

(D) Controlled by 6E001 for the “development” of equipment or “software” in 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.5, 6A001.a.2.b, 6A001.a.2.c, 6A001.a.2.e, 6A001.a.2.f, 6A002.a.1.c, 6A008.l.3, or 6B008, as described in paragraph (a)(1) of this Supplement; and

(E) Controlled by 6E002 for the “production” of equipment controlled by 6A001.a.2.a.1, 6A001.a.2.a.2, 6A001.a.2.a.5, 6A001.a.2.b, 6A001.a.2.c, 6A001.a.2.e, 6A001.a.2.f, 6A002.a.1.c, 6A008.l.3, or 6B008, as described in paragraph (a)(1) of this Supplement; and

(F) Controlled by 8E001 for items controlled by 8A001.b, 8A002.o.3.b, or 8A001.d; and

(G) Controlled by 9E001 for items controlled by 9D001; and

(H) [Reserved]

(I) Controlled by 9E003.a.1; and

(J) Controlled by 9E003.a.3.a;

(2) Items identified on the Commerce Control List as controlled for missile technology (MT), chemical and biological warfare (CB), or nuclear nonproliferation (NP) reasons;

(3) Regional stability items controlled under Export Control Classification Numbers (ECCNs) 6A002, 6A003, 6E001, 6E002, 7D001, 7E001, 7E002, and 7E101 as described in § 742.6(a)(1) of the EAR; or

(4) Encryption items controlled for EI reasons as described in the Commerce Control List.

PART 743—[AMENDED]

4. The authority citation for part 743 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. 106–508; 50 U.S.C. 1701 *et seq.*; E.O. 13206, 66 FR 18397, April 9, 2001.

5. Section 743.1 is amended by revising paragraphs (b)(1) and (c), and removing and reserving paragraph (e)(2), to read as follows:

§ 743.1 Wassenaar Arrangement.

* * * * *

(b) * * *

(1) Exports authorized under License Exceptions GBS, CIV, TSR, LVS, CTP, and the cooperating government portions (§§ 740.11(b)(2)(iii) and 740.11(b)(2)(iv) of the EAR) of GOV (see part 740 of the EAR). Note that exports of technology and source code under License Exception TSR to foreign nationals located in the U.S. should not be reported; and

* * * * *

(c) *Items for which reports are required.* (1) You must submit reports to BIS under the provisions of this section only for exports of items controlled under the following ECCNs:

(i) *Category 1:* 1A002; 1C007.c and .d; 1C010.c and .d; 1D002 for “development” of 1A002, 1C007.c and .d, and 1C010.c and .d; 1E001 for “development” and “production” of

1A002, 1C007.c and .d, and 1C010.c and .d; 1E002.e and .f;

(ii) *Category 2:* 2B003, 2D001 (certain items only; see Note to this paragraph), 2E001 (certain items only; see Note to this paragraph), and 2E002 (certain items only; see Note to this paragraph);

Note to Paragraph (c)(1)(ii): Reports for 2D001, are for “software”, other than that controlled by 2D002, specially designed for the “development” or “production” of the equipment in 2B003 or 2B001.a or .b (changing 6µm to 5.1µm in 2B001.a.1 and 2B001.b.1.a) of the Commerce Control List (CCL). Reports for 2E001, are for “technology” according to the General Technology Note for “development” of the equipment in 2B003 or 2B001.a or .b (changing 6µm to 5.17µm in 2B001.a.1 and 2B001.b.1.a), or “software” in 2D001 of the CCL for the “development” or “production” of the equipment in 2B003. Reports for 2E002, are for “technology” according to the General Technology Note for “production” of the equipment in 2B003 or 2B001.a or .b (changing 6µm to 5.1µm in 2B001.a.1 and 2B001.b.1.a) of the CCL.

(iii) *Category 3:* 3A002.g.2, 3B001.a.2, 3D001 for “development” or “production” of 3A002.g.2 or 3B001.a.2, and 3E001 for “development” or “production” of 3A002.g.2 or 3B001.a.2;

(iv) *Category 4:* 4A001.a.2; 4D001 (see paragraph (c)(2) of this section); and 4E001 (see paragraph (c)(2) of this section);

(v) *Category 5:* 5A001.b.3; 5B001.a (items specially designed for 5A001.b.3); 5D001.a (specially designed for the “development” or “production” of equipment, function, or features in 5A001.b.3) and 5D001.b (specially designed or modified to support “technology” under 5E001.a); and 5E001.a (for the “development” or “production” of equipment, function, features, or “software” in 5A001.b.3, 5B001.a, 5D001.a and .b);

(vi) *Category 6:* 6A001.a.1.b (changing 10 kHz to 5 kHz in a.1.b.1 and a.1.b.2), .a.2.c, .a.2.d, and .a.2.e; 6A002.b; 6A004.c and d; 6A006.g (excluding compensators which provide only absolute values of the earth’s magnetic field as output (*i.e.*, the frequency bandwidth of the output extends from DC to at least 0.8 Hz) and h; 6A008.d, .h, and .k; 6D001 (for 6A004.c); 6D003.a; 6E001 (for equipment and software listed in this paragraph); and 6E002 (for equipment and software listed in this paragraph);

(vii) *Category 8:* 8A001.c; 8A002.b (for 8A001.c), .h, .j, .o.3, and .p; 8D001 (for commodities listed in this paragraph); 8D002; 8E001 (for commodities listed in this paragraph); and 8E002.a; and

(viii) *Category 9:* 9B001.b; 9D001 (for 9B001.b and 9E003 (as described in this

paragraph)); 9D002 (for 9B001.b); 9D004.a and .c; 9E001; 9E002; 9E003.a.1., .a.2, .a.3, .a.4, .a.5, .a.8, and .a.9.

(2) Reports for “software” controlled by 4D001 and “technology” controlled by 4E001 are required if specially designed for the “development” or “production” of computers controlled under 4A001.a.2, or for the “development” or “production” of “digital computers” having a CTP exceeding 75,000 MTOPS. For the calculation of CTP, *see* the Technical Note for Category 4 in the Commerce Control List (Supplement No. 2 to part 774 of the EAR).

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PART 772—[AMENDED]

6. The authority citation for part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 14, 2002, 67 FR 53721, August 16, 2002.

7. Section 772.1 is amended by:

(a) Adding new entries: “Circulation-controlled, anti-torque or circulation-controlled direction control systems” and “Time-modulated ultra-wideband” in alphabetical order, to read as follows;

(b) Removing the entries “Assembly”, “Beat length”, “Circulation”, “Global interrupt latency time”, “Fluoride fibers”, “Gateway”, “ISDN”, “Integrated Services Digital Network”, “Network access controller”, “Optical fiber preforms”, and “Sputtering”;

(c) Revising the phrase “Only those” to read “those” in the entry “civil aircraft”;

(d) Revising the phrase “arithmetic logic” to read “arithmetic or logic” in the entry “computing element”;

(e) Revising the entry “electronically steerable phased array antenna”, to read as follows;

(f) Revising the phrase “End-effectors” include grippers,” to read “Grippers,” in the entry for “end-effectors”;

(g) Revising the phrase “(f_2-f_1)” to read “(f_2-f_1)” in the entry “noise level”;

(h) Revising the phrase “product “X” that does not operate” to read “product “X” that operates”, and the word “extending” to read “exceeding” in the entry “Required”; and

(i) Revising the entry heading “Systems tracks” to read “System tracks”.

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

“Circulation-controlled, anti-torque or circulation-controlled direction control