



United States Department of State

*Bureau of Political-Military Affairs
Directorate of Defense Trade Controls*

Washington, D.C. 20522-0112

In Reply refer to
DDTC Case CJ 1337-12

YOUR SUBMISSION DATED: December 17, 2012

COMMODITY JURISDICTION DETERMINATION FOR: Poly-Ond ®, Nickel Plating and Process

The product as described in your submission is a nickel plating (coating) of precision parts. This coating provides a proprietary, dry, durable, and slippery coating on the surface of metals. It ensures an improved lubricity and corrosion resistance to treated parts that remains as long as the coating is intact. This process or treatment is administered as an exclusive liquid bath that creates a chemical deposition of nickel and phosphorus, impregnated with polymers.

A technical review of your commodity jurisdiction (CJ) request has been concluded by requisite agencies of the United States Government. The findings of that technical review are:

The Department of State has determined that the **Poly-Ond ®, Nickel Plating is not subject to the jurisdiction of the Department of State.** However, export may require authorization from the Department of Commerce (DOC). Please consult DOC Office of Export Services at (202) 482-4811 to make a Classification Request (CCATS) and satisfy other applicable requirements prior to export.

Continued on Page Two

Edwin Ondrick, Jr.
Poly Plating, Inc.
2096 Westover Road
Chicopee, MA 01022
info@poly-ond.com

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This determination is based upon the fact that the nickel plating/coating cannot in itself make the treated item inherently military or civil in nature. The nickel plating/coating is applied according to the owner's specification, regardless of the function of the parts. In the case where Poly Plating Inc. is providing this nickel plating/coating on defense articles to U.S. domestic companies, a defense service per 22 CFR 120.9 is not being provided. However, the furnishing of this nickel plating/coating on defense articles to foreign persons and/or companies, whether located in the U.S. or abroad, is provision of a defense service per 22 CFR 120.9.

Should you not concur with this determination and have additional facts not included in the original submission, you may submit a new CJ request. If you do not concur with this determination and have no additional facts to present, then you may request that this determination be reviewed by the Deputy Assistant Secretary of State for Defense Trade and Regional Security.

Should you require further assistance on this matter, please contact Di Bounds at (202) 736-9230 or BoundsAD@state.gov.

Sincerely,



Candace M. J. Goforth

Director

Office of Defense Trade Controls Policy



UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

CASE NUMBER: 2416685

POLY PLATING INC
ATTN: EDWIN ONDRICK
2096 WESTOVER ROAD
CHICOPEE, MA 01022

March 22, 2013
G149251

BIS ISSUES THIS COMMODITY CLASSIFICATION DETERMINATION BASED UPON THE ASSUMPTION THAT THE APPLICANT HAS ALREADY DETERMINED THAT THE ABOVE-LISTED ITEM(S) ARE "SUBJECT TO THE EAR". AS DEFINED AND DESCRIBED IN SECTIONS 734.2 THROUGH 734.4 OF THE EAR, THE TERM "SUBJECT TO THE EAR" MEANS, AMONG OTHER THINGS, THAT THE ITEM(S) ARE NOT EXCLUSIVELY CONTROLLED FOR EXPORT OR REEXPORT BY ANOTHER AGENCY OF THE U.S. GOVERNMENT. SEE 15 C.F.R. 734.3(B)(1). THIS COMMODITY CLASSIFICATION DETERMINATION IS NOT A DETERMINATION BY BIS AS TO WHETHER THE ABOVE-LISTED ITEMS ARE "SUBJECT TO THE EAR". THUS, THIS DOCUMENT IS NOT AND MAY NOT BE RELIED UPON AS A U.S. GOVERNMENT DETERMINATION THAT THE ABOVE-LISTED ITEMS ARE NOT, FOR EXAMPLE, SUBJECT TO THE EXPORT CONTROL JURISDICTION OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR) (22 C.F.R. PARTS 120-130), WHICH ARE ADMINISTERED BY THE U.S. DEPARTMENT OF STATE.

