



# Texan Minerals and Chemicals LLC

14090 Southwest Freeway, Suite 310, Sugar Land, TX 77478

Phone: 713-294-4180 Email: Mani@tmcgreen.com



## END USE STATEMENT

Product Description: \_\_\_\_\_

Order Reference: \_\_\_\_\_

Part Number: \_\_\_\_\_

Quantity: \_\_\_\_\_

- ☐ Check here if additional parts are listed in Exhibit "A".
- ☐ Check here if this End Use Statement will apply to all orders placed with Texan.

It is the policy of Texan Minerals and Chemicals (which shall include its subsidiaries and affiliated companies, collectively, "Texan") to verify the end use and end users of all exports involving Texan's products or transfers of technical data or software (collectively "Products") as part of its efforts to comply with the applicable US import/export control laws and the laws of the selling country.

**Instructions:** To avoid delays, please complete this End Use Statement in its entirety and as detailed as possible. Full names of companies and complete physical addresses (no post office boxes) should be provided. Acronyms should be defined.

### Please certify and agree to the following:

We certify that we are (please select all that apply):

- ☐ A Distributor
- ☐ An OEM
- ☐ Are a Government End User belonging to the following country: \_\_\_\_\_
- ☐ Other. Please specify: \_\_\_\_\_

Our headquarters are located in the following country: \_\_\_\_\_

Our parent company is located in the following country: \_\_\_\_\_

We certify that we are in the following industries (please select all that apply):

- ☐ Aerospace
- ☐ Automotive
- ☐ Military, Defense, Government
- ☐ Medical
- ☐ Semiconductor Manufacturing
- ☐ Semiconductor Fabrication Facility in China, Hong Kong or Macau
- ☐ Semiconductor Manufacturing Equipment or Semiconductor Testing Equipment
- ☐ Other. Please specify: \_\_\_\_\_

Our specific end use is (please select all that apply. If you are reselling without modification, please indicate the specific end use of your customer):

- ☐ Aerospace (includes satellites and aircrafts)
- ☐ Military/Defense
- ☐ Semiconductor Manufacturing
- ☐ Semiconductor Equipment Manufacturing
- ☐ Semiconductor Testing Equipment Manufacturing
- ☐ Supercomputer Development, Manufacturing or Operation
- ☐ Commercial/Civil/Other.

The product(s) being purchased from Texan for the order referenced above ("Ordered Parts") will be used for: (Please provide a clear description of the actual intended use, the purpose, end product if known, and application. Please do not



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use "for use in testing equipment" or "for commercial use" or "for stocking" or "for R&D" without providing further explanation)

Name of ultimate end user (in English and Chinese, if applicable): \_\_\_\_\_

Address of Ultimate End User: \_\_\_\_\_

Website of Ultimate End User: \_\_\_\_\_

If known, parent company/headquarters of Ultimate End User: \_\_\_\_\_

Product(s) will be used in the following countries:

☐ China, Hong Kong or Macau

☐ If Other, specify which countries: \_\_\_\_\_

- (1) We will not sell, export, re-export, divert or otherwise transfer any the Ordered Parts, the components of such Ordered Parts or any other Products (collectively, "Parts") to any entity or country, including but not limited to Iran, North Korea, Syria, Russia, Belarus, the Crimea, Donetsk and Luhansk regions, and Cuba unless authorized by the U.S. Government. If not shipping from the US, this also applies to the applicable selling country's respective debarred lists issued.
- (2) We will not sell, export, re-export, or otherwise dispose of any Parts for:
  - (i) use in activities which involve the development, production, use or stockpiling of chemical, biological, nuclear weapons, rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) or unmanned air vehicles capable of delivering the same, or in development, production, use or stockpiling of weapons of mass destruction; or
  - (ii) use in any facilities which are engaged in activities relating to such weapons or applications, without authorization from the U.S. Government if required by applicable law.
- (3) We will not sell, export, re-export, or otherwise dispose of any Parts to Belarus, China, Hong Kong, Russia, Venezuela, Burma/Myanmar or Cambodia (i) for incorporation into a military item or for use that supports or contributes to the operation, installation, maintenance, repair, overhaul, refurbishing, "development," or "production," of military items and/or to the national armed services (army, navy, marine, air force, or coast guard), as well as the national guard and national police, government intelligence or reconnaissance organizations, or any person or entity whose actions or functions are intended to support "military end uses" as set forth in (i) in those countries.
- (4) We will not sell, export, re-export, or otherwise dispose of any Parts for:
  - (i) the "development", "production", operation, installation (including on-site installation), maintenance (checking), repair, overhaul, or refurbishing of a "supercomputer"<sup>i</sup> located in or destined to China, Hong Kong, Macau or other D:5 country (collectively "D:5 Country")<sup>ii</sup>; or
  - (ii) the incorporation into, or the "development" or "production" of any "component" or "equipment" that will be used in a "supercomputer" located in or destined to China, Hong Kong, Macau or other D:5 Country; or
  - (iii) the "development" or "production" of integrated circuits destined to a "facility" located or headquartered in or whose ultimate parent company is headquartered in China, Hong Kong, Macau or other D:5 Country where we know "production" of "advanced-node ICs" occurs; or
  - (iv) the "development" or "production" of integrated circuits destined to a "facility" located or headquartered in or



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whose ultimate parent company is headquartered in China, Hong Kong, Macau or other D:5 Country where “production” of integrated circuits occurs, where such Parts are in Category 3, CCL Groups B, C, D, or E and we *do not know* whether “production” of “advanced-node ICs” occurs at such “facility”.

