 3.B, “change an existing consignee”. Include the consignee number in Block 4. Include the SCL case number in Block 5. In Block 9, include the phrase “to remove an end-user(s)” followed by the name/address information. Complete Block 10

and the SCL holder signature Block information.

(ii) *Form BXA-748P-B*. If there was not enough space on Form BXA-752, Block 9, you may continue the information on Form BXA-748P-B, in Block 24. Complete the information in Block 1. Do not complete Block 19. Block 19 is only used to add end-users.

(d) *Changes made by BXA*. If BXA revises or adds an ECCN to the CCL, or a country's eligibility already covered by the SCL changes, BXA will publish the change in the FEDERAL REGISTER. The SCL holder is responsible for immediately complying with any changes to the scope of the SCL.

[62 FR 25464, May 9, 1997]

§ 752.11 Internal Control Programs.

(a) *Scope*—(1) *Introduction*. It is through Internal Control Programs (ICPs) that the SCL holder and the consignee assure that exports and reexports are not made contrary to the EAR. The elements of your ICP will reflect the complexity of the activities authorized under the SCL, the countries and items involved, and the relationship between the SCL holder and the approved consignees.

(2) *General requirements*. Prior to making any exports and reexports under an SCL, you and your consignees, when required, must implement an ICP that is designed to ensure compliance with the SCL and the EAR. This section provides an overview of the elements that comprise an ICP. You may obtain from BXA at the address found in § 752.17 of this part guidelines to assist you in developing an adequate ICP. You must submit with your application for an SCL a copy of your proposed ICP, along with any consignee ICPs, when required, incorporating the elements described in this section, as appropriate. BXA may require you to modify your ICP depending upon the activities, items, and destinations requested on your application for an SCL.

(b) *Requirements*. You may not make any shipments under an SCL until you and your consignees, when appropriate, implement all the elements of the required ICP. If there are elements that you consider inapplicable, you must explain the reasons for this determina-

tion at the time of application for an SCL. Existence of a properly constructed ICP will not relieve the SCL holder of liability for improper use or failure to comply with the requirements of the EAR.

(c) *Elements of an ICP*. Following is a list of ICP elements. The specific elements that should be included in your ICP depend upon the complexity of the activities authorized under your SCL, the countries and items involved, and the relationship between the SCL holder and the approved consignees.

(1) A clear statement of corporate policy communicated to all levels of the firm involved in exports and reexports, traffic, and related functions, emphasizing the importance of SCL compliance;

(2) Identification of positions (and maintenance of current list of individuals occupying the positions) in the SCL holder firm and consignee firms responsible for compliance with the requirements of the SCL procedure;

(3) A system for timely distribution to consignees and verification of receipt by consignees of the Denied Persons List (Supplement No. 2 to part 764 of the EAR) and other regulatory materials necessary to ensure compliance;

(4) A system for screening items, training and servicing transactions against Denied Persons List (Supplement No. 2 to part 764 of the EAR) and any relevant updates to the Denied Persons List;

(5) A system for assuring compliance with items and destination restrictions, including controls over reexports by consignees and direct exports to consignee customers;

(6) A compliance review program covering the SCL holder and extending to all consignees;

(7) A system for assuring compliance with controls on exports and reexports of nuclear items and to nuclear end-uses described in §§ 742.3 and 744.2 of the EAR;

(8) An on-going program for informing and educating employees responsible for processing transactions involving items received under the SCL about applicable regulations, limits, and restrictions of the SCL;

(9) A program for recordkeeping as required by the EAR;

(10) An order processing system that documents employee clearance of transactions in accordance with applicable elements of the company ICP;

(11) A system for monitoring in-transit shipments and shipments to bonded warehouses and free trade zones;

(12) A system for notifying BXA promptly if the SCL holder knows that a consignee is not in compliance with terms of the SCL;

(13) A system to screen against customers who are known to have, or are suspected of having, unauthorized dealings with specially designated regions and countries for which nonproliferation controls apply;

(i) The signs of potential diversion that you should take into consideration include, but are not limited to, the following:

(A) The customer or purchasing agent is reluctant to offer information about the end-use (or end-user) of a product.