THE FOLLOWING INFORMATION IS IN RESPONSE TO YOUR INQUIRY OF March 14, 2013 REQUESTING LICENSE INFORMATION FOR:

COMMODITY	ECCN	LVS	IVL REQUIRED FOR COUNTRY GROUP	LVS DOLLAR LIMIT
ALL TECHNICAL INFO CAN BE SEEN ON OUR WEBSITE AT www.poly-ond.com	2B999i			\$

COMMENTS FROM LICENSING OFFICER(S):

ITEM #1:

THIS ITEM IS CLASSIFIED UNDER ECCN 2B999 AND AS SUCH MAY BE EXPORTED TO MOST DESTINATIONS WITHOUT A LICENSE USING SYMBOL NLR (NO LICENSE REQUIRED). ITEMS OTHERWISE ELIGIBLE FOR EXPORT UNDER NLR MAY REQUIRE A LICENSE IF THE EXPORTER KNOWS OR IS INFORMED THAT THE ITEMS WILL BE USED IN PROHIBITED CHEMICAL BIOLOGICAL OR NUCLEAR WEAPONS OR MISSILE ACTIVITIES AS DEFINED IN PART 744 OF THE EAR. A LICENSE IS REQUIRED FOR ITEMS CONTROLLED BY THIS ENTRY TO NORTH KOREA FOR ANTI-TERRORISM REASONS.

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).



UNITED STATES DEPARTMENT OF COMMERCE
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WASHINGTON, D.C. 20230

DESTINATIONS REQUIRING A LICENSE

SEE THE COMMERCE COUNTRY CHART (SUPPLEMENT NO. 1 TO PART 738 OF THE EAR) TO DETERMINE WHICH COUNTRIES REQUIRE A LICENSE. USE THE COUNTRY CHART COLUMN INFORMATION GIVEN ON THIS FORM IN CONJUNCTION WITH THE COUNTRY CHART TO DETERMINE THE LICENSING REQUIREMENTS FOR YOUR PARTICULAR ITEMS. FOR ITEMS CLASSIFIED EAR99, SEE PART 746 OF THE EAR TO DETERMINE THE LICENSING REQUIREMENTS.

APPLICATIONS FOR EXPORT MUST BE SUBMITTED ON FORM BIS-748P MULTIPURPOSE APPLICATION. THESE FORMS MAY BE OBTAINED BY CALLING (202) 482-3332 OR REQUESTING DIRECTLY ON THE BIS INTERNET WEB SITE. ASSISTANCE IN FILLING OUT THE FORM, OR ANY ASPECT OF EXPORTING, IS PROVIDED BY THE EXPORT COUNSELING DIVISION IN WASHINGTON, D.C. AT (202) 482-4811 OR THE WESTERN REGIONAL OFFICE IN NEWPORT BEACH, CALIFORNIA AT (714) 660-0144.

LICENSE EXCEPTIONS

BE AWARE THAT THE LICENSING REQUIREMENTS FOR SOME DESTINATIONS MAY BE OVERCOME BY ANY LICENSE EXCEPTION FOR WHICH YOUR ITEMS QUALIFY. SEE PART 740 OF EAR FOR INFORMATION ON LICENSE EXCEPTIONS. THE LICENSE AVAILABLE COLUMN ON THIS FORM LISTS ONLY THOSE LICENSE EXCEPTIONS OF THE SET GBS, CIV, CTP, TSR WHICH ARE APPLICABLE TO YOUR ITEMS. OTHER LICENSE EXCEPTIONS MAY APPLY, DEPENDING UPON THE CIRCUMSTANCES OF YOUR INTENDED TRANSACTION.

EXPORT CONTROL CLASSIFICATION NUMBERING SYSTEM (ECCN)

THE ECCN NUMBERING SYSTEM IS FOUND IN THE COMMERCE CONTROL LIST (CCL) PART 774 OF THE EAR. THE CCL IS A COMPREHENSIVE LIST THAT IDENTIFIES ALL ITEMS CONTROLLED AND LICENSED BY COMMERCE. WITHIN THE CCL, ENTRIES ARE IDENTIFIED BY AN ECCN. EACH ENTRY SPECIFIES THE LICENSE REQUIREMENTS FOR THE ITEM AND THE REASON(S) FOR CONTROL. PLEASE CONSULT PARTS 738 AND 774 OF THE EAR FOR SPECIFIC INFORMATION ON ECCNS.

SHIPPERS EXPORT DECLARATION (SED)

WHEN AN EXPORT IS MADE, IT IS NECESSARY FOR THE EXPORTER TO SHOW ON THE SHIPPERS EXPORT DECLARATION (FORM 7525-V) IN BLOCK 27 EITHER THE LICENSE NUMBER, THE APPLICABLE LICENS EXCEPTION SYMBOL OR THE SYMBOL NLR. FORM 7525-V IS AVAILABLE FROM THE SUPERINTENDENT OF DOCUMENTS, U.S. GOVERNMENT PRINTING OFFICE OF WASHINGTON, D.C. 20402, AND FROM EXPORT ADMINISTRATION DISTRICT OFFICES (U.S. DEPT. OF COMMERCE).

FOR INFORMATION CONCERNING
THIS CLASSIFICATION CONTACT
JOSEPH GIUNTA