

will not be required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the time limit specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

(f) *Representation.* A representative of the respondent may act on behalf of the respondent, but any oral communication with the Office of Foreign Assets Control prior to a written submission regarding the specific allegations contained in the prepenalty notice must be preceded by a written letter of representation, unless the prepenalty notice was served upon the respondent in care of the representative.

§ 545.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director shall notify the respondent in writing of that determination and of the cancellation of the proposed monetary penalty.

(b) *Violation.* (1) If, after considering any written response to the prepenalty notice, or default in the submission of a written response, and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director is authorized to issue a written penalty notice to the respondent of the determination of violation and the imposition of the monetary penalty.

(2) The penalty notice shall inform the respondent that payment or arrangement for installment payment of the assessed penalty must be made within 30 days of the date of mailing of

the penalty notice by the Office of Foreign Assets Control.

(3) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

(4) The issuance of the penalty notice finding a violation and imposing a monetary penalty shall constitute final agency action. The respondent has the right to seek judicial review of that final agency action in federal district court.

§ 545.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of the penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a federal district court.

Subpart H—Procedures

§ 545.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

[66 FR 2729, Jan. 11, 2001, as amended at 68 FR 53658, Sept. 11, 2003]

§ 545.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 13129 of July 4, 1999 (64 FR 36759, July 7, 1999) and any further Executive orders relating to the national emergency declared in Executive Order 13129 may be taken by the Director of the Office of Foreign

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Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 545.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

PART 560—IRANIAN TRANSACTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.

560.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

560.201 Prohibited importation of goods or services from Iran.
560.202 [Reserved]
560.203 Evasions; attempts.
560.204 Prohibited exportation, reexportation, sale or supply of goods, technology, or services to Iran.
560.205 Prohibited reexportation of goods, technology or services to Iran or the Government of Iran by persons other than United States persons; exceptions.
560.206 Prohibited trade-related transactions with Iran; goods, technology, or services.
560.207 Prohibited investment.
560.208 Prohibited facilitation by United States persons of transactions by foreign persons.
560.209 Prohibited transactions with respect to the development of Iranian petroleum resources.
560.210 Exempt transactions.

Subpart C—General Definitions

560.301 Effective date.
560.302 [Reserved]

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560.303 Iran; Iranian.
560.304 Government of Iran.
560.305 Person; entity.
560.306 Iranian-origin goods or services; goods or services owned or controlled by the Government of Iran.
560.307 United States.
560.308 Importation of goods.
560.309 [Reserved]
560.310 License.
560.311 General license.
560.312 Specific license.
560.313 Entity owned or controlled by the Government of Iran.
560.314 United States person.
560.315 Information and informational materials.
560.316 New investment.
560.317 Credits or loans.
560.318 [Reserved]
560.319 United States depository institution.
560.320 Iranian accounts.
560.321 United States registered broker or dealer in securities.

Subpart D—Interpretations

560.401 Reference to amended sections.
560.402 Effect of amendment.
560.403 Transshipment through Iran.
560.404 [Reserved]
560.405 Transactions incidental to a licensed transaction authorized.
560.406 Transshipment or transit through United States prohibited.
560.407 Transactions related to Iranian-origin goods.
560.408 Importation into and release from a bonded warehouse or foreign trade zone.
560.409 [Reserved]
560.410 Exportation, reexportation, sale or supply of services.
560.411 [Reserved]
560.412 Extensions of credit or loans to Iran.
560.413 Letter of credit payments by Iranian banks in the United States.
560.414 Reexportation of certain U.S.-origin goods exported prior to May 7, 1995.
560.416 Brokering services.
560.417 Facilitation; change of policies and procedures; referral of business opportunities offshore.
560.418 Release of technology or software in the United States or a third country.
560.419 U.S. employment of persons normally located in Iran.
560.420 Reexportation by non-U.S. persons of certain foreign-made products containing U.S.-origin goods or technology.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

560.500 Licensing procedures.
560.501 Effect of license or authorization.
560.502 Exclusion from licenses and authorizations.