

From Please print and press hard.
Date **6/28/01** Sender's FedEx Account Number
Sender's Name **databeast, Inc.** Phone **(607) 277-5808**
Company
Address **1668 Trumansburg Rd.** Dept./Floor/Suite/Room
City **Ithaca** State **NY** ZIP **14850**

Your Internal Billing Reference
First 24 characters will appear on invoice.

To
Recipient's Name **Attn: "Application Enclosed"** Phone ()
Company **Bureau of Export Administration
Office of Exporter Services**
Address **Room 2705**
To "HOLD" at FedEx location, print FedEx address. We cannot deliver to P.O. boxes or P.O. ZIP codes.
14th St. & Pennsylvania Ave, N.W. Dept./Floor/Suite/Room
City **Washington** State **DC** ZIP **20230**

Questions? Visit our Web site at fedex.com
or call 1-800-Go-FedEx® (800)463-3339.

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

4a Express Package Service Packages up to 150 lbs.
Delivery commitment may be later in some areas.

FedEx Priority Overnight Next business morning
 FedEx Standard Overnight Next business afternoon
 FedEx First Overnight Earliest next business morning delivery to select locations
 FedEx 2Day Second business day
FedEx Envelope rate not available. Minimum charge: One-pound rate
 FedEx Express Saver Third business day
 NEW FedEx Extra Hours Later drop-off with next business afternoon delivery for select locations

4b Express Freight Service Packages over 150 lbs.
Delivery commitment may be later in some areas.

FedEx 1Day Freight* Next business day
 FedEx 2Day Freight Second business day
 FedEx 3Day Freight Third business day
* Call for Confirmation: _____
* Declared value limit \$500

5 Packaging

FedEx Envelope*
 FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak
 Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.

6 Special Handling Include FedEx address in Section 3.

SATURDAY Delivery RESTRICTIONS Available only for FedEx Priority Overnight and FedEx 2Day to select ZIP codes
 SUNDAY Delivery RESTRICTIONS Available only for FedEx Priority Overnight to select ZIP codes
 HOLD Weekday at FedEx Location RESTRICTIONS Not available with FedEx First Overnight
 HOLD Saturday at FedEx Location RESTRICTIONS Available only for FedEx Priority Overnight and FedEx 2Day to select locations
Does this shipment contain dangerous goods?
One box must be checked.
 No Yes As per attached Shipper's Declaration
 Dry Ice Dry Ice, 3, UN 1845 x _____ kg
 Cargo Aircraft Only
Dangerous Goods (incl. Dry Ice) cannot be shipped in FedEx packaging or with FedEx Extra Hours service.

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed.
 Recipient
 Third Party
 Credit Card
 Cash/Check

FedEx Acct. No. / Credit Card No.	Exp. Date	Total Packages	Total Weight	Total Declared Value†
		1		\$.00
				7.80

†Our liability is limited to \$100 unless you declare a higher value. See back for details.
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8 Release Signature Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.
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404

From Please print and press hard.
Date **6/28/01** Sender's FedEx Account Number
Sender's Name **Kwin Saunders** Phone **(607) 277-5808**
Company **databeast, Inc.**
Address **1668 Trumansburg Rd** Dept./Floor/Suite/Room
City **Ithaca** State **NY** ZIP **14850**

Your Internal Billing Reference
First 24 characters will appear on invoice.

To
Recipient's Name **Attn: ENC Encryption Request Coordinator** Phone ()
Company **9800 Savage Road**
Address **Suite 6131**
To "HOLD" at FedEx location, print FedEx address. We cannot deliver to P.O. boxes or P.O. ZIP codes.
City **Fort Meade** State **MD** ZIP **20755-6000**

Questions? Visit our Web site at fedex.com
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* Declared value limit \$500

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June 28, 2001
databeast, Inc.
1668 Trumansburg Rd.
Ithaca, NY 14850

Bureau of Export Administration
Office of Exporter Services
Room 2705,
14th Street and Pennsylvania Ave., N.W.
Washington, D. C. 20230

Attn: "Application Enclosed"

re: dataComet-Secure (dataComet 5.0) Z 254919

Dear Folks,

This cover letter provides information required under the "Guidelines for Submitting a Classification Request for Encryption Items" (Supplement No. 6 to part 742) and supplementary technical information from the dataComet-Secure on-line documentation.

(a) The product requiring classification is "dataComet-Secure". This is a new product and so this is the first request submitted for review.

(b) A duplicate copy of all materials submitted with this letter has been sent to the ENC Encryption Request Coordinator.

Sincerely,



Kevin Eric Saunders, President

Enc: Form BXA-748P, Z254918



UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

08/21/2001
CCATS #: G021989
PAGE NO: 1

DATABEAST, INC
ATTN: KEVIN ERIC SAUNDERS
1668 TRUMANSBURG ROAD

ITHACA, NY 14850-9213

The following information is in response to your inquiry of 07/02/2001 requesting licensing information for:

Item	Export Control Classification Number and Paragraph	License Exceptions Available	Country Chart Column (reason for control)	LVS Dollar Value Limit
1) DATACOMET-SECURE FOR MACINTOSH OFFERS TELNET/TN3270 (KERBEROS 5 AUTHENTICATION) OR SECURE SHELL (SSH1/SSH2) CONNECTIONS. DATA MAY BE COMPRESSED (ZLIB) AND ENCRYPTED USING 56-BIT DES, 168-BIT 3-DES, OR 128-BIT BLOWFISH ALGORITHMS. MODEL NUMBER: DATACOMET-SECURE 5.0 COMMENTS FROM LICENSING OFFICER: ITEM #1: THIS ENCRYPTION ITEM IS ELIGIBLE FOR LICENSE EXCEPTION ENC UNDER SECTIONS 740.17(B) (3) OF THE EXPORT ADMINISTRATION REGULATIONS	5D002 (C.1)	ENC	NS1 AT1	

See the other side of this form for information on determining which countries require a license for the above items. For Shipments to these destinations, an export license is required from the Bureau of Export Administration.

Items otherwise eligible for export or reexport under a License Exception or NLR (no license required) and used in the design, development, production or use of nuclear, chemical or biological weapons or missiles require a license for export or reexport as provided in part 744 of the Export Administration Regulations (EAR).

NORMAN LACROIX
DIVISION DIRECTOR

FOR INFORMATION CONCERNING
THIS CLASSIFICATION CONTACT
LYNNE-MARIE GRIFFIN
PHONE #: (202) 482-5725
BXA/STC/IT



UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

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NORMAN LACROIX
DIVISION DIRECTOR

FOR INFORMATION CONCERNING
THIS CLASSIFICATION CONTACT
LYNNE-MARIE GRIFFIN
PHONE #: (202) 482-5725
BXA/STC/IT

Overview of dataComet-Secure Encryption

dataComet-Secure for Macintosh offers Telnet/TN3270 (Kerberos 5 authentication) or Secure Shell (SSH1/SSH2) connections. Data may be compressed (ZLIB) and encrypted using 56-bit DES, 168-bit 3-DES, or 128-bit Blowfish algorithms.

In addition to encrypting network data streams using the SSH1, SSH2, or Telnet protocols, dataComet allows users to save session passwords in an encrypted form using a master passphrase; this passphrase is condensed to an MD5 digest to form a unique key for 3-DES encryption and decryption of the session passwords, which are saved in session configuration documents.

SSH1: Uses standard SSH 1.5 encapsulation of data

Host authentication:

RSA

User authentication:

RSA public key user authentication OR

Password authentication using encryption type and vectors negotiated during RSA host authentication phase.

Encryption:

DES CBC mode

3-DES CBC mode

Blowfish

SSH2: Uses standard SSH2 encapsulation w/ SHA1 or MD5

Host authentication:

DSA

User authentication:

Password authentication using encryption type and vectors negotiated during DSA host authentication phase.

Encryption:

3-DES CBC mode

Blowfish

Telnet/TN3270: Uses Kerberos 5 for mutual authentication.

