Committee may request additional information from an applicant or potential validated end-user related to a particular VEU candidate’s application. The period during which the ERC is waiting for additional information from an applicant or potential validated end-user is not included in calculating the 30 calendar day deadline for the ERC’s determination.

(5) If an ERC agency is not satisfied with the decision of the ERC, that agency may escalate the matter to the Advisory Committee on Export Policy (ACEP). The procedures and time frame for escalating any such matters are the same as those specified for license applications in Executive Order 12981, as amended by Executive Orders 13020, 13026 and 13117 and referenced in §750.4 of the EAR.

(6) A final determination at the appropriate decision-making level to amend the VEU authorization list set forth in Supplement No. 7 to this part operates as clearance by all member agencies to publish the amendment in the Federal Register.

(7) The Deputy Assistant Secretary of Commerce for Export Administration will communicate the determination on each VEU request to the requesting party and the end-user.

§750.2 Processing of Classification Requests and Advisory Opinions.

(a) Classification requests. All classification requests submitted in accordance with procedures described in §748.3(a) and (b) of the EAR will be answered within 14 calendar days after receipt. All responses will inform the person of the proper classification (e.g., whether or not the item is subject to the Export Administration Regulations (EAR) and, if applicable, the appropriate Export Control Classification Number [ECCN]).

(b) Advisory Opinion requests. All advisory opinions submitted in accordance with procedures described in §748.3(a) and (c) of the EAR will be answered within 30 calendar days after receipt. Requests to obtain Validated End-User authorization will be resolved within 30 calendar days as described in Supplement No. 9 to Part 748 of the EAR.

§750.3 Review of license applications by BIS and other government agencies and departments.

(a) Review by BIS. In reviewing specific license applications, BIS will conduct a complete analysis of the license application along with all documentation submitted in support of the application. In addition to reviewing the item and end-use, BIS will consider the
reliability of each party to the trans-
action and review any available intel-
ligence information. To the maximum 
extent possible, BIS will make licens-
ing decisions without referral of li-
cense applications to other agencies, 
however, BIS may consult with other U.S. 
departments and agencies regard-
ing any license application.

(b) Review by other departments or 
agencies. (1) The Departments of De-
fense, Energy, State, and the Arms 
Control and Disarmament Agency 
(ACDA) have the authority to review 
any license application submitted 
under the EAR. In addition, BIS may, 
where appropriate, refer license appli-
cations to other U.S. government de-
partments or agencies. These agencies 
and departments will be referred to as 
"agencies" for the purposes of this 
part. Though these agencies have the 
authority to review any license appli-
cation, they may determine that they 
do not need to review certain types of 
license applications. In these in-
stances, the agency will provide BIS 
with a Delegation of Authority to proc-
ess those license applications without 
review by that particular agency.

(2) The Departments of Defense, En-
ergy, State, and ACDA are generally 
concerned with license applications in-
volving items controlled for national 
security, missile technology, nuclear 
nonproliferation, and chemical and bio-
logical weapons proliferation reasons 
or destined for countries and/or end 
uses of concern. In particular, these 
agencies are concerned with reviewing 
license applications as follows:

(i) The Department of Defense is con-
cerned primarily with items controlled 
for national security and regional sta-
(b) Actions not included in processing 
time calculations. The following actions 
will not be counted in the time period 
calculations described in paragraph 
(a)(1) of this section for the processing 
of license applications:

(1) Agreement by the applicant to the 
delay. BIS may request applicants to