

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Parts 740, 743, 772, and 774**

[Docket No. 031017263–3263–01]

RIN 0694–AC85

December 2002 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5, 6, and 7 of the Commerce Control List, and Reporting Requirements**AGENCY:** Bureau of Industry and Security, Commerce.**ACTION:** Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) maintains the Commerce Control List (CCL), which identifies items subject to Department of Commerce export controls. This final rule revises certain entries controlled for national security reasons in Categories 1, 2, 3, 4, 5 Part I (telecommunications), 5 Part II (information security), 6, and 7 to conform with 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). The Wassenaar Arrangement controls strategic items with the objective of improving regional and international security and stability.

The purpose of this final rule is to make the necessary changes to the Commerce Control List to implement revisions to the Wassenaar List that were agreed upon in the December 2002 meeting, to make necessary revisions to reporting requirements and License Exception GOV restrictions, and to add a statement of understanding for medical equipment.

EFFECTIVE DATE: This rule is effective: December 10, 2003.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Office of Strategic Trade and Foreign Policy Controls, Bureau of Industry and Security, U.S. Department of Commerce at (202) 482–5400.

SUPPLEMENTARY INFORMATION:**Background**

In July 1996, the United States and thirty-two other countries gave final approval to the establishment of a new multilateral export control arrangement, called the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement). The

Wassenaar Arrangement contributes to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations of such items. Participating states have committed to exchange information on exports of dual-use goods and technologies to non-participating states for the purposes of enhancing transparency and assisting in developing common understandings of the risks associated with the transfers of these items.

This rule revises a number of national security controlled entries on the Commerce Control List (CCL) to conform with December 2002 revisions to the Wassenaar List of Dual-Use Goods and Technologies. This rule also revises language to provide a complete or more accurate description of controls. A detailed description of the revisions to the CCL is provided below.

Specifically, this rule makes the following amendments to the Commerce Control List:

Category 1—Materials, Chemical, “Microorganisms,” and Toxins

- ECCN 1B001 is amended by adding a technical note for 1B001.c.
- ECCN 1C006 is amended by revising paragraph 1C006.a.1 to make an editorial correction, *i.e.*, removing the “or” in the phrase “Synthetic or silahydrocarbon oils”, so that it reads “Synthetic silahydrocarbon oils”.

Category 2—Materials Processing

- ECCN 2B006 is amended by:
 - (a) Removing the ECCN Controls paragraph from the List of Items Controlled;
 - (b) Adding new text to 2B006.a; and
 - (c) Adding a new note to 2B006.c.

Category 3—Electronics

- ECCN 3A001 is amended by:
 - (a) Adding a new paragraph 3A001.a.1.c that adds a new parameter for integrated circuits, designed or rated as radiation hardened, and adding a note for this paragraph;
 - (b) Revising the parameters of 3A001.a.5.a.2 and 3A001.a.5.a.3 for analog-to-digital and digital-to-analog converter integrated circuits; and
 - (c) Adding a new paragraph 3A001.a.5.a.4 to add a new parameter for analog-to-digital converter integrated circuits.

Note: For commodities no longer controlled under ECCN 3A001, there is a license requirement under ECCN 3A991 for exports and reexports to AT Column 1 countries of the Commerce Country Chart.

- ECCN 3A002 is amended by:
 - (a) Adding a new abbreviation ETSI to the note for 3A002.a.2;
 - (b) Adding a new paragraph 3A002.a.6 for digital instrumentation data recorders; and
 - (c) Revising the parameters for 3A002.c.1, d.1, e, and f.1.

Note: For commodities no longer controlled under ECCN 3A002, there is a license requirement under ECCN 3A992 for exports and reexports to AT Column 1 countries of the Commerce Country Chart.

- ECCN 3A991 is amended by:
 - (a) Revising the parameter for batteries in the note for 3A991.j from 26 cm³ to 27 cm³ for consistency with the note in 3A001.e.1; and
 - (b) Revising the parameters and reformatting 3A991.c for analog-to-digital converter integrated circuits, to continue controls for antiterrorism (AT) reasons for these commodities that were liberalized as a result of changes to the Wassenaar List of Dual-Use Goods and Technologies.

- ECCN 3B001 is amended by revising the parameter for 3B001.f.1.b for minimum resolvable feature size from 0.5 μm to 0.35 μm for “stored program controlled” lithography equipment.

Note: For commodities no longer controlled under ECCN 3B001, there is a license requirement under ECCN 3B991 for exports and reexports to AT Column 1 countries of the Commerce Country Chart.

- ECCNs 3E001 and 3E002 are amended by revising the parameter in paragraph b.1 of the Note from 0.7 μm to 0.5 μm.

Category 4—Computers

- ECCN 4A002 is amended by making an editorial change to 4A002.b.2—revising “bits” to “bit”.
- ECCN 4A003 is amended by:
 - (a) Revising the “composite theoretical performance” (CTP) parameter in 4A003.b from 28,000 millions of theoretical operations per seconds (MTOPS) to 190,000 MTOPS;
 - (b) Making conforming changes of the revised CTP parameter to the AT and XP controls and the Note in the License Requirements section; and
 - (c) Removing the phrase “or digital-to-analog” in the CTP paragraph of the License Exception section, because 4A003.e and 3A001.a.5.a only refer to analog-to-digital.

Note: For commodities no longer controlled under ECCN 4A003, there is a license requirement under ECCN 4A994 for exports and reexports to AT Column 1 countries of the Commerce Country Chart.

- ECCN 4D001 is amended by: