

§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.95 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC Number	Subject
12/11/02	PA	Bedford	BEDFORD COUNTY	2/2732	GPS RWY 32, Orig-B
12/16/02	MD	Annapolis	LEE	2/2859	RNAV (GPS) RWY 30, Orig.
12/18/02	VA	Roanoke	ROANOKE REGIONAL/ WOODRUM FIELD.	2/2903	RNAV (GPS) RWY 33, Orig-A.
12/20/02	OR	Portland	PORTLAND INTL	2/2955	NDB RWY 28R, Amdt 11.
12/20/02	OR	Portland	PORTLAND INTL	2/2956	ILS RWY 10L, Amdt 1C.
12/20/02	OR	Portland	PORTLAND INTL	2/2957	ILS RWY 28L Orig-B.
12/20/02	OR	Portland	PORTLAND INTL	2/2958	ILS RWY 28R, Amdt 12B.
12/20/02	OR	Portland	PORTLAND INTL	2/2959	LOC/DME RWY 21, Amdt 7A.
12/20/02	OR	Portland	PORTLAND INTL	2/2961	VOR/DME RWY 21, Orig-A.
12/20/02	OR	Portland	PORTLAND INTL	2/2962	VOR RWY 28R, Amdt 2.
12/20/02	OR	Portland	PORTLAND INTL	2/2963	VOR-A, Amdt 9A
12/20/02	NY	New York	JOHN F. KENNEDY INTL	2/2966	ILS RWY 4R, Amdt 29A.
12/20/02	OR	Portland	PORTLAND INTL	2/2967	ILS RWY 10R (CAT I, II, III) Amdt 31A.
12/30/02	NM	Las Cruces	LAS CRUCES INTL	2/3098	ILS RWY 30, Amdt 1.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 744 and 774

[Docket No. 021216312-2312-01]

RIN 0694-AC66

Revision of Export Controls for General Purpose Microprocessors

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final Rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement revisions to national security controls for microprocessors that were agreed upon in the February 2002 meeting of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). This final rule removes license requirements for exports and reexports of general purpose microprocessors to most destinations to conform with changes in the List of Dual-Use Goods and Technologies maintained and agreed to by governments participating in the Wassenaar Arrangement. This rule retains license requirements for exports and reexports to designated terrorist-supporting countries. In addition, this rule establishes a new license requirement for the export or reexport of general purpose

microprocessors if, at the time of the export or reexport, the exporter or reexporter knows, has reason to know, or is informed by BIS that the item will be or is intended to be used for a "military end-use" in a country that is of concern for national security reasons or by a "military end-user" in such a country. This license requirement does not apply to items for the official use by personnel and agencies of the U.S. Government or agencies of a cooperating government in a country of concern for national security reasons. The license review standard for applications to export or reexport general purpose microprocessors subject to this license requirement is a presumption of denial. No license exceptions are available for this license requirement.

EFFECTIVE DATE: This rule is effective: January 14, 2003.

FOR FURTHER INFORMATION CONTACT: Sharron Cook, Office of Exporter Services, Bureau of Export Administration, Telephone: (202) 482-2440.

SUPPLEMENTARY INFORMATION:

Background

This rule implements changes in the List of Dual-Use Goods and Technologies maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement) in February 2002. General purpose microprocessors, which are produced in very large volumes and sold through a variety of channels, are used in numerous civilian applications worldwide, such as

personal computers, cellular telephones, personal digital assistants, and wireless base stations. General purpose microprocessors may also be used in a wide variety of military applications and weapons systems. The continuous, rapid increase in microprocessor capabilities has necessitated frequent adjustment to export control parameters to avoid expending limited export control resources on mass market items.

While some general purpose microprocessors will remain under the classification of Export Control Classification Number (ECCN) 3A001 on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR), this rule moves most general purpose microprocessors to ECCN 3A991. Specifically, 3A001.a.3.a is removed and reserved and 3A991.a.1 is created to control the export and reexport of "microprocessor microcircuits", "microcomputer microcircuits", and microcontroller microcircuits having a "composite theoretical performance" ("CTP") of 6,500 million theoretical operations per second (MTOPS) or more and an arithmetic logic unit with an access width of 32 bit or more to countries in "AT column 1" of the Commerce Country Chart (see Supplement No. 1 of part 738 of the EAR) for anti-terrorism (AT) reasons. Currently, North Korea, Sudan and Syria are listed in "AT column 1." However, the Commerce Country Chart directs you to part 746 of the EAR to determine license requirements for other state sponsors of terrorism, *i.e.*, Cuba, Iran, Iraq, and Libya.