Encryption:

DES CFB or OFB mode

3-DES CFB or OFB mode

Information required by Supplement No. 6 to part 742

(1) Asymmetric encryption algorithms used:

RSA public key encryption (arbitrary key length and modulus)
DSA public key encryption (arbitrary key length and modulus)

Used for Secure Shell public key authentication.

Symmetric encryption algorithms used:

DES CBC, CFB, or OFB (56-bit)
3-DES CBC, CFB, or OFB (168-bit)
Blowfish CBC (128-bit)

Used for data stream encryption after Telnet or SSH encryption keys have been exchanged in the authentication phase.

- (2) dataComet-Secure can generate unique RSA keys for use in SSH user authentication. 1024-bit keys are generated by default. All RSA keys are generated with modulus 37.
- (3) dataComet contains no proprietary encryption algorithms.
- (4) Pre-processing: Standard Telnet, SSH1, or SSH2 protocols are used to pre-process data prior to encryption. SSH data streams may be compressed using ZLIB prior to encryption. Data streams may also be formatted prior to Session layer processing as required by one of several file transfer protocols (X/Y/Z-MODEM, SCP Secure Copy, or IND\$FILE).
- (5) Post-processing: Encrypted data transmitted over an SSH connection is framed according to the specifications for the version of SSH in use; no post-processing is performed on encrypted Telnet data prior to transmission over the TCP/IP network.
- (6) Protocols supported on TCP/IP connections:

Session	Authentication	Encryption
TN3270	K5	DES, 3-DES CFB/OFB modes RFCs 2946 2947 2952
TELNET	K5	DES, 3-DES CFB/OFB modes RFCs 2946 2947 2952
SSH1	RSA	DES, 3-DES, Blowfish CBC mode
SSH2	DSA	3-DES, Blowfish CBC mode

File transfer over Session protocol connections using:

TN3270	IND\$FILE (PC3270)
SSH or TELNET	X/Y/Z-MODEM, SCP (Secure Copy)

- (7) The only encryption-related API used is the MIT Kerberos 5 library. No calls are made to the MIT Kerberos 5 driver for encryption or decryption of session data by dataComet-Secure; Kerberos 5 internal encryption capabilities are only used indirectly for authentication of tickets obtained from the Kerberos Key Distribution Center.
- (8) All cryptographic functions used by dataComet-Secure are statically linked and embedded in the application binary, which is loaded as a single contiguous block of data. The MIT Kerberos 5 library is accessed as a shared library only for purposes of performing K5 login, mutual user/host authentication, and acquisition of the subkeys used for session encryption.
- (9) N.A.: dataComet-Secure is a C-language program which does not use Java.
- (10) Since all object code is linked as a single large code/large data binary, it is impractical for a user to modify any of the cryptographic functionality. Users cannot select custom key sizes, except when generating an RSA key.
- (11) Retail classification requirements per 740.17(b)(3) are met:

(3) Retail encryption commodities and software. ...
Retail encryption commodities, software and components are products:

(i) Generally available to the public by means of any of the following:

YES

(A) Sold in tangible form through retail outlets independent of the manufacturer;

NO

(B) Specifically designed for individual consumer use and sold or transferred through tangible or intangible means; or

YES

(C) Which are sold or will be sold in large volume without restriction through mail order transactions, electronic transactions, or telephone call transactions; and

YES

(ii) Meeting all of the following:

(A) The cryptographic functionality cannot be easily changed by the user;

YES

Statically-linked binary object code makes modification very difficult.

(B) Substantial support is not required for installation and use;

YES

dataComet-Secure is designed to be a plug-and-play Macintosh Telnet/SSH application requiring minimal user configuration.

(C) The cryptographic functionality has not been modified or customized to customer specification; and

YES

dataComet-Secure uses only standard implementations of common encryption algorithms.

(D) are not network infrastructure products such as high end routers or switches designed for large volume communications.

YES

dataComet-Secure is an end-user client application program.

(iii) Subject to the criteria in paragraphs (b)(3)(i) and (ii) of this section, retail encryption products include (but are not limited to) general purpose operating systems and their associated user-interface client software ...

YES

dataComet-Secure is Macintosh user-interface client software for accessing hosts as a terminal using Telnet and SSH.

(iv) Encryption products and network-based applications which provide functionality equivalent to other encryption products classified as retail will be considered retail.

YES

SecureCRT from VanDyke Technologies is classified as "Retail". SecureCRT is a product for Windows offering SSH and encryption types including AES 256-bit encryption in addition to DES, 3-DES, and Blowfish.

(v) 56-bit products with key exchange mechanisms greater than 512 bits and up to and including 1024 bits, or equivalent products not classified as mass market, or finance-specific encryption commodities and software of any key length restricted by design (e.g., highly field-formatted with validation procedures and not easily diverted to other end-uses) and used to secure financial communications such as electronic commerce may be exported under the retail provisions of this section immediately after submitting a completed classification request to BXA.

N.A.

(12) N.A. dataComet-Secure does not incorporate an Open Cryptographic Interface.

dataComet-Secure Feature Summary

dataComet-Secure adds support for the SSH1 and SSH2 Secure Shell terminal protocols and the SCP "Secure Copy" file transfer protocol. (TCP and X-Window tunnelling are NOT supported.) All features of dataComet, including ZModem file transfers, work with SSH connections. SSH features currently supported include automatic SSH protocol selection, client authentication using user passwords (and under SSH1, using RSA public keys), encryption using Triple-DES or Blowfish, and data compression using zlib. Host public keys are maintained in files using the standard "known hosts" format (e.g., a "NiftyTelnet SSH Known Hosts" document can be copied directly to dataComet's "Security" folder and used as-is). More information on SSH configuration is available in the Help document "3. Dialogs".

Passwords can be stored in session documents in encrypted form to speed logins while maintaining security. You can use one secret Master Passphrase to unlock all your session passwords. In addition, you can use the "Lock" command to prevent use of dataComet until a master passphrase is entered, so that you can leave sessions open on your unattended computer without seriously compromising security. The password encryption is performed using strong encryption (Triple-DES, 168 bits).

dataComet-Secure "Security" folder

The "Security" folder in dataComet's home folder and the "System Folder:Preferences:dataComet Preferences:Security" folder contains documents which dataComet will use for authentication. Documents containing host public keys placed in these folders will be used for verifying the identity of hosts to which you connect; all documents in these folders are scanned at startup time, and lines that appear to contain valid host keys are added to tables in memory for lookups when SSH host connections are being authenticated.

The public key files must be 'TEXT' type documents, and must use either the standard `ssh_known_hosts` or `ssh_known_hosts2` formats. This allows files to be copied directly from standard SSH "known hosts" files on UNIX hosts.

Host keys added by dataComet will be saved in files named "`known_hosts.dataComet`" (SSH1) and "`known_hosts2.dataComet`" (SSH2) using the standard format.

Installing Kerberos Support

dataComet-Secure supports Telnet connections authenticated using the Kerberos 5 protocol. This requires that you install and configure the MIT Kerberos package, available from <http://web.mit.edu/network/kerberos-form.html>. NOTE: this package is supported only on Macintosh PowerPC machines.

Telnet "Configure..."

Using the Telnet "Configure..." dialog

This dialog allows you to configure special options for a Telnet session.

"Authentication": Allows you to select a protocol for performing authentication with hosts for a Telnet session. The checkbox can be used to disable Authentication. Currently only Kerberos 5 is supported.

"Encryption": The checkbox can be used to disable Encryption. Telnet allows the selection of a number of different encryption algorithms, which encrypt the plain text of your session so that eavesdroppers cannot (easily) decipher it. "DES3" Triple-DES encryption is the most secure option; generally you should use it rather than DES. Note that if no lock picture appears in the left bottom side of the emulator window after you connect, the session is not being encrypted; some hosts may not support DES3 encryption over Telnet sessions.

"Compression": This option is not yet supported.

"WILL SGA (Berkeley linefeed fix)": Causes dataComet to send WILL SGA, the Telnet Send-Go-Ahead option, in order to get BSD UNIX derivatives to handle carriage returns correctly.

