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UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

October 3, 2003

Dear [redacted]:

This is a response to the letter, dated July 1, 2003, you submitted on behalf of [redacted]. You stated that [redacted] wants to use License Exceptions Servicing and replacement of parts and equipment (RPL) or Additional permissive reexports (APR) to ship xenon lamps, as spare or replacement parts, to customers that have purchased the corporation's Japanese produced endoscope processors. You also stated that the xenon lamp, as a spare or replacement part, although made in Singapore, contains U.S.-origin materials. You further explained that the value of the U.S.-origin materials exceeds the allowable de minimis level, and, therefore, makes the lamp subject to the Export Administration Regulations (EAR).

Based on the technical specifications you submitted, BIS determined that the xenon lamp is an EAR99 item. Therefore, the separate export from Singapore of xenon lamps subject to the EAR due to their U.S. controlled content would require a license under the current provisions of the EAR only to Cuba, Libya, Iran or Iraq.

[redacted] wishes to obtain BIS's opinion as to whether the APR and RPL License Exceptions extend to its foreign-made xenon lamps containing U.S. materials, assuming all applicable conditions of the exceptions were met. Based on the information you provided, License Exceptions RPL (Section 740.10(a)(2)) and APR (Section 740.16(h)) are available for [redacted] to ship xenon lamps as accompanying spare or replacement parts for the corporation's endoscope processors to destinations that would be subject to a license requirement. Please note that License Exception APR would be available only for xenon lamps that are included in the same shipment as an endoscopic processor(s) from Japan (i.e., they are shipped as spares with the endoscopic processor(s)), and their value may not exceed 10% of the value of the foreign-made product - i.e., the endoscopic processor(s). License Exception RPL would be available only for one-for-one replacement of xenon lamps.

Please contact Sheila Quarterman, of the Regulatory Policy Division, at telephone number 202/482-2440 if you have questions or need additional information regarding this matter.

Sincerely,

Hillary Hess
Hillary Hess
Director, Regulatory Policy Division