(B) The product's capabilities do not fit the buyer's line of business; for example, a small bakery places an order for several sophisticated lasers.

(C) The product ordered is incompatible with the technical level of the country to which the product is being shipped. For example, semiconductor manufacturing equipment would be of little use in a country without an electronics industry.

(D) The customer has little or no business background. For example, financial information unavailable from normal commercial sources and corporate principals unknown by trade sources.

(E) The customer is willing to pay cash for a very expensive item when the terms of the sale call for financing.

(F) The customer is unfamiliar with the product's performance characteristics but still wants the product.

(G) Routine installation, training or maintenance services are declined by the customer.

(H) Delivery dates are vague, or deliveries are planned for out-of-the-way destinations.

(I) A freight forwarding firm is listed as the product's final destination.

(J) The shipping route is abnormal for the product and destination.

(K) Packaging is inconsistent with the stated method of shipment or destination.

(L) When questioned, the buyer is evasive or unclear about whether the purchased product is for domestic use, export, or reexport.

(M) Customer uses only a "P.O. Box" address or has facilities that appear inappropriate for the items ordered.

(N) Customer's order is for parts known to be inappropriate, or for which the customer appears to have no legitimate need (e.g., there is no indication of prior authorized shipment of system for which the parts are sought).

(O) Customer is known to have, or is suspected of having unauthorized dealings with parties and/or destinations in ineligible countries.

(ii) When any of the above characteristics have been identified, but through follow-up inquiries or investigation have not been satisfactorily resolved, the consignee should not transact any business with the customer under the SCL. Apply for a license according to part 748 of the EAR. You should explain the basis for the concern regarding the proposed customer, and state that you are an SCL consignee. Also, cite the SCL number, and your consignee number;

(14) A system for assuring compliance with controls over exports and reexports for missile-related end-uses and end-users described in §744.3 of the EAR;

(15) A system for assuring compliance with control over exports and reexports of chemical precursors and biological agents and related items and end-uses described in §§742.2 and 744.4 of the EAR;

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25466, May 9, 1997]

§ 752.12 Recordkeeping requirements.

(a) *SCL holder and consignees.* In addition to the recordkeeping requirements of part 762 of the EAR, the SCL holder and each consignee must maintain copies of manuals, guidelines, policy statements, internal audit procedures, reports, and other documents making up the ICP of each party included under an SCL. Also, all parties must maintain copies of the most current Denied Persons List (see Supplement No. 2 to

part 764 of the EAR) as well as all updates, and all other regulatory materials necessary to ensure compliance with the SCL, such as relevant changes to the EAR, product classification, additions, deletions, or other administrative changes to the SCL, transmittal letters and consignee's confirmations of receipt of these materials.

(b) *Consignees.* All consignees must retain all records of the types of activities identified in § 752.2(a)(3) of this part. Records on such sales or reexports must include the following:

- (1) Full name and address of individual or firm to whom sale or reexport was made;
- (2) Full description of each item sold or reexported;
- (3) Units of quantity and value of each item sold or reexported; and
- (4) Date of sale or reexport.

§ 752.13 Inspection of records.

(a) *Availability of records.* You and all consignees must make available all of the records required by § 752.12 of this part and § 762.2 of the EAR for inspection, upon request, by BXA or by any other representative of the U.S. Government, in accordance with part 762 of the EAR.

(b) *Relationship of foreign laws.* Foreign law may prohibit inspection of records by a U.S. Government representative in the foreign country where the records are located. In that event, the consignee must submit with the required copies of Form BXA-752 an alternative arrangement for BXA to review consignee activities and determine whether or not the consignee has complied with U.S. export control laws and regulations, which must be approved by BXA.

(c) *Failure to comply.* Parties failing to comply with requests to inspect documents may be subject to orders denying export privileges described in part 764 of the EAR or to the administrative actions described in part 766 of the EAR.

§ 752.14 System reviews.

(a) *Post-license system reviews.* BXA may conduct system reviews of the SCL holder as well as any consignee. Generally, BXA will give reasonable notice to SCL holders and consignees

in advance of a system review. The review will involve interviews with company officials, the inspection of records, and the review of ICPs. BXA may conduct special unannounced system reviews if BXA has reason to believe an SCL holder or consignee has improperly used or has failed to comply with the SCL.