"WILL NAWS (Negotiate Window Size)": Causes dataComet to send WILL NAWS, the Telnet option which allows the host screen size to be adjusted automatically if you change the size of a dataComet emulator screen.

"Display log messages on-screen": Display the Telnet logon messages on the emulator screen. This can help debug connection problems, and shows the Telnet options that are available on the host and which options are actually selected for the session.

SSH "Configure..."

Using the SSH "Configure..." dialog

This dialog allows you to configure a "Secure Shell" (SSH) session. Support for these options is only included in dataComet-Secure.

"SSH Version": There are two different SSH protocols, SSH1 and SSH2. This option allows you to force an SSH2 host to select SSH1 or SSH2 rather than allowing it to make the choice.

"Encryption": SSH allows the selection of a number of different encryption algorithms, which encrypt the plain text of your session so that eavesdroppers cannot (easily) decipher it. Triple-DES is the most secure option; Blowfish is somewhat faster than 3-DES but probably not quite as secure.

"Compression": SSH can compress the data stream, which enhances security and may speed up (or slow down) sessions substantially; the speed increase (or decrease) will be directly proportional to the ratio between the speed of your computer and the speed of the network connection (e.g., if you have a Macintosh G3, a session with compression on is much faster on a slow dialup connection, still significantly faster with an Ethernet connection, and possibly slower if you have a direct Gigabit Ethernet connection to a very fast host).

NOTE that using compression requires an extra 250K bytes of memory per session!

"MAC type": SSH2 helps guarantee communications security by adding a "Message Authentication Code" field to each data packet. The "SHA-1" protocol is used by default.

"Authentication": SSH offers several different methods of "authenticating" your identity to the host. Passwords are the same as your usual host password, with the major difference that under SSH passwords are encrypted so eavesdroppers can't use network "sniffers" to steal your password. RSA and DSS "public key authentication" methods are used by SSH1 and SSH2, respectively; dataComet-Secure only supports RSA public key authentication. RSA keys must be saved in the ":dataComet Preferences:Security:" folder. **NOTA BENE:** Maintaining security while using a public key **REQUIRES** that the private key be encrypted using a Passphrase (which can be the same as your Master Passphrase) and should not be shared with other users.

"Keys...": This button brings up a dialog which allows you to create, save, view, and copy public keys, so you can copy and paste them into host key files.

"Use Key...": This button allows you to select the private key file which will be used for an SSH session if you select one of the public key methods in the "Authentication" popup menu.

"Display log messages on-screen": Display the SSH logon messages on the emulator screen. This can help debug connection problems, and shows clearly the SSH options that are available on the host and which options are actually selected for the session.

"Don't allocate PTY (host terminal handler)": This option allows you to skip creating a "pty" on the host, which is used to control the interface to applications on the host which need terminal control information. (You will almost always want this option off!)

"Execute command (rssh)": Allows you to execute a command on the host and then close the session automatically. You can enter the command to be executed in the text field below.

Using the SSH "Keys..." dialog

This dialog allows you to manage RSA keys for user authentication of SSH1 "Secure Shell" sessions. (Use of RSA keys with SSH2 is not yet supported by dataComet.)

The "Key File..." button allows you to open a key file in the dataComet "Security" Folder in the "dataComet Preferences" Folder so you can view and copy the public portion of the key, and save the key with a new name and passphrase if you wish.

The "Public Key" field shows the public key for the key. This is the key which is added to the host file "~/.ssh/authorized_keys" to enable you to log on to the host using your key rather than a password. You can copy the Public Key in this field and then paste it into "authorized_keys" file using a host editor. NOTE that you should make every effort to keep the private portion of the key file private, including using a passphrase to encrypt it. If someone copies your private key, they can log on to your account, just as if you had given them a password for a password-protected account.

The "Fingerprint" field shows the fingerprint of the key, which is a condensed representation of the key useful for verifying (e.g., in a telephone conversation) that a key is valid.

The "Make Key..." button brings up a dialog which allows you to generate a new key.

The "Save Key..." button allows you to save a key.

Using the SSH "Make key..." dialog

This dialog allows you to generate RSA keys.

The "Key Size" field allows you to specify a size other than the usual 1024-bit key length. If you want your encrypted communications to remain secure over a long period of time, you should use more than a size greater than 1024, probably 2048. Note that it takes substantially more time to generate the key and to verify it when making a host connection when you use a larger key.

The "Comment" fields allow you to enter a comment, which will be appended to the newly generated key.

The progress bar indicates roughly the amount of work left in generating the key.

[Previous Page](#)

[Encryption](#)

U.S. Department of Commerce · Bureau of Export Administration
Office of Strategic Trade & Foreign Policy Controls
Information Technology Controls Division

COMMERCIAL ENCRYPTION EXPORT CONTROLS

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December 20, 2000

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APPLYING FOR LICENSE EXCEPTION ENC

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EAR citations on this page may be found in the [October 2000 Encryption Rule](#) [pdf] on this site or on the [Government Printing Office Web site](#)

To receive approval from the Bureau of Export Administration (BXA) to export your encryption item under License Exception ENC, you must submit a **classification request**. It is important that you read all of the instructions below before submitting a classification request.

Step 1: Read the relevant portions of the Export Administration Regulations (EAR).

This guidance is designed to help you apply for eligibility to export under License Exception ENC, and should be used in conjunction with the relevant portions of the Export Administration Regulations (EAR), which can be found on the [Government Printing Office Web site](#). Section 740.17 is the principal regulatory reference for License Exception ENC and Supplement 6 to Part 742 provides specific details on what information to include with a commodity classification request for encryption items. Section 742.15 explains BXA's encryption policy on License Exception ENC, and Section 748.3 and Supplement 1 to Part 748 provide general information on submitting classification requests. Also, we have provided a [Frequently Asked Questions](#) on this page to answer commonly asked questions

Reminder:

U.S. Subsidiaries: Exports of encryption items under ECCNs 5A002, **5D002** and 5E002 to foreign subsidiaries of U.S. companies (as defined in Part 772), do not require a review and classification by BXA prior to export (see Section 740.17(b)(1)) under License Exception ENC).

Commercial Source Code: In addition, exports of commercial encryption source code under ECCN 5D002, which are considered publicly available under Section 734.3(b)(3) of the EAR and are subject to licensing fees or royalties for commercial production or sale of any product developed using the source code, do not require a review and classification; however, you must notify BXA by the time of export (see Section 740.17(b)(4)(i)). Further, object code that is compiled from such source code is also eligible for this treatment. You do not need to file a classification request for under these License Exception ENC provisions. For more information on how to submit a notification, please read the "**Notification**" guidance under "[Guidance](#)".

Items Incorporating Short-Range Wireless Technology: Lastly, items (namely consumer products), which incorporate short range wireless technologies, do not require a review, classification or notification to BXA. However, the components and technologies related to these items still require review and classification prior to their export.

Other License Exception Submissions:

For exports of Beta Test Software, see "**Information Submissions**" under "[Guidance](#)".

For 64-bit mass market commodities and software, 56-bit with 512-bit non-mass market items and 512-bit key management products, see "**NLR**" under "[Guidance](#)".

Step 2: Obtain BXA Form 748P

This is the multipurpose application form you use to apply for License Exception ENC. Since it is a multipart form, it is not available for downloading from the Web. However, you can request the form from BXA's homepage. In addition, instead of submitting a paper application form, you can apply over the internet using BXA's [Simplified Network Application Process \(SNAP\)](#).

If you are submitting a request for more than one item, you must also obtain BXA Form 748P-A, which is an item appendix, and follow the instructions for Block 22 for each additional item. You may include up to six items. Follow the instructions on SNAP to add items electronically.

Step 3: Fill in the BXA-748P form.

The form must be typed. For each block of the form, follow the instructions in Supplement 1 to Part 748 for classification requests. When applying for License Exception ENC, follow the additional instructions below.

