

TC031: Authorization to Utilize Commercial Raw Glass Produced in China

The DFAR 252.225-7007 (“PROHIBITION ON ACQUISITION OF UNITED STATES MUNITIONS LIST ITEMS FROM COMMUNIST CHINESE MILITARY COMPANIES”) is applicable only to components, raw materials, supplies, or services which are themselves United States Munitions List (USML) items. Therefore, raw materials or supplies in normal commercial use (i.e. commercially available catalog items with non-military applications) are not prohibited. Accordingly, SEILER grants SUPPLIER the following limited waiver of the prohibition of Chinese sources of supply stated elsewhere in this purchase order:

Whereas CDGM Glass Company, Ltd. (CDGM) is a producer of raw material glass with manufacturing facilities located in China.

Authorization is given to utilize raw material glass in normal commercial use produced by CDGM and in generic shape form factors (slabs or strips) as available and offered for sale to the general public by Universal Photonics Incorporated (Universal Photonics Incorporated is the CDGM exclusive distributor in the United States) as long as the following are strictly observed:

1. The raw material glass produced by CDGM must be purchased from Universal Photonics Incorporated in slabs or strips that are not identifiable or specific to the finished optic. The purchase of any other form factor (such as blanks or pressings) must be approved by SEILER in advance.
2. The technical drawings and/or technical information thereon associated with this purchase order are EXPORT CONTROLLED and must NOT be transmitted to Universal Photonics Incorporated, CDGM, or, in any event, directly or indirectly to any party in China.
3. The ultimate manufacture and/or assembly of the optical components MUST occur in the United States.

Special Requirement for Purchase Orders for Optics

1. Unless otherwise authorized in this purchase order, all optical components shall be manufactured in the United States.
2. The technical drawings and/or specifications of the optical components ordered hereunder are EXPORT CONTROLLED and
 - a. must NOT be transmitted to any party outside of the United States, including raw material glass producers, without an export license, and
 - b. must NOT, under any circumstances, be transmitted directly or indirectly to any party in China.