

product descriptions, architecture specifications, and as necessary for the technical review, source code. Also, indicate any prior reviews and classifications of the product, if applicable to the current submission. Provide the following information in a cover letter with the classification request:

(a) State the name of the encryption item being submitted for review.

(b) State that a duplicate copy has been sent to the ENC Encryption Request Coordinator.

(c) For classification request for a commodity or software, provide the following information:

(1) Description of all the symmetric and asymmetric encryption algorithms and key lengths and how the algorithms are used. Specify which encryption modes are supported (e.g., cipher feedback mode or cipher block chaining mode).

(2) State the key management algorithms, including modulus sizes, that are supported.

(3) For products with proprietary algorithms, include a textual description and the source code of the algorithm.

(4) Describe the pre-processing methods (e.g., data compression or data interleaving) that are applied to the plaintext data prior to encryption.

(5) Describe the post-processing methods (e.g., packetization, encapsulation) that are applied to the cipher text data after encryption.

(6) State the communication protocols (e.g., X.25, Telnet or TCP) and encryption protocols (e.g., SSL, IPSEC or PKCS standards) that are supported.

(7) Describe the encryption-related Application Programming Interfaces (APIs) that are implemented and/or supported. Explain which interfaces are for internal (private) and/or external (public) use.

(8) Describe whether the cryptographic routines are statically or dynamically linked, and the routines (if any) that are provided by third-party modules or libraries. Identify the third-party manufacturers of the modules or toolkits.

(9) For commodities or software using Java byte code, describe the techniques (including obfuscation, private access modifiers or final classes) that are used to protect against decompilation and misuse.

(10) State how the product is written to preclude user modification of the encryption algorithms, key management and key space.

(11) For products that qualify as "retail", explain how the product meets the listed criteria in § 740.17(b)(3) of the EAR.

(12) For products which incorporate an open cryptographic interface as defined in part 772 of the EAR, describe the Open Cryptographic Interface.

(d) For classification requests regarding components, provide the following additional information:

(1) Reference the application for which the components are used in, if known;

(2) State if there is a general programming interface to the component;

(3) State whether the component is constrained by function; and

(4) the encryption component and include the name of the manufacturer, component model number or other identifier.

(e) For classification requests for source code, provide the following information:

(1) If applicable, reference the executable (object code) product that was previously reviewed;

(2) Include whether the source code has been modified, and the technical details on how the source code was modified; and

(3) Include a copy of the sections of the source code that contain the encryption algorithm, key management routines and their related calls.

(f) For step-by-step instructions and guidance on submitting classification requests for License Exception ENC, visit our webpage at www.bxa.gov/Encryption.

[65 FR 62608, Oct. 19, 2000]

SUPPLEMENT NO. 7 TO PART 742
[RESERVED]

PART 743—SPECIAL REPORTING

Sec.

743.1 Wassenaar Arrangement.

743.2 [Reserved]

SUPPLEMENT NO. 1 TO PART 743—WASSENAAR
ARRANGEMENT MEMBER COUNTRIES

AUTHORITY: 50 U.S.C. app. 2401 et seq; 50 U.S.C. 1701 et seq; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

SOURCE: 63 FR 2458, Jan. 15, 1998, unless otherwise noted.

§ 743.1 Wassenaar Arrangement.

(a) *Scope.* This section outlines special reporting requirements for exports of certain commodities, software and technology controlled under the Wassenaar Arrangement. Such reports must be submitted to BXA semiannually in accordance with the provisions of paragraph (f) of this section, and records of all exports subject to the reporting requirements of this section must be kept in accordance with part 762 of the EAR. This section does not require reports for reexports.

(b) *Requirements.* You must submit two (2) copies of each report required under the provisions of this section and maintain accurate supporting records

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(see § 762.2(b) of the EAR) for all exports of items specified in paragraph (c) of this section under any of the following License Exceptions authorized by part 740 of the EAR: License Exceptions GBS, CIV, TSR, LVS, CTP, and GOV. Exports of technology and source code under License Exception TSR to foreign nationals in the U.S. should not be reported. For purposes of this part 743, “you” has the same meaning as “exporter”, as defined in part 772 of the EAR.

(c) *Items for which reports are required.*

(1) You must submit reports to BXA 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, 1E001, 1E002.e, and 1E002.f.;

(ii) *Category 2:* 2B001.a or .b (certain items only; see Note to this paragraph) 2B001.d and .f, 2B003, 2D001, 2E001, and 2E002;

NOTE TO PARAGRAPH (c)(1)(ii): The following are not controlled for NP reasons: turning machines controlled by 2B001.a with a capacity equal to or less than 35 mm diameter; bar machines (Swissturn), limited to machining only bar feed through, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks (machines may have drilling and/or milling capabilities for machining parts with diameters less than 42 mm); or milling machines controlled by 2B001.b with x-axis travel greater than two meters and overall “positioning accuracy” on the x-axis more (worse) than 0.030 mm. Therefore, exports of such items under License Exception GOV are subject to reporting requirements.