- | Block | Instructions |
|--------------|--|
| 5 | Mark the classification request box. This is extremely important. DO NOT mark export or reexport. If you do, the application will be returned to you. |
| 9 | Indicate the phrase " License Exception ENC " in this block. This is used to route the application to an appropriate licensing officer in BXA. If you fail to denote this phrase, the application will be delayed. |
| 14-15 | Be sure the information in these blocks is complete and correct, because this is where BXA will send the official classification document. If both blocks are filled in, the official document will be sent to the individual or entity identified in Block 15. |
| 22(a) | For software, enter "5D002." For hardware, enter "5A002." For technology, enter "5E002" (only applicable for exports/reexports to countries listed in Supplement 3 to Part 740). |
| 22(j) | Provide a brief technical description including the basic purpose of the encryption product and the type of encryption used (e.g., 128-bit RC4 for secure e-mail, 2048 RSA for key exchange). Please DO NOT type "see letter of explanation" or "see brochure". The information identified in this block is entered directly into the BXA computer system, and will be printed on the official classification document issued by BXA. A brief technical description is essential. |
| 24 | <p>BXA will determine the specific provisions of ENC for which your product qualifies. Indicate the provisions you believe are applicable:</p> <p>(a) 740.17(a)- "encryption technology" to end-users located in Supplement 3 to Part 740 countries</p> <p>(b) § 740.17(b)(2)- "encryption commodities, software and components that are not classified as retail"</p> <p>(c) § 740.17(b)(3)- "retail commodities, software and components"</p> <p>(d) § 740.17(b)(4)(ii)- "commercial source code" (not considered "publicly available")
<i>Exporters may export commercial source code immediately once a complete classification request is filed with BXA.</i></p> <p>(e) 740.17(b)(5)- "cryptographic interfaces" to end-users located in Supplement 3 to Part 740 countries</p> |

European Union plus eight additional countries: Exporters should apply for either "retail" or "non-retail" classification to export encryption items controlled under ECCNs 5A002 or 5D002. However, technology controlled under ECCN 5E002 and products containing an open cryptographic interfaces are eligible for export to end-users located in the European Union member states, plus an additional eight countries (see Supplement 3 to Part 740 for a complete country list) under License Exception ENC. In these instances, exporters may submit a classification under paragraph (a) or (b)(5). Once a completed classification request is submitted, exporters may immediately export any item (except cryptanalytic) to any end-user located in these countries. A classification request is complete when BXA receives the request in our system with support documents containing the information requested in Supplement 6 to Part 742. "Guidelines"

All other blocks or block portions appropriate for classification requests should be completed in accordance with Part 748 of the EAR.

Step 4: Include supporting documents

Supporting documents, such as technical specifications, should accompany the completed BXA 748P form. The supporting documents should contain the information requested in Supplement 6 to Part 742 (i.e., enough information for BXA to verify the correct classification of the item (e.g., encryption algorithms used and their key space). In addition, the supporting documents should also address the specific provisions of License Exception ENC for which you are applying. Carefully review the provisions of License Exception ENC, particularly Section 740.17(d), which describes how to initiate the technical review and classification, and Supplement 6 to Part 742, which lists special information requirements. Be sure to include BXA's Z number (e.g., Z999999) on your support documents

Additional Guidance for Retail Classification Requests

Below is additional guidance to assist you in understanding applying for "retail" commodities, software and components.

First, review Section 740.17(b)(3) to determine whether your encryption product qualifies under the "retail" category. The "retail" section contains criteria and categories for qualification under "retail".

A. Most encryption commodities, software and components will qualify under those that are generally available to the public by being distributed or for use in one of these three ways: (1) sold through retail outlets, (2) specially designed for individual consumer use, **or** (3) which are sold or will be sold in large volume without restrictions through mail order, electronic or telephone sales. Please include sales figures for qualification under this criterion.

AND, these products **cannot**:

- (a) allow the cryptographic functionality to be easily changed by the user,
- (b) require substantial support to install and use,
- (c) be modified or customized for the customer, **and**
- (d) be designed to be used as network infrastructure products. If your product meets the above criteria, then it may be considered "retail".

The regulation contains an illustrative but not restricted list of examples of the types of products that are considered "retail" under this section. All of this is taken into account to qualify for "retail", it is not based on the key length of the encryption items.

The **second set** is those products that function similarly to other products classified as "retail". The products are reviewed for their overall functionality and not simply their security functions. We intend to compare products which are similar in function, but may be incorporated differently, i.e., bundled vs. standalone.

The **third set** of products is finance-specific products that are restricted by design for such functions as e-commerce and financial transactions. These products are highly field formatted and are not capable of performing general purpose encryption, such as e-mail messaging. Inclusion in this category is not based on the algorithm keysize. Also included in this set are non-mass market 56-bit products with asymmetric key exchanges between 512 to 1024-bits. These products are based on the key length of the encryption. Exporters may submit a classification request for this set of products and export immediately.

The **last set** is items which would be controlled only because they incorporate components or software which provide short-range wireless encryption functions. These items may be exported without review and classification by BXA and without reporting under the retail provisions of License Exception ENC. These include consumer products, for example, audio devices, cameras and videos, computer accessories, hand held devices, mobile phones and consumer appliances (e.g., refrigerators, washing machines and microwave ovens) that communicate with each other via short range wireless technologies. Examples of these types of technology are Bluetooth and HomeRF. A review and classification is still required for the components and software that is used to develop the end- products.

You must include a letter of explanation and technical specifications of the encryption product(s) and describe which "retail" category your product(s) qualifies in and why you believe the product(s) meets the above criteria. Meeting the criteria is not simply reiterating the criteria, but demonstrating how the product is distributed or why it is not a network infrastructure product capable of large volume communications. Providing real life examples are helpful. Your explanation will assist BXA with determining the proper classification and will expedite the review process. Otherwise, it will be necessary for BXA to call the applicant for this information, hence causing delays in the classification process.

Step 5: Submit the application to BXA and ENC Request Coordinator (see Section 740.17(d))

(1) Submit the **original** BXA Form 748P, 748P-A (if applicable) and support documents, in accordance with Section 748.3(b) EAR, to the following address:

**Bureau of Export Administration
U.S. Department of Commerce
14th Street and Pennsylvania Avenue, N.W.
Room 2705,
Washington, D.C. 20444,
Attn: "Application Enclosed"**

If you submit the forms electronically, either through SNAP or ELAIN, please fax the supporting documents to BXA (fax number: 202-501-0784), or send them to the U.S. Department of Commerce, Bureau of Export Administration, Information Technology Controls Division, Room 2625, 14th & Pennsylvania Ave., NW, Washington, D.C. 20230.

AND

(2) A **copy of the entire application (forms and supporting documents) must also be express mailed** to the following address (failure to comply will result in delays):

Attn: ENC Encryption Request Coordinator

<http://www.bxa.doc.gov/Encryption/enc.htm>

**9800 Savage Road, Suite 6131
Ft. Meade, MD 20755-6000**

ENCRYPTION LICENSE EXCEPTION CHART

This chart identifies all license exceptions that are applicable to encryption items. It is **not** all inclusive and is meant only as initial guidance for exporters. For additional information, please refer to the appropriate sections of Part 740 of the Export Administration Regulations to ascertain other provisions, criteria and restrictions of each license exception.