(b) *Other reviews.* BXA may require an SCL holder or consignee to submit to its office a list of all sales made under the SCL during a specified timeframe. Also, BXA may request from any consignee a list of transactions during a specified period involving direct shipments of items received under SCLs to customers of other consignees and sales to customers in reexport territories authorized by BXA on the consignee's validated Form BXA-752.

§ 752.15 Export clearance.

(a) *Shipper's Export Declaration (SED).* The SED covering an export made under an SCL must be prepared in accordance with standard instructions described in § 758.3 of the EAR. If the SCL holder has implemented the Bureau of Census Monthly Reporting System, the SCL holder must comply with the Census requirements.

(1) *Item descriptions.* Item descriptions on the SED must indicate specifically the ECCN and item description conforming to the applicable CCL description and incorporating any additional information where required by Schedule B; (e.g., type, size, name of specific item, etc.).

(2) *Value of shipments.* There is no value limitation on shipments under the SCL; however, you must indicate the value of each shipment on the SED.

(3) *SCL number.* The SED must include the SCL number followed by a blank space, and then the consignee number identifying the SCL's approved consignee to whom the shipment is authorized.

(b) *Destination control statement.* The SCL holder and consignees must enter a destination control statement on all copies of the bill of lading or air waybill, and the commercial invoice covering exports under the SCL, in accordance with the provisions of § 758.6 of the EAR. Use of a destination control

statement does not preclude the consignee from reexporting to any of the SCL holder's other approved consignees or to other countries for which specific prior approval has been received from BXA. In such instances, reexport is not contrary to U.S. law and, therefore, is not prohibited. Another destination control statement may be required or approved by BXA on a case-by-case basis.

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25466, May 9, 1997]

§ 752.16 Administrative actions.

(a)(1) If BXA is not satisfied that you or other parties to the SCL are complying with all conditions and requirements of the SCL, or that ICPs employed by parties to such licenses are not adequate, BXA may, in addition to any enforcement action pursuant to part 764 of the EAR, take any licensing action it deems appropriate, including the following:

- (i) Suspend the privileges under the SCL in whole or in part, or impose other restrictions;
- (ii) Revoke the SCL in whole or in part;
- (iii) Prohibit consignees from receiving items authorized under the SCL, or otherwise restrict their activities under the SCL;
- (iv) Restrict items that may be shipped under the SCL;
- (v) Require that certain exports, transfers or reexports be individually authorized by BXA;
- (vi) Restrict parties to whom consignees may sell under the SCL; and
- (vii) Require that an SCL holder provide an audit report to BXA of selected consignees or overseas operations.

(2) Whenever necessary to protect the national interest of the U.S., BXA may take any licensing action it deems appropriate, without regard to contracts or agreements entered into before such administrative action, including those described in paragraphs (a)(1) (i) through (vii) of this section.

(b) *Appeals.* Actions taken pursuant to paragraph (a) of this section may be appealed under the provisions of part 756 of the EAR.

§ 752.17 BXA mailing addresses.

You should use the following addresses when submitting to BXA applications, reports, documentation, or other requests required in this part 752: Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044, "Attn: Special Licensing and Compliance Division". If you wish to send the required material via overnight courier, use the following address: Bureau of Export Administration, U.S. Department of Commerce, 14th and Pennsylvania Avenue, N.W., Room 2705, Washington D.C. 20230 "Attn: Special Licensing and Compliance Division". You may also reach the Special Licensing and Compliance Division by phone (202)482-0062, or telefacsimile on (202)501-6750.

SUPPLEMENT NO. 1 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BXA-748P, MULTIPURPOSE APPLICATION FOR REQUESTS FOR SPECIAL COMPREHENSIVE LICENSES

All information must be legibly typed within the lines for each Block or box, except where a signature is required. Where there is a choice of entering a telephone or telefacsimile number, and you chose a telefacsimile number, identify the number with the letter "F" immediately following the number.

Complete Blocks 1, 2, 3 and 4 according to the instructions in Supplement No. 1 to part 748 of the EAR.

Block 5: Type of Application. Enter an "x" in the Special Comprehensive License box.

