

MAY 9, 2003
030509-FACRL-IA-06

FAC No. [text deleted]

Mr. [text deleted]
[text deleted]
[text deleted]
[text deleted]

Dear [text deleted]:

This responds to your letters of [text deleted] on behalf of [U.S. person], and your [text deleted] letter on behalf of [non-U.S. company], based in [third country], requesting a license to export U.S.-origin equipment and technology to [third country] and to reexport the same to Iran. [U.S. person] proposes to fill orders for [non-U.S. company] for [U.S. origin goods and technology], including spare parts and components. In support of your license application you assert that the proposed transactions fall within the parameters for issuing a specific license under § 560.528 of the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITR"). You also note that the [U.S. origin goods and technology] themselves are classified on the Commerce Control List under ECCN heading ECCN heading 7A994: Other navigation direction finding equipment, airborne communication equipment, all aircraft inertial navigation systems not controlled under 7A003 or 7A103, and other avionic equipment, including parts and components.

The ITR prohibit the exportation, reexportation, sale or supply, directly or indirectly, from the United States or by a U.S. person, wherever located, of any goods, technology or services to Iran or the Government of Iran. This prohibition also applies to the exportation, reexportation, sale or supply of goods to a person in a third country undertaken with knowledge or reason to know that the goods are intended specifically for supply, transshipment or reexportation, directly or indirectly, to Iran or the Government of Iran. ITR, § 560.204. The ITR also prohibit the reexportation by a non-U.S. person from a third country, directly or indirectly, to Iran or the Government of Iran of any goods that have been exported from the United States, if the exportation of such goods from the United States to Iran was subject to export license application requirements under any United States regulations in effect on May 6, 1995, or thereafter was made subject to such requirements imposed independently of the ITR. ITR, § 560.205.

Section 560.528 of the ITR provides that specific licenses may be issued, on a case-by-case basis, for the exportation and reexportation of goods, services and technology to insure the safety of civil aviation and safe operation of U.S.-origin commercial passenger aircraft. The equipment and technology that you wish to export for the purpose of reexportation to Iran are not directly essential to or exclusively for the operation of U.S.-origin commercial passenger aircraft. In addition, please note that items falling under ECCN heading 7A994 are controlled for anti-terrorism purposes. Under the Iran-Iraq

Arms Non-Proliferation Act of 1992 (the "Act"), OFAC may not authorize the direct or indirect exportation from the United States of these items in the absence of a waiver of the requirements of the Act.

The information provided in your application does not indicate that such a waiver has been obtained. Consequently, OFAC is unable to grant your request at this time. Accordingly, your license request is hereby denied.

Sincerely,

A handwritten signature in cursive script that reads "Richard Newcomb". The signature is written in black ink and is positioned above the printed name and title.

R. Richard Newcomb
Director
Office of Foreign Asscts Control