License Exception	Type of Products	Class of End-Users	Country Scope	Reporting Requirements	Restrictions
TMP - 740.9	Beta Test Software	All	Global, except the T-7	Yes	- Final product still requires review
TSU - 740.13	Unrestricted source code ("open source")	All	Global, may not knowingly export to the T-7	No	- Notification by time of export - Considered "publicly available"
ENC - 740.17(a)	Encryption Items (except cryptanalytic products & their related technology)	All	Located in EU+8 (see Supp. 3 to Part 740)	Yes - with notable exceptions (see 740.17(e))	- May export immediately - Submit classification request to BXA
ENC - 740.17(b)(1)	Encryption Items (includes technology)	U.S. Subsidiaries (includes foreign nationals)	Global, except the T-7	Yes - only when transferred outside the U.S. subsidiary	- No review prior to export - Review is required for items to be reexported, resold or transferred
ENC - "non-retail products" 740.17(b)(2)	Encryption Products (excludes technology)	All, except non-EU+8 foreign governments	Global, except the T-7	Yes	- Review and classification by BXA - Requires a license to export to foreign governments outside EU+8
ENC - "retail products" 740.17(b)(3)	Encryption Products (excludes technology)	All	Global, except the T-7	Yes - with notable exceptions (see 740.17(e))	-Review and classification by BXA - Products must meet criteria in 740.17(b)(3)(i)-(ii)
ENC - "56/1024 and Finance-Specific" 740.17(b)(3)(v)	Non-mass market 56-bit products (key exchanges exceeding 512 up to 1024), and Finance-Specific	All	Global, except the T-7	No	- Self-classify and submit classification request - Export immediately
ENC - "short-range wireless products" 740.17(b)(3)(vi)	Products incorporating short-range technologies	All	Global, except the T-7	No	- No prior review
ENC - 740.17(b)(4)(i)	Unrestricted source code ("community source")	All	Global, may not knowingly export to the T-7	Yes - if developed product is sold commercially	- Notification by time of export - Considered "publicly available" - Subject to a payment
ENC - 740.17(b)(4)(ii)	Commercial source code ("proprietary")	All, except foreign governments	Global, except the T-7	Yes	- Self-classify and submit classification request - Export immediately
ENC - 740.17(b)(5)	Products that contain an Open Cryptographic Interfaces	All	Located in EU+8 (see Supp. 3 to Part 740)	Yes	- May export immediately - Review and classification by BXA - Licenses are required to all other destinations outside EU+8

T-7 = Cuba, Iran, Iraq, Libya, North Korea, Syria, and Sudan

EU+8 = Austria, Australia, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland and United Kingdom [See Supplement 3 to Part 740]

**GUIDELINES FOR SUBMITTING A CLASSIFICATION
REQUEST FOR ENCRYPTION ITEMS**

Classification requests for encryption items must be submitted on Form BXA-748P, in accordance with §748.3 of the EAR. Insert the phrase "License Exception ENC" in Block 9: Special Purpose in Form BXA-748P. Failure to insert this phrase will delay processing. BXA recommends that such requests be delivered via courier service to: Bureau of Export Administration, Office of Exporter Services, Room 2705, 14th Street and Pennsylvania Ave., N.W. Washington, D.C. 20230. For electronic submissions via SNAP, you may fax a copy of the support documents to BXA at (202) 501-0784. In addition, you must send a copy of the classification request and all support documents to: Attn: ENC Encryption Request Coordinator, 9800 Savage Road, Suite 6131, Fort Meade, MD 20755-6000. For all classification requests of encryption items provide brochures or other documentation or specifications related to the technology, commodity or software, relevant product descriptions, architecture specifications, and as necessary for the technical review, source code. Also, indicate any prior reviews and classifications of the product, if applicable to the current submission. Provide the following information in a cover letter with the classification request:

(a) State the name of the encryption item being submitted for review.

(b) State that a duplicate copy has been sent to the ENC Encryption Request Coordinator.

(c) Commodity or software

For classification requests for a commodity or software, provide the following information:

(1) Description of all the symmetric and asymmetric encryption algorithms and key lengths and how the algorithms are used. Specify which encryption modes are supported (e.g., cipher feedback mode or cipher block chaining

mode).

(2) State the key management algorithms, including modulus sizes, that are supported.

(3) For products with proprietary algorithms, include a textual description and the source code of the algorithm.

(4) Describe the pre-processing methods (e.g., data compression or data interleaving) that are applied to the plaintext data prior to encryption.

(5) Describe the post-processing methods (e.g., packetization, encapsulation) that are applied to the cipher text data after encryption.

(6) State the communication protocols (e.g., X.25, Telnet or TCP) and encryption protocols (e.g., SSL, IPSEC or PKCS standards) that are supported.

(7) Describe the encryption-related Application Programming Interfaces (APIs) that are implemented and/or supported. Explain which interfaces are for internal (private) and/or external (public) use.

(8) Describe whether the cryptographic routines are statically or dynamically linked, and the routines (if any) that are provided by third-party modules or libraries. Identify the third-party manufacturers of the modules or toolkits.

(9) For commodities or software using Java byte code, describe the techniques (including obfuscation, private access modifiers or final classes) that are used to protect against decompilation and misuse.

(10) State how the product is written to preclude user modification of the encryption algorithms, key management and key space.

(11) For products that qualify as "retail", explain how the product meets the listed criteria in §740.17(b)(3) of the EAR.

(12) For products which incorporate an open cryptographic interface as defined in part 772 of the EAR, describe the Open Cryptographic Interface.

(d) Components

For classification requests regarding components, provide the following additional information:

- (1) Reference the application for which the components are used in, if known;
- (2) State if there is a general programming interface to the component;
- (3) State whether the component is constrained by function; and
- (4) the encryption component and include the name of the manufacturer, component model number or other identifier.

(e) Source code

For classification requests for source code, provide the following information:

- (1) If applicable, reference the executable (object code) product that was previously reviewed;
- (2) Include whether the source code has been modified, and the technical details on how the source code was modified; and
- (3) Include a copy of the sections of the source code that contain the encryption algorithm, key management routines and their related calls.

(f) License Exception ENC

For step-by-step instructions and guidance on submitting classification requests for License Exception ENC, visit our webpage at www.bxa.gov/Encryption.

(ii) A destination from which the shipment has been refused entry because of the Foreign Assets Control Regulations of the Treasury Department, unless such return is licensed or otherwise authorized by the Treasury Department, Office of Foreign Assets Control (31 CFR part 500).

(c) Exports of beta test software

(1) Scope. The provisions of paragraph (c) authorize exports and reexports to eligible countries of beta test software intended for distribution to the general public.

(2) Eligible countries. The countries that are eligible to receive exports and reexports are all countries except those Country Groups E:2. In addition, encryption software under ECCN 5D002 is further restricted from being exported or reexported to Cuba, Iran, Iraq, Libya, North Korea, Sudan or Syria.

(3) Eligible software. All software that is controlled by the Commerce Control List (Supplement No.1 to part 774 of the EAR), and under Commerce licensing jurisdiction, is eligible for export and reexport, subject to the restrictions of this paragraph (c). Encryption software controlled for EI reasons under ECCN 5D002 is eligible for export and reexport under this paragraph (c) provided the exporter has submitted by the time of export the information described in paragraphs (a) through (e) of Supplement 6 to Part 742 to BXA, with a copy to the ENC Encryption Request Coordinator. The names and addresses of the testing consignees, except names and addresses of individual consumers, and the name and version of the beta software should be reported consistent with §740.17(e)(5). Any final product must be reviewed and classified under the requirements of §740.17.

(4) Conditions for use. Any beta test software program may be exported or reexported to eligible countries if all of the conditions under this section are met:

(i) The software producer intends to market the software to the general public after completion of the beta testing, as described in the General Software Note found in Supplement 2 to Part 774 or the Cryptography Note in Category 5--Part II of the Commerce Control List (Supplement No.1 to part 774 of the EAR);

(ii) The software producer provides the software to the testing consignee free-of-charge or at a price that does not exceed the cost of reproduction and distribution; and

(iii) The software is designed for installation by the end-user without further substantial support from the supplier.

(5) Importer Statement. Prior to shipping any eligible software, the exporter or reexporter must obtain the following statement from the testing consignee, which may be included in a contract, non-disclosure agreement, or other document that identifies the importer, the software to be exported, the country of destination, and the testing consignee.

"We certify that this beta test software will only be used for beta testing purposes, and will not be rented, leased, sold, sublicensed, assigned, or otherwise transferred. Further, we certify that we will not transfer or export any product, process, or service that is the direct product of the beta test software."

