

# CHAPTER III—BUSINESS AND DEFENSE SERVICES ADMINISTRATION, DEPARTMENT OF COMMERCE

## Part

### 301 Determination of bona fide motor-vehicle manufacturer.

#### **PART 301—DETERMINATION OF BONA FIDE MOTOR-VEHICLE MANUFACTURER**

##### Sec.

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**AUTHORITY:** The provisions of this Part 301 issued under Commerce Department Order No. 152, as amended, and 79 Stat. 1016.

**SOURCE:** The provisions of this Part 301 appear at 30 F.R. 15271, Dec. 10, 1965, unless otherwise noted.

##### **§ 301.1 Scope and purpose.**

The purpose of this part is to set forth regulations implementing headnote 2 to Subpart B, Part 6, schedule 6 of the Tariff Schedules of the United States as proclaimed by Proclamation No. 3682 of October 21, 1965 (30 F.R. 13683), issued pursuant to Titles II and IV of the Automotive Products Trade Act of 1965, by establishing a procedure under which a person may apply to be determined a "bona fide motor-vehicle manufacturer." Under headnote 2 to Subpart B, Part 6, schedule 6 of the Tariff Schedules of the United States as proclaimed by Proclamation No. 3682, whenever the Secretary of Commerce has determined a person to be a bona fide motor-vehicle manufacturer, such person is eligible to obtain duty-free importation of certain Canadian articles and to issue certain orders, contracts, or letters of intent under or pursuant to which other persons, not themselves bona fide motor-vehicle man-

ufacturers, may obtain duty-free treatment for such Canadian Articles. The responsibilities of the Secretary of Commerce relating to the development, maintenance and publication of a list of "bona fide motor-vehicle manufacturers" and the authority to promulgate rules and regulations pertaining thereto, were delegated to the Administrator, Business and Defense Services Administration, Department of Commerce, by Department Order No. 152, as amended, December 3, 1965.

##### **§ 301.2 Definitions.**

For the purposes of the regulations in this part and the forms issued to implement it:

(a) The term "Act" shall mean the Automotive Products Trade Act of 1965 (Public Law 89-283, 79 Stat. 1016).

(b) The term "Administrator" means the Administrator of the Business and Defense Services Administration, Department of Commerce.

(c) The term "motor vehicle" means a motor vehicle of a kind described in item 692.05 or 692.10 of Subpart B, Part 6, schedule 6, of the Tariff Schedules of the United States (excluding an electric trolley bus and a three-wheeled vehicle) or an automobile truck tractor.

(d) The term "bona fide motor-vehicle manufacturer" means a person who, upon application to the Administrator under this part, is determined by the Administrator to have produced no fewer than 15 complete motor vehicles in the United States during the 12-month period preceding the date certified in the application, and to have had as of such date installed capacity in the United

States to produce 10 or more complete motor vehicles per 40-hour week. A person shall only be regarded as having had the capacity to produce a complete motor vehicle if his operations included the assembly of two or more major components (e.g., the attachment of a body to a chassis) to create a new motor vehicle ready for use.

(e) The term "person" includes any individual, corporation, partnership, association, company, or any other kind of organization.

(f) The term "United States" includes only the States, the District of Columbia, and Puerto Rico.

#### § 301.3 Application.

(a) Any person in the United States desiring to be determined a bona fide motor-vehicle manufacturer shall apply to the Administrator by filing two copies of Form BDSAF 725 in accordance with the instructions set forth on the form and in this part. Application forms may be obtained from the Administrator, any field office of the U.S. Department of Commerce, or from U.S. Collectors of Customs, and should be mailed or delivered to the:

Office of the Administrator, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C., 20230.

#### § 301.4 Determination by the Administrator.

(a) As soon as practicable after receipt of the application, the Administra-

tor shall determine whether an applicant has produced no fewer than 15 complete motor vehicles in the United States during the 12-month period preceding the date after January 17, 1965, certified in the application and as of such date, had installed capacity in the United States to produce 10 or more complete motor vehicles per 40-hour week. The Administrator may request such additional data from an applicant as he may deem appropriate to establish whether the applicant has satisfied the requirements of this part.

(b) A determination by the Administrator under this part shall be effective for a 12-month period to begin on the date as of which the Administrator determines that the applicant qualified under this part. Within 60 days prior to the termination of such period, a bona fide motor-vehicle manufacturer may apply for another determination under this part.

(c) The Administrator will promptly notify each applicant in writing of the final action taken on his application.

#### § 301.5 Maintenance and publication of a list of bona fide motor-vehicle manufacturers.

(a) The Administrator shall maintain, and publish from time to time in the FEDERAL REGISTER, a list of the names and addresses of bona fide motor-vehicle manufacturers, and the effective dates for each determination.