

## § 782.10

by the Office of Management and Budget and assigned OMB control number 0560-0151.

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### Subpart B—Implementation of the End-Use Certificate Program

#### § 782.10 Identification of commodities subject to end-use certificate regulations.

(a) The regulations in this part are applicable to wheat and barley, respectively, imported into the U.S. from any foreign country, as defined in 19 CFR 134.1, or instrumentality of such foreign country that, as of April 8, 1994, required end-use certificates for imports of U.S.-produced wheat or barley.

(b) Because Canada is the only country with such requirements on wheat, and no country has an end-use certificate requirement for barley, only wheat originating in Canada is affected by the regulations in this part.

#### § 782.11 Extent to which commodities are subject to end-use certificate regulations.

(a) In the event that Canada eliminates the requirement for end-use certificates on imports from the U.S., the provisions of the regulations in this part shall be suspended 30 calendar days following the date Canada eliminates its end-use certificate requirement, as determined by the Secretary.

(b) The provisions of the regulations in this part may be suspended if the Secretary, after consulting with domestic producers, determines that the program has directly resulted in the:

- (1) Reduction of income to U.S. producers of agricultural commodities, or
- (2) Reduction of the competitiveness of U.S. agricultural commodities in world export markets.

#### § 782.12 Filing FSA-750, End-Use Certificate for Wheat.

(a) Each entity that imports wheat originating in Canada shall, for each entry into the U.S., obtain form FSA-750, End-Use Certificate for Wheat, from Kansas City Commodity Office, Warehouse Contract Division, P.O. Box 419205, Kansas City, MO 64141-6205, and submit the completed original form FSA-750 to KCCO within 10 workdays

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following the date of entry or release. Each form FSA-750 shall set forth, among other things, the:

- (1) Name, address, and telephone number of the importer,
- (2) Customs entry number,
- (3) Date of entry,
- (4) Importer number,
- (5) Class of wheat being imported,
- (6) Grade, protein content, moisture content, and dockage level of wheat being imported,
- (7) If imported as a result of a contract for sale, the date of such contract.

(8) Quantity imported, in net metric tons, rounded to the nearest hundredth of a metric ton, per conveyance,

(9) Storage location of the wheat,

(10) Mode of transportation and the name of the transportation company used to import the wheat, and

(11) A certification that the identity of the Canadian-produced wheat will be preserved until such time as the wheat is either delivered to a subsequent buyer or end-user, or loaded onto a conveyance for direct delivery to an end user.

(b) Importers may provide computer generated form FSA-750, provided such computer generated forms:

- (1) Are approved in advance by KCCO,
- (2) Contain a KCCO-assigned serial number, and
- (3) Contain all of the information required in paragraphs (a)(1) through (a)(9).

(c) KCCO will accept form FSA-750 submitted through the following methods:

- (1) Mail service, including express mail,
- (2) Facsimile machine, and
- (3) Other electronic transmissions,

provided such transmissions are approved in advance by KCCO. The importer remains responsible for ensuring that electronically transmitted forms are received in accordance with paragraph (a).

(d) The original form FSA-750 and one copy of form FSA-750 shall be signed and dated by the importer.

(e) Distribution of form FSA-750 will be as follows:

- (1) If form FSA-750 is submitted to KCCO in accordance with paragraph (c)(1);