Block 6: Documents Submitted with Application. Enter an "x" in the appropriate boxes to indicate which forms are attached.

Block 7: Documents on File with Applicant. Leave blank.

Block 8: Special Comprehensive License. Complete by entering an "x" in the appropriate boxes to indicate which forms are attached.

Block 9: Special Purpose. This block should only be completed when requesting changes to an approved SCL.

Block 10: Resubmission Application Control Number. Leave blank.

Block 11: Replacement License Number. This Block should be completed by previous special license holders. If you have had a special license in the past, enter that license number (i.e., V #, SS #, DL #, or SF #). A new SCL number will be assigned upon approval of your SCL application.

Block 12: Items Previously Exported. Leave blank.

Block 13: Import/End-User Certificate. Leave blank.

Block 14: Applicant. Complete according to the instructions in Supplement No. 1 to part 748 of the EAR.

Block 15: Other Party Authorized to Receive License. Complete, if applicable, according to the instructions in Supplement No. 1 to part 748 of the EAR.

Block 16: Purchaser. Leave blank.

Block 17: Intermediate Consignee. Leave blank.

Block 18: Ultimate Consignee. Leave blank.

Block 19: End-User. Leave blank.

Block 20: Original Ultimate Consignee. Leave blank.

Block 21: Specific End-Use. Leave blank.

Block 22: For one item, complete sub-blocks (a) through (j). For multiple items, complete Form BXA 748P-A.

Block 23: Total Application Dollar Value. Enter the projected total dollar value of all transactions you anticipate making throughout the entire validity period of the SCL.

Block 24: Additional Information. Enter additional data pertinent to the transaction.

Block 25: Signature. Complete according to the instructions in Supplement No. 1 to part 748 of the EAR.

[62 FR 25466, May 9, 1997]

SUPPLEMENT NO. 2 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BXA-748P-A, "ITEM ANNEX"

All information must be legibly typed within the lines for each block or box.

Block 1: Application Control No. Enter the application control number found on Form BXA-748P.

Block 2: Subtotal. Leave blank.

Block 21: Continuation of Specific End-Use Information. Complete as necessary to fully describe the transaction(s).

Block 22:

(a) ECCN. Enter the Export Control Classification Number that corresponds to the item you wish to export or reexport under the SCL.

(b) CTP. You must complete this block if you intend to export or reexport a digital computer. Instructions on calculating the CTP are contained in a Technical Note at the end of Category 4 in the CCL.

(c)-(i): Leave blank.

(j) Manufacturer's Description. Enter a detailed description of the item proposed for export or reexport. Brochures or product literature may be supplied at the option of the applicant. However, such information may expedite review and processing of your application.

Block 24: Continuation of Additional Information. Enter any identifying information that defines the scope of items you are re-

questing to export or reexport under the SCL. For example, "4A004 except items controlled for MT reasons".

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25466, May 9, 1997]

SUPPLEMENT NO. 3 TO PART 752—INSTRUCTIONS ON COMPLETING FORM BXA-752 "STATEMENT BY CONSIGNEE IN SUPPORT OF SPECIAL COMPREHENSIVE LICENSE"

All information must be legibly typed within the lines for each Block or Box, except where a signature is required.

Block 1: Application Control No. Enter the "Control No." that is pre-printed on Form BXA-748P, Multipurpose Application. You may obtain this information from the applicant.

Block 2: Consignee ID Number. Leave blank.

Block 3: Type of Request. For new applications, leave blank.

Block 4: Consignee Information. Enter the complete address where the consignee is located. A Post Office (P.O.) Box alone is NOT acceptable, but may be included in this Block 4 for mailing purposes, along with a complete address. If records required by §752.12 of this part and part 762 of the EAR are maintained/stored at a separate address, indicate the address in Block 9. In the absence of a complete address, Form BXA-752 will be returned without action.

Block 5: U.S. Exporter Information. Enter the complete address of the U.S. exporter. Leave the SCL Case No. box blank for new applications and enter the SCL Case No. for "change" actions.

Block 6: Description of Items. Provide a summary description of the items proposed for import and reexport under the SCL. Firms that will not receive the entire range of items under a particular ECCN identified on Form BXA-748P-A should describe only the items they will receive under the SCL. In some instances, consignee approval will be contingent on the nature of the item requested.