(6) Use limitations. Only testing consignees that provide the importer statement required by paragraph (c)(5) of this section may execute any software received.

(7) Return or disposal of software. All beta test software exported must be destroyed abroad or returned to the exporter within 30 days of the end of the beta test period as defined by the software producer or, if the software producer does not define a test period, within 30 days of completion of the consignee's role in the test.

Among other methods, this requirement may be satisfied by a software module that will destroy the software and all its copies at or before the end of the beta test period.

§740.10

SERVICING AND REPLACEMENT OF PARTS AND EQUIPMENT (RPL)

This License Exception authorizes exports and reexports associated with one-for-one replacement of parts or servicing and replacement of equipment.

(a) Parts

(1) Scope. The provisions of this paragraph (a) authorize the export and reexport of one-for-one replacement parts for previously exported equipment.

(2) One-for-one replacement of parts.

(i) The term "replacement parts" as used in this section means parts needed for the immediate repair of equipment, including replacement of defective or worn parts. (It includes subassemblies but does not include test instruments or operating supplies). (The term "subassembly" means a number of components assembled to perform a specific function or functions within a commodity. One example would be printed circuit boards with components mounted thereon. This definition does not include major subsystems such as those composed of a number of subassemblies.) Items that improve or change the basic design characteristics, e.g., as to accuracy, capability, performance or productivity, of the equipment upon which they are installed, are not deemed to be replacement parts. For kits consisting of replacement parts, consult §740.9(a)(2)(ii) of this part.

(ii) Parts may be exported only to replace, on a one-for-one basis, parts contained in commodities that were: legally exported from the United States; legally reexported; or made in a foreign country incorporating authorized U.S.-origin parts. The conditions of the original U.S. authorization must not have been violated. Accordingly, the export of replacement parts may be made only by the party who originally exported or reexported the commodity to be repaired, or by a party that has confirmed the appropriate authority for the original transaction.

(iii) The parts to be replaced must either be destroyed abroad or returned promptly to the person who supplied the replacement parts, or to a foreign firm that is under the effective control of that person.

(3) Exclusions.

(i) No replacement parts may be exported to repair a commodity exported under a license if that license included a condition that any subsequent replacement parts must be exported only under a license.

(ii) No parts may be exported to be held abroad as spare parts or equipment for future use. Replacement parts may be exported to replace spare parts that were authorized to accompany the export of equipment, as those spare parts are utilized in the repair of the equipment. This will allow maintenance of the stock of spares at a consistent level as parts are used.

(iii) No parts may be exported to any destination except Iceland, New Zealand, or the countries listed in Country Group A:1 (see Supplement No. 1 to part 740) if the item is to be incorporated into or used in nuclear weapons, nuclear explosive devices, nuclear testing related to activities described in §744.2(a) of the EAR, the chemical processing of irradiated special nuclear or source material, the production of heavy water, the separation of isotopes of source

§748.1

GENERAL PROVISIONS*(a) Scope*

In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. The provisions of this part involve applications, whether submitted in writing or electronically, for classifications, advisory opinions or licenses subject to the Export Administration Regulations (EAR). All terms, conditions, provisions, and instructions, including the applicant and consignee certifications, contained in such form(s) are incorporated as part of the EAR. For the purposes of this part, the term "application" refers to the Form BXA-748P: Multipurpose Application or its electronic equivalent. If a provision contained in this part relates solely to a license application the term "license application" will appear.

(b) BXA responses

BXA will give a formal classification, advisory opinion or licensing decision only through the review of a properly completed application supported by all relevant facts and required documentation submitted in writing or electronically to BXA.

(c) Confidentiality

Consistent with section 12(c) of the Export Administration Act, as amended, information obtained for the purposes of considering license applications, and other information obtained by the U.S. Department of Commerce concerning license applications, will not be made available to the public without the approval of the Secretary of Commerce.

§748.2

OBTAINING FORMS; MAILING ADDRESSES

(a) You may obtain the forms required by the EAR from any U.S. Department of Commerce District Office; or in person or by telephone or facsimile from the following BXA offices:

Export Counseling Division
U.S. Department of Commerce
14th Street and Pennsylvania Ave., N.W.
Room H1099D
Washington, D.C. 20230
Telephone Number: (202)482-4811
Facsimile Number: (202)482-3617

Western Regional Offices:
3300 Irvine Avenue, Ste.345
Newport Beach, CA 92660
Telephone Number: (949) 660-0144
Facsimile Number: (949) 660-9347

5201 Great America Pkwy, Ste.226
Santa Clara, CA 95054
Telephone Number: (408) 748-7450
Facsimile Number: (408) 748-7470

(b) For the convenience of foreign consignees and other foreign parties, certain BXA forms may be obtained at U.S. Embassies and Consulates throughout the world.

(c) All applications should be mailed to the following address, unless otherwise specified: Bureau of Export Administration, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue N.W., Room 2705, Washington, D.C. 20044, Attn: "Application Enclosed". BXA will not accept applications sent C.O.D.

**BXA-748P, BXA-748P-A: ITEM APPENDIX, AND BXA-748P-B: END-USER APPENDIX;
MULTIPURPOSE APPLICATION INSTRUCTIONS**

All information must be legibly typed within the lines for each Block or Box, except where a signature is required. Enter only one typed line of text per Block or line. Where there is a choice of entering telephone numbers or facsimile numbers, and you wish to provide a facsimile number instead of a telephone number, identify the facsimile number with the letter "F" immediately after the number (e.g., 022-358-0-123456F). If you are completing this form to request classification of your item, you must complete Blocks 1 through 5, 14, 22(a), (b), (c), (d), and (i), 24, and 25 only.

Block 1: Contact Person. Enter the name of the person who can answer questions concerning the application.

Block 2: Telephone. Enter the telephone number of the person who can answer questions concerning the application.

Block 3: Facsimile. Enter the facsimile number, if available, of the person who can answer questions concerning the application.

Block 4: Date of Application. Enter the current date.

Block 5: Type of Application. *Export.* If the items are located within the United States, and you wish to export those items, mark the Box labeled "Export" with an (X). *Reexport.* If the items are located outside the United States, mark the Box labeled "Reexport" with an (X). *Classification.* If you are requesting BXA to classify your item against the Commerce Control List (CCL), mark the Box labeled "Classification Request" with an (X).

Special Comprehensive License. If you are submitting a Special Comprehensive License application in accordance with the procedures described in part 752 of the EAR, mark the Box labeled "Special Comprehensive License" with an (X).

Block 6: Documents submitted with Application. Review the documentation you are required to submit with your application in accordance with the provisions of part 748 of the EAR, and mark all applicable Boxes with an (X).

Mark the Box "Foreign Availability" with an (X) if you are submitting an assertion of foreign availability with your license application. See part 768 of the EAR for instructions on foreign availability submissions.

Mark the "Tech. Specs." box with an (X) if you are submitting descriptive literature, brochures, technical specifications, etc. with your application.

Block 7: Documents on File with Applicant. Certify that you have retained on file all applicable documents as required by the provisions of part 748 by placing an (X) in the appropriate Box(es).

Block 8: Special Comprehensive License. Complete this Block only if you are submitting an application for a Special Comprehensive License in accordance with part 752 of the EAR.

Block 9: Special Purpose. Complete this

Block for certain items or types of transactions only if specifically required in Supplement No. 2 to this part.

Block 10: Resubmission Application Control Number. If your original application was returned without action (RWA), provide the Application Control Number. This does not apply to applications returned without being registered.

Block 11: Replacement License Number. If you have received a license for identical items to the same ultimate consignee, but would like to make a modification that is not excepted in §750.7(c) of the EAR, to the license as originally approved, enter the original license number and complete Blocks 12 through 25, where applicable. Include a statement in Block 24 regarding what changes you wish to make to the original license.

Block 12: Items Previously Exported. This Block should be completed only if you have marked the "Reexport" box in Block 5. Enter the license number, License Exception symbol (for exports under General Licenses, enter the appropriate General License symbol), or other authorization under which the items were originally exported, if known.

