

## § 752.15

under the SCL during a specified time-frame. 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 § 758.1 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

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approved by BXA on a case-by-case basis.

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25466, May 9, 1997; 65 FR 42570, July 10, 2000]

### § 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 #1). 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 requesting 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: Exporter Information.** Enter the complete address of the 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.

**Bureau of Export Administration, Commerce**

**§ 754.1**

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.

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

[62 FR 25467, May 9, 1997]

[62 FR 25466, May 9, 1997, as amended at 65 FR 42568, July 10, 2000]

**PART 754—SHORT SUPPLY CONTROLS**

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

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.

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.

**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.

[62 FR 25467, May 9, 1997]

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

**§ 754.1 Introduction.**

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

(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.

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

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

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-Use 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

(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