(iii) *Category 3:* 3A002.g.2, 3B001.a.2, 3D001, and 3E001;

(iv) *Category 4:* 4A001.a.2 and .b, 4A003.b and .c (see paragraph (c)(2) of this section), 4D001, 4D003.c, and 4E001;

(v) *Category 5:* 5A001.b.3, 5B001 (items specially designed for 5A001.b.3), 5D001.a and .b, and 5E001.a.;

(vi) *Category 6:* 6A001.a.1.b, .a.2.c, .a.2.d, and .a.2.e; 6A002.b, 6A004.c and d, 6A006.g and h, 6A008.d, .h, and .k; 6D001, 6D003.a, 6E001, and 6E002;

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

(viii) *Category 9:* 9B001.b, 9D001, 9D002, 9D004.a and .c, 9E001, 9E002, 9E003.a.1, 9E003.a.2, .a.3, .a.4, .a.5, .a.8, and .a.9.

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(2) Reports for “digital computers” and “electronic assemblies” controlled under ECCN 4A003.b and .c are required only for computers with a composite theoretical performance (CTP) exceeding 6,500 MTOPS or computer enhancements thereof such that the CTP exceeds 6,500 MTOPS. Records for software controlled by 4D001 are required for software specially designed for the development or production of computers having a CTP exceeding 6,500 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).

NOTE TO PARAGRAPH (c)(2): Exports of computers controlled under 4A003.b to destinations in Computer Tier 3 (see § 740.7(d)(1) of the EAR) should not be included in the reports required under paragraph (c) of this section. Reporting for computers under 4A003.b to Computer Tier 3 destinations should be reported under the post-shipment verification reporting provisions of § 740.7(d)(5)(v) or under § 742.12(b)(3)(iv) of the EAR.

(d) *Country Exceptions.* You must report each export subject to the provisions of this section, except for exports to Wassenaar member countries, as identified in Supplement No. 1 to part 743.

(e) *Information that must be included in each report.* (1) Each report submitted to BXA for items other than those identified in paragraph (e)(2) of this section must include the following information for each export during the time periods specified in paragraph (f) of this section:

(i) Export Control Classification Number and paragraph reference as identified on the Commerce Control List;

(ii) Number of units in the shipment; and

NOTE TO PARAGRAPH (e)(1)(ii): For exports of technology for which reports are required under § 743.1(c) of this section, the number of units in the shipment should be reported as one (1) for the initial export of the technology to a single ultimate consignee. Additional exports of the technology must be reported only when the type or scope of technology changes or exports are made to other ultimate consignees. Additionally, do not report the release of technology or source code subject to the EAR to foreign nationals in the U.S.

- (iii) Country of ultimate destination.
- (2) [Reserved]

(f) *Frequency and timing of reports.* You must submit reports subject to the provisions of this section semiannually. The reports must be labeled with the exporting company's name and address at the top of each page and must include for each such export all the information specified in paragraph (e) of this section. The reports shall cover exports made during six month time periods spanning from January 1 through June 30 and July 1 through December 31.

(1) The first report must be submitted to and received by BXA no later than August 1, 1998 for the partial reporting period beginning January 15, 1998 and ending June 30, 1998. Thereafter, reports are due according to the provisions of paragraphs (f)(2) and (f)(3) of this section.

(2) Reports for the reporting period ending June 30 must be submitted to and received by BXA no later than August 1.

(3) Reports for the reporting period ending December 31 must be submitted to and received by BXA no later than February 1.

(g) *Mailing address and facsimile number:* (1) Two (2) copies of reports required under this section shall be delivered to one of the following addresses. BXA will not accept reports sent C.O.D.

- (i) For deliveries by U.S. postal service:

Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Attn: "Wassenaar Reports", Washington, D.C. 20044

- (ii) For courier deliveries:

Bureau of Export Administration, U.S. Department of Commerce, Attn: "Wassenaar Reports", Room 2705, 14th Street and Pennsylvania Ave., N.W., Washington, D.C. 20230

(2) Reports may also be sent by facsimile to: (202) 482-3345, Attn: "Wassenaar Reports".

(h) *Contacts.* General information concerning the Wassenaar Arrangement and reporting obligations thereof is available from the Office of Strategic Trade and Foreign Policy Con-

trols, Tel. (202) 482-0092, Fax: (202) 482-4094.

[63 FR 2458, Jan. 15, 1998, as amended at 63 FR 55020, Oct. 14, 1998; 63 FR 72165, Dec. 31, 1998; 64 FR 3214, Jan. 21, 1999; 64 FR 40110, July 23, 1999; 64 FR 47105, Aug. 30, 1999; 65 FR 12922, Mar. 10, 2000; 65 FR 34075, May 26, 2000; 65 FR 42568, July 10, 2000; 65 FR 60856, Oct. 13, 2000]

§ 743.2 [Reserved]

SUPPLEMENT NO. 1 TO PART 743—
WASSENAAR ARRANGEMENT MEMBER
COUNTRIES

- Argentina
- Australia
- Austria
- Belgium
- Bulgaria
- Canada
- Czech Republic
- Denmark
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Japan
- Luxembourg
- Netherlands
- New Zealand
- Norway
- Poland
- Portugal
- Romania
- Russia
- Slovakia
- South Korea
- Spain
- Sweden
- Switzerland
- Turkey
- Ukraine
- United Kingdom
- United States

[63 FR 55020, Oct. 14, 1998]

PART 744—CONTROL POLICY: END-USER AND END-USE BASED

- Sec.
- 744.1 General provisions.
- 744.2 Restrictions on certain nuclear end-uses.
- 744.3 Restrictions on certain missile end-uses.
- 744.4 Restrictions on certain chemical and biological weapons end-uses.
- 744.5 Restrictions on certain maritime nuclear propulsion end-uses.