Block 13: Import/End-User Certificate. Enter the name of the country and number of the Import or End User Certificate obtained in accordance with provisions of this part.

Block 14: Applicant. Enter the applicant's name, street address, city,

state/country, and postal code. Provide a complete street address. P.O. Boxes are not acceptable. Refer to §748.5(a) of this part for a definition of "applicant". If you have marked "Export" in Block 5, you must include your company's Employer Identification Number unless you are filing as an individual or as an agent on behalf of the exporter. The Employee Identification Number is assigned by the Internal Revenue Service for tax identification purposes. Accordingly, you should consult your company's financial officer or accounting division to obtain this number.

Block 15: Other Party Authorized to Receive License. If you would like BXA to transmit the approved license to another party designated by you, complete all information in this Block, including name, street address, city, country, postal code and telephone number. Leave this space blank if the license is to be sent to the applicant. Designation of another party to receive the license does not alter the responsibilities of the applicant.

Block 16: Purchaser. Enter the purchaser's complete name, street address, city, country, postal code, and telephone or facsimile number. Refer to §748.5(c) of this part for a definition of "purchaser". If the purchaser is also the ultimate consignee, enter the complete name and address. If your proposed transaction does not involve a separate purchaser, leave Block 16 blank.

Block 17: Intermediate Consignee. Enter the intermediate consignee's complete

name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. Refer to §748.5(d) of this part for a definition of "intermediate consignee". If this party is identical to that listed in Block 16, enter the complete name and address. If your proposed transaction does not involve use of an intermediate consignee, enter "None". If your proposed transaction involves more than one intermediate consignee, provide the same information in Block 24 for each additional intermediate consignee.

Block 18: Ultimate Consignee. This Block must be completed if you are submitting a license application. Enter the ultimate consignee's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. The ultimate consignee is the party who will actually receive the item for the end-use designated in Block 21. Refer to §748.5(e) of this part for a definition of "ultimate consignee". A bank, freight forwarder, forwarding agent, or other intermediary may not be identified as the ultimate consignee. Government purchasing organizations are the sole exception to this requirement. This type of entity may be identified as the government entity that is the actual ultimate consignee in those instances when the items are to be transferred to the government entity that is the actual end-user, provided the actual end-user and end-use is clearly identified in Block 21 or in the additional documentation attached to the

application.

If your application is for the reexport of items previously exported, enter the new ultimate consignee's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. If your application involves a temporary export or reexport, the applicant should be shown as the ultimate consignee in care of a person or entity who will have control over the items abroad.

Block 19: End-User. Complete this Block only if the ultimate consignee identified in Block 18 is not the actual end-user. If there will be more than one end-user, use Form BXA-748P-B to identify each additional end-user. Enter each end-user's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable.

Block 20: Original Ultimate Consignee. If your application involves the reexport of items previously exported, enter the original ultimate consignee's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. The original ultimate consignee is the entity identified in the original application for export as the ultimate consignee or the party currently in possession of the items.

Block 21: Specific End-Use. This Block must be completed if you are submitting a license application. Provide a complete and detailed description of the end-use intended by the ultimate

consignee and/or end-user(s). If you are requesting approval of a reexport, provide a complete and detailed description of the end-use intended by the new ultimate consignee or end-user(s) and indicate any other countries for which resale or reexport is requested. If additional space is necessary, use Block 21 on Form BXA-748P-A or B. Be specific—such vague descriptions such as "research", "manufacturing", or "scientific uses" are not acceptable.

Block 22: For a license application you must complete each of the sub-blocks contained in this Block. If you are submitting a classification request, you need not complete Blocks (e), (f), (g), and (h). If you wish to export, reexport or have BXA classify more than one item, use Form BXA-748P-A for additional items.

- NA* (a) **ECCN.** Enter the Export Control Classification Number (ECCN) that corresponds to the item you wish to export or reexport. If you are asking BXA to classify your item, provide a recommended classification for the item in this Block.
- NA* (b) **CTP.** You must complete this Block only if your application involves a digital computer or equipment containing a digital computer as described in Supplement No. 2 to this part. Instructions on calculating the CTP are contained in a Technical Note at the end of Category 4 in the CCL.
- ✓* (c) **Model Number.** Enter the correct model number for the item.
- NA* (d) **CCATS Number.** If you have received

a classification for this item from BXA, provide the CCATS number shown on the classification issued by BXA.

- (e) **Quantity.** Identify the quantity to be exported or reexported, in terms of the "Unit" identified for the ECCN entered in Block 22(a). If the "Unit" for an item is "\$ value", enter the quantity in units commonly used in the trade.
- (f) **Units.** The "Unit" paragraph within each ECCN will list a specific "Unit" for those items controlled by the entry. The "Unit" must be entered on all license applications submitted to BXA. If an item is licensed in terms of "\$ value", the unit of quantity commonly used in trade must also be shown on the license application. This Block may be left blank on license applications only if the "Unit" for the ECCN entered in Block 22(a) is shown as "N/A" on the CCL.
- (g) **Unit Price.** Provide the fair market value of the items you wish to export or reexport. Round all prices to the nearest whole dollar amount. Give the exact unit price only if the value is less than \$0.50. If normal trade practices make it impractical to establish a firm contract price, state in Block 24 the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined.
- (h) **Total Price.** Provide the total price of the item(s) described in Block 22(j).
- (i) **Manufacturer.** Provide the name only of the manufacturer, if known, for each of the items you wish to export, reexport, or have BXA classify, if different from the applicant. *✓ NA*

(j) **Technical Description.** Provide a description of the item(s) you wish to export, reexport, or have BXA classify. Provide details when necessary to identify the specific item(s), include all characteristics or parameters shown in the applicable ECCN using measurements identified in the ECCN (e.g., basic ingredients, composition, electrical parameters, size, gauge, grade, horsepower, etc.). These characteristics must be identified for the items in the proposed transaction when they are different than the characteristics described in promotional brochure(s).

Block 23: Total Application Dollar Value.

Enter the total value of all items contained on the application in U.S. Dollars. The use of other currencies is not acceptable.

Block 24: Additional Information. Enter additional data pertinent to the application as required in the EAR. Include special certifications, names of parties of interest not disclosed elsewhere, explanation of documents attached, etc. Do not include information concerning Block 22 in this space.

If your application represents a previously

denied application, you must provide the Application Control Number from the original application.

If you are requesting BXA to classify your product, use this space to explain why you believe the ECCN entered in Block 22(a) is appropriate. This explanation must contain an analysis of the item in terms of the technical control parameters specified in the appropriate ECCN. If you have not identified a recommended classification in Block 22(a), you must state the reason you cannot determine the appropriate classification, identifying anything in the regulations that you believe precluded you from determining the correct classification.

If additional space is necessary, use Block 24 on Form BXA-748P-A or B.

Block 25: You, as the applicant or duly authorized agent of the applicant, must manually sign in this Block. Rubber-stamped or electronic signatures are not acceptable. If you are an agent of the applicant, in addition to providing your name and title in this Block, you must enter your company's name in Block 24. Type both your name and title in the space provided.

**BXA-748P, BXA-748P-A: ITEM APPENDIX, AND BXA-748P-B: END-USER APPENDIX;
MULTIPURPOSE APPLICATION INSTRUCTIONS**

All information must be legibly typed within the lines for each Block or Box, except where a signature is required. Enter only one typed line of text per Block or line. Where there is a choice of entering telephone numbers or facsimile numbers, and you wish to provide a facsimile number instead of a telephone number, identify the facsimile number with the letter "F" immediately after the number (e.g., 022-358-0-123456F). If you are completing this form to request classification of your item, you must complete Blocks 1 through 5, 14, 22(a), (b), (c), (d), and (i), 24, and 25 only.

Block 1: Contact Person. Enter the name of the person who can answer questions concerning the application.

Block 2: Telephone. Enter the telephone number of the person who can answer questions concerning the application.

Block 3: Facsimile. Enter the facsimile number, if available, of the person who can answer questions concerning the application.