- (5) We will not directly or indirectly, sell, transfer (in country), export or re-export any Parts specified in ECCN 3A001.z, 3A090, 4A003.z, 4A004.z, 4A005.z, 4A090, 5A002.z, 5A004.z, 5A992.z, 5D002.z, 5D992.z or 3E001 (for 3A090) to or for:
  - (i) any entity located in China, Macau, or any other country located in Country Groups D:1, D:4,<sup>iii</sup> or D:5 (excluding any destination also specified in Country Groups A:5 or A:6, currently Israel and Cyprus); or
  - (ii) any entity, regardless of where it is located, if the entity is headquartered in, or its ultimate parent company is headquartered in, China, Hong Kong, Macau or other D:5 Country (e.g., a China headquartered cloud or data server provider located in Malaysia).
- (6) We will not directly or indirectly sell, transfer (in country) export or re-export any Parts specified under ECCN 3B001, 3B002, 3D001, 3D002, and 3E001 to or within China, Macau or another D:5 country.
- (7) We will not directly or indirectly sell, transfer, export, or re-export, transmit or participate in any export transaction involving Parts with individuals or companies listed on the U.S. Treasury Department’s, Office of Foreign Assets Control, Specially Designated Nationals (SDN) list (or companies owned 50% or more by one or more SDNs), the U.S. Commerce Department’s Table of Denial Orders, the U.S. Department of State’s list of individuals debarred from receiving Munitions List items, and any other lists administered by the Department of State, Treasury or Commerce, the European Union, Hong Kong or other applicable lists, i.e., Entity Lists as well as Denied Person/Company list of the selling country. We certify that we are not an embassy, agency, or a subdivision of a non-U.S. government. Ownerships interests in our company are not held by a person(s) listed on the Office of Foreign Asset Controls (OFAC) Specially Designated Nationals List (SDN) or by Executive Order.
- (8) We will comply with applicable US and EU trade restrictions, especially the restrictions targeting Russia, Belarus, the Crimea, Donetsk and Luhansk regions. We will conduct appropriate screening to ensure compliance with these policies.
- (9) We will not use, install, transfer or ship Parts in Xinjiang.
- (10) Parts may be subject to U.S. Export Administration Regulations (EAR). As such, we will abide by all applicable US and/or the applicable selling country export control laws and regulations for any Parts purchased from Texan. We will not export, re-export, import to any other country or transmit any Parts except in accordance with all applicable laws, regulations, and, if applicable, the terms of any license or licenses issued by any applicable government authority. We understand that Texan is a U.S. person and agree not to cause Texan to facilitate the shipment, transmittal, transfer or servicing of items for prohibited end-uses in violation §734.9, §744.23 and §744.6 of the EAR, as may be amended from time to time. We affirm our commitment with all applicable requirements under the EAR.
- (11) We certify that all of the information provided herein are true and correct, and unless otherwise noted above, shall pertain to all orders and shall survive the term and termination of the relationship between us and Texan. We will send a supplemental statement if any facts or intentions have changed (including but not limited to end use, end user, ultimate destination or our ownership).



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## Certified and Agreed:

Company Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Authorized  
Representative: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Customer Website: \_\_\_\_\_ Company Stamp/chop: \_\_\_\_\_

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<sup>i</sup> "Supercomputer" is defined as a computing system having a collective maximum theoretical compute capacity of 100 or more double-precision (64-bit) petaflops or 200 or more single precision (32-bit) petaflops within a 41,600 ft<sup>3</sup> or smaller envelop.

<sup>ii</sup> D:5 Countries are: • China (including Hong Kong) • Afghanistan • Belarus • Burma • Cambodia • Central African Republic • Congo • Cuba • Eritrea • Haiti • Iran • Iraq • North Korea • Lebanon • Libya • Macau • Russia • Somalia • South Sudan • Sudan • Syria • Venezuela • Zimbabwe. Subject to change based on the Department of State orders.

<sup>iii</sup> D:1, D:4 and D:5 Countries: • China (including Hong Kong) • Afghanistan • Armenia • Azerbaijan • Bahrain • Belarus • Burma • Cambodia • Central African Republic • Congo (Democratic Republic of) • Cypress • Cuba • Egypt • Eritrea • Georgia • Haiti • Iran • Iraq • Jordan • Kazakhstan • North Korea • Kuwait • Kyrgyzstan • Laos • Lebanon • Libya • Macau • Moldova • Mongolia • Oman • Pakistan • Qatar • Russia • Saudi Arabia • Somalia • South Sudan • Republic of Sudan • Syria • Tajikistan • Turkmenistan • United Arab Emirates • Uzbekistan • Venezuela • Vietnam • Yemen • Zimbabwe