Block 7: Consignee's Business and Relationships.

(i) Item (a): Identify the nature of your company's principal business as it affects the disposition of items to be imported and reexported under this license by including the appropriate letter choice(s) from the following: (a) manufacturer, (b) distributor, (c) assembler, (d) sales agent, (e) warehouse, (f) service facility, or (g) other. For other, provide an explanation in Block 9.

(ii) Item (b): Indicate the relationship between your company and the applicant's company by providing the appropriate letter choice(s) from the following: (a) wholly-owned subsidiary, (b) independent company,

(c) joint venture company, (d) controlled-in-fact affiliate, (e) contractor/subcontractor, or (f) other. For other, provide an explanation in Block 9.

(iii) Item (c): Enter the number of years of relationship between your company and the applicant company.

(iv) Item (d): Enter the estimated dollar volume of sales or other transactions with the SCL holder during the last twelve month period before submission of the application for an SCL.

(v) Item (e): Enter an estimated dollar volume proposed under this application for the validity period of the SCL.

Block 8: Disposition or Use of Items.

(i) Item (a): Complete this Block if your company is requesting involvement in end-user activities that involves importing items for the company's own use (e.g., as capital equipment).

(ii) Item (b): Complete this Block if your company is requesting involvement in end-user activities that incorporates items received under the SCL into a new end-product that results in a change of identity of the U.S.-item (e.g., U.S.-origin semiconductor devices are included in a foreign-origin test instrument). Under Block 9, Additional Information, describe the new end-product more specifically and state how and to what extent the U.S.-origin items will be used. Complete and attach Form BXA-752-A, Reexport Territories.

(iii) Item (c): Complete this Block if your company is requesting authorization to reexport items for service and/or repair. Complete and attach Form BXA-752-A. If you plan to reexport to end-users that require prior approval by BXA, also complete and attach Form BXA-748P-B, End-User Appendix.

(iv) Item (d): Complete this Block if your company plans to retransfer/resell within the country of import. State the end-use of your customers. If you plan to retransfer to end-users that require prior approval by BXA, complete and attach Form BXA-748P-B, End-User Appendix.

(v) Item (e): Complete this Block if your company plans to reexport. Complete and attach Form BXA-752-A. If you plan to reexport to end-users that require prior approval by BXA, complete and attach Form BXA-748P-B, End-User Appendix.

(vi) Item (f): This item should be completed for "other" activities that are not defined in Block 8 paragraphs (a) through (e). Describe the proposed activities fully in Block 9 or in a letter submitted with this Form, and complete and submit Form BXA-752-A, indicating the countries to which the products derived from these activities will be exported.

Block 9: Additional Information. In addition to any information that supports other Blocks, indicate whether your company is an active consignee under any other license

issued by BXA. Indicate the license and consignee numbers.

Block 10: Signature of Official of Ultimate Consignee. Include an original signature. The authority to sign Form BXA-752 may not be delegated to any person whose authority to sign is not inherent in his/her official position with the company. The signing official must include their official title with their signature. All copies must be co-signed by the applicant in the SCL holder signature block and submitted with the application to BXA.

[62 FR 25466, May 9, 1997]

SUPPLEMENT NO. 4 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BXA-752-A, REEXPORT TERRITORIES

All information must be legibly typed within the lines for each Block or Box.

Block 1: Application Control No. Insert the application control No. from the relevant Form BXA-748P.

Block 2: SCL License No. Leave blank for new SCL applications. For changes to existing SCLs, include the original SCL number.

Block 3: Consignee No. Leave blank for new SCL applications. For changes to existing SCLs, include the consignee number that was provided on the original license.

Block 4: Continuation of BXA-752 Question No. Mark an "x" in the box next to each country you wish to select. See §752.4 of this part for countries that are not eligible for the SCL. You may request a country that is not included on Form BXA-752-A by marking an "x" in the "other" box and including the country name.

[62 FR 25467, May 9, 1997]

SUPPLEMENT NO. 5 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BXA-748-B, END-USER APPENDIX

All information must be legibly typed within the lines for each Block or Box.

Block 1: Application Control No. Insert the application control No. from the relevant Form BXA-748P.