Block 4: Date of Application. Enter the current date.

Block 5: Type of Application. *Export.* If the items are located within the United States, and you wish to export those items, mark the Box labeled "Export" with an (X). *Reexport.* If the items are located outside the United States, mark the Box labeled "Reexport" with an (X). *Classification.* If you are requesting BXA to classify your item against the Commerce Control List (CCI), mark the Box labeled "Classification Request" with an (X).

Special Comprehensive License. If you are submitting a Special Comprehensive License application in accordance with the procedures described in part 752 of the EAR, mark the Box labeled "Special Comprehensive License" with an (X).

Block 6: Documents submitted with Application. Review the documentation you are required to submit with your application in accordance with the provisions of part 748 of the EAR, and mark all applicable Boxes with an (X).

Mark the Box "Foreign Availability" with an (X) if you are submitting an assertion of foreign availability with your license application. See part 768 of the EAR for instructions on foreign availability submissions.

Mark the "Tech. Specs." box with an (X) if you are submitting descriptive literature, brochures, technical specifications, etc. with your application.

Block 7: Documents on File with Applicant. Certify that you have retained on file all applicable documents as required by the provisions of part 748 by placing an (X) in the appropriate Box(es).

Block 8: Special Comprehensive License. Complete this Block only if you are submitting an application for a Special Comprehensive License in accordance with part 752 of the EAR.

Block 9: Special Purpose. Complete this

Block for certain items or types of transactions only if specifically required in Supplement No. 2 to this part.

- Block 10: **Resubmission Application Control Number.** If your original application was returned without action (RWA), provide the Application Control Number. This does not apply to applications returned without being registered.
- Block 11: **Replacement License Number.** If you have received a license for identical items to the same ultimate consignee, but would like to make a modification that is not excepted in §750.7(c) of the EAR, to the license as originally approved, enter the original license number and complete Blocks 12 through 25, where applicable. Include a statement in Block 24 regarding what changes you wish to make to the original license.
- Block 12: **Items Previously Exported.** This Block should be completed only if you have marked the "Reexport" box in Block 5. Enter the license number, License Exception symbol (for exports under General Licenses, enter the appropriate General License symbol), or other authorization under which the items were originally exported, if known.
- Block 13: **Import/End-User Certificate.** Enter the name of the country and number of the Import or End User Certificate obtained in accordance with provisions of this part.
- Block 14: **Applicant.** Enter the applicant's name, street address, city, state/country, and postal code. Provide a complete street address. P.O. Boxes are not acceptable. Refer to §748.5(a) of this part for a definition of "applicant". If you have marked "Export" in Block 5, you must include your company's Employer Identification Number unless you are filing as an individual or as an agent on behalf of the exporter. The Employee Identification Number is assigned by the Internal Revenue Service for tax identification purposes. Accordingly, you should consult your company's financial officer or accounting division to obtain this number.
- Block 15: **Other Party Authorized to Receive License.** If you would like BXA to transmit the approved license to another party designated by you, complete all information in this Block, including name, street address, city, country, postal code and telephone number. Leave this space blank if the license is to be sent to the applicant. Designation of another party to receive the license does not alter the responsibilities of the applicant.
- Block 16: **Purchaser.** Enter the purchaser's complete name, street address, city, country, postal code, and telephone or facsimile number. Refer to §748.5(c) of this part for a definition of "purchaser". If the purchaser is also the ultimate consignee, enter the complete name and address. If your proposed transaction does not involve a separate purchaser, leave Block 16 blank.
- Block 17: **Intermediate Consignee.** Enter the intermediate consignee's complete

name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. Refer to §748.5(d) of this part for a definition of "intermediate consignee". If this party is identical to that listed in Block 16, enter the complete name and address. If your proposed transaction does not involve use of an intermediate consignee, enter "None". If your proposed transaction involves more than one intermediate consignee, provide the same information in Block 24 for each additional intermediate consignee.

Block 18: Ultimate Consignee. This Block must be completed if you are submitting a license application. Enter the ultimate consignee's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. The ultimate consignee is the party who will actually receive the item for the end-use designated in Block 21. Refer to §748.5(e) of this part for a definition of "ultimate consignee". A bank, freight forwarder, forwarding agent, or other intermediary may not be identified as the ultimate consignee. Government purchasing organizations are the sole exception to this requirement. This type of entity may be identified as the government entity that is the actual ultimate consignee in those instances when the items are to be transferred to the government entity that is the actual end-user, provided the actual end-user and end-use is clearly identified in Block 21 or in the additional documentation attached to the

application.

If your application is for the reexport of items previously exported, enter the new ultimate consignee's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. If your application involves a temporary export or reexport, the applicant should be shown as the ultimate consignee in care of a person or entity who will have control over the items abroad.

Block 19: End-User. Complete this Block only if the ultimate consignee identified in Block 18 is not the actual end-user. If there will be more than one end-user, use Form BXA-748P-B to identify each additional end-user. Enter each end-user's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable.

Block 20: Original Ultimate Consignee. If your application involves the reexport of items previously exported, enter the original ultimate consignee's complete name, street address, city, country, postal code, and telephone or facsimile number. Provide a complete street address, P.O. Boxes are not acceptable. The original ultimate consignee is the entity identified in the original application for export as the ultimate consignee or the party currently in possession of the items.

Block 21: Specific End-Use. This Block must be completed if you are submitting a license application. Provide a complete and detailed description of the end-use intended by the ultimate

consignee and/or end-user(s). If you are requesting approval of a reexport, provide a complete and detailed description of the end-use intended by the new ultimate consignee or end-user(s) and indicate any other countries for which resale or reexport is requested. If additional space is necessary, use Block 21 on Form BXA-748P-A or B. Be specific—such vague descriptions such as "research", "manufacturing", or "scientific uses" are not acceptable.

Block 22: For a license application you must complete each of the sub-blocks contained in this Block. If you are submitting a classification request, you need not complete Blocks (e), (f), (g), and (h). If you wish to export, reexport or have BXA classify more than one item, use Form BXA-748P-A for additional items.

- (a) **ECCN.** Enter the Export Control Classification Number (ECCN) that corresponds to the item you wish to export or reexport. If you are asking BXA to classify your item, provide a recommended classification for the item in this Block.
- (b) **CTP.** You must complete this Block only if your application involves a digital computer or equipment containing a digital computer as described in Supplement No. 2 to this part. Instructions on calculating the CTP are contained in a Technical Note at the end of Category 4 in the CCL.
- (c) **Model Number.** Enter the correct model number for the item.
- (d) **CCATS Number.** If you have received

a classification for this item from BXA, provide the CCATS number shown on the classification issued by BXA.

- (e) **Quantity.** Identify the quantity to be exported or reexported, in terms of the "Unit" identified for the ECCN entered in Block 22(a). If the "Unit" for an item is "\$ value", enter the quantity in units commonly used in the trade.
- (f) **Units.** The "Unit" paragraph within each ECCN will list a specific "Unit" for those items controlled by the entry. The "Unit" must be entered on all license applications submitted to BXA. If an item is licensed in terms of "\$ value", the unit of quantity commonly used in trade must also be shown on the license application. This Block may be left blank on license applications only if the "Unit" for the ECCN entered in Block 22(a) is shown as "N/A" on the CCL.
- (g) **Unit Price.** Provide the fair market value of the items you wish to export or reexport. Round all prices to the nearest whole dollar amount. Give the exact unit price only if the value is less than \$0.50. If normal trade practices make it impractical to establish a firm contract price, state in Block 24 the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined.
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- (j) **Technical Description.** Provide a description of the item(s) you wish to export, reexport, or have BXA classify. Provide details when necessary to identify the specific item(s), include all characteristics or parameters shown in the applicable ECCN using measurements identified in the ECCN (e.g., basic ingredients, composition, electrical parameters, size, gauge, grade, horsepower, etc.). These characteristics must be identified for the items in the proposed transaction when they are different than the characteristics described in promotional brochure(s).

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