Block 19: End-user. Enter each end-user's complete name, street address, city, country, postal code and telephone or facsimile number. Post Office (P.O.) Boxes are not acceptable.

Block 21: Continuation of Specific End-User Information. Include any additional information that may help BXA in reviewing and making a determination on your application, such as the special safeguards that will be implemented to prevent diversion.

Block 24: Continuation of Additional Information. Enter additional data pertinent to the transaction as required by part 752. Enter the consignee name and complete address of the consignee responsible for the

end-user(s) (i.e., recordkeeping and ICP screening, etc.).

[62 FR 25467, May 9, 1997]

PART 754—SHORT SUPPLY CONTROLS

Sec.

754.1 Introduction.

754.2 Crude oil.

754.3 Petroleum products not including crude oil.

754.4 Unprocessed western red cedar.

754.5 Horses for export by sea.

754.6 Registration of U.S. agricultural commodities for exemption from short supply limitations on export.

754.7 Petitions for the imposition of monitoring or controls on recyclable metallic materials; Public hearings.

SUPPLEMENT NO. 1 TO PART 754—PETROLEUM AND PETROLEUM PRODUCTS

SUPPLEMENT NO. 2 TO PART 754—UNPROCESSED WESTERN RED CEDAR

SUPPLEMENT NO. 3 TO PART 754—STATUTORY PROVISIONS DEALING WITH EXPORTS OF CRUDE OIL

AUTHORITY: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); Sec. 201, Pub. L. 104-58, 109 Stat. 557 (30 U.S.C. 185(s)); 30 U.S.C. 185(u); 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; E.O. 12924, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995 (60 FR 42767, August 17, 1995).

SOURCE: 61 FR 12844, Mar. 25, 1996, unless otherwise noted.

§ 754.1 Introduction.

(a) *Scope.* In this part, references to the Export Administration Regulations (EAR) are references to 15 CFR chapter VII, subchapter C. This part implements the provisions of section 7, "Short Supply Controls," of the Export Administration Act (EAA) and similar provisions in other laws that are not based on national security and foreign policy grounds.

(b) *Contents.* Specifically, this part deals with the following:

(1) It sets forth the license requirements and licensing policies for commodities that contain the symbol "SS" in the "Reason for Control" part of "License Requirements" section of the applicable Export Control Classification Number (ECCN) identified on the Commerce Control List (Supplement No. 1 to part 774 of the EAR). In appropriate cases, it also provides for License Exceptions from the short supply

licensing requirements described in this part. The license requirements and policies that are described in this part cover the following:

(i) Crude oil described by ECCN 1C981 (Crude petroleum, including reconstituted crude petroleum, tar sands, and crude shale oil listed in Supplement No. 1 to this part). For specific licensing requirements for these items, see § 754.2 of this part.

(ii) Petroleum products other than crude oil listed in Supplement No. 1 to this part, that were produced or derived from the Naval Petroleum Reserves (NPR) or became available for export as a result of an exchange of any NPR-produced or -derived commodities described by the following ECCNs. For specific licensing requirements for these items, see § 754.3 of this part.

(A) ECCN 1C980 (Inorganic chemicals);

(B) ECCN 1C982 (Other petroleum products);

(C) ECCN 1C983 (Natural gas liquids and other natural gas derivatives); and

(D) ECCN 1C984 (Manufactured gas and synthetic natural gas (except when commingled with natural gas and thus subject to export authorization from the Department of Energy)).

(iii) Unprocessed western red cedar described by ECCN 1C988 (Western red cedar (*Thuja plicata*) logs and timber, and rough, dressed and worked lumber containing wane listed in Supplement No. 2 to this part). For specific licensing requirements for these items, see § 754.4 of this part.

(iv) Horses exported by sea for slaughter covered by ECCN 0A980 (Horses for export by sea). For specific licensing requirements, see § 754.5 of this part.

(2) It incorporates statutory provisions for the registration of U.S. agricultural commodities for exemption from short supply limitations on export (see § 754.6 of this part); and

(3) It incorporates statutory provisions for the filing and review of petitions seeking the imposition of monitoring or controls on recyclable metallic materials and procedures for related public hearings (see § 754.7 of this part).