

this section will generally be denied, to the extent they constitute material support or resources, as defined in 18 U.S.C. 2339A(b).

(d) *Contract sanctity.* Contract sanctity provisions are not available for license applications reviewed under this section.

(e) *FTOs also designated as SDTs or SDGTs.* In cases in which an FTO is also an SDT, as described in § 744.13, or an SDGT, as described in § 744.12, the license requirements and licensing policy set forth in § 744.13 or § 744.12 will apply.

NOTE TO § 744.14: This section does not implement, construe, or limit the scope of any criminal statute, including (but not limited to) 18 U.S.C. 2339B(a)(1) and 2339A, and does not excuse any person from complying with any criminal statute, including (but not limited to) 18 U.S.C. 2339B(a)(1) and 18 U.S.C. 2339A.

[68 FR 34195, June 6, 2003]

§ 744.15 Restrictions on exports and reexports to persons named in General Orders.

Supplement No. 1 to part 736 of the EAR names certain persons (individuals and other legal entities) subject to special restrictions with respect to exports and reexports subject to the EAR. You may not violate any order issued under or made a part of the EAR, per General Prohibition nine of part 736 of the EAR.

[65 FR 76562, Dec. 7, 2000]

§ 744.16 Restrictions on exports and reexports by U.S. persons to specially designated persons on the list of Specially Designated Nationals identified by the bracketed suffix initials [FRYM].

BIS maintains restrictions on exports and reexports of any item subject to the EAR by U.S. persons to persons designated pursuant to Executive Order 13088 of June 9, 1998, as amended by Executive Order 13192 of January 17, 2001 (Executive Order 13088, as amended). These designated persons include individuals listed in the Annex to Executive Order 13192, as well as persons designated by the Secretary of the Treasury, in consultation with the Secretary of State pursuant to that order (e.g., the former President of the Federal Republic of Yugoslavia, Slobodan

Milosevic; his close associates; persons determined to be under open indictment by the International Criminal Tribunal for the former Yugoslavia; and persons determined to have sought, or to be seeking, to maintain or reestablish illegitimate control over the political processes or economic resources of the Federal Republic of Yugoslavia (Serbia and Montenegro)). Persons designated pursuant to Executive Order 13088, as amended, are included on the list of Specially Designated Nationals maintained by the Department of the Treasury's Office of Foreign Assets Control (OFAC) and identified by the bracketed suffix initials [FRYM]. The requirements set forth in this section further the objectives of Executive Order 13088, as amended.

(a) *License requirements.* (1) A license is required for all exports and reexports of any item subject to the EAR by a U.S. person to a person on the list of Specially Designated Nationals maintained by OFAC and identified by the bracketed initials [FRYM].

(2) A U.S. person may also be required to seek separate authorization from OFAC for an export or reexport to a designated person identified by the bracketed initials [FRYM].

(b) *License policy.* Applications for exports and reexports of any item subject to the EAR by a U.S. person to a Specially Designated National identified by the bracketed initials [FRYM] will be reviewed with a general policy of denial.

[66 FR 12847, Mar. 1, 2001]

§ 744.17 Restrictions on certain exports and reexports of general purpose microprocessors for "military end-uses" and to "military end-users."

(a) *General prohibition.* In addition to the license requirements for anti-terrorism reasons set forth in part 742 of the EAR, you may not export or reexport commodities described in ECCN 3A991.a.1 on the CCL ("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), without a license if, at the time of the export or reexport, you know, have reason to know, or are informed by BIS that the item will be or is intended to be used for a “military end-use,” as defined in paragraph (d) of this section, in Country Group D:1 (see Supplement No. 1 to part 740 of the EAR); or by a “military end-user,” as defined in paragraph (e) of this section, in Country Group D:1. This license requirement does not apply to exports or reexports of items for the official use by personnel and agencies of the U.S. Government or agencies of a cooperating government. See §740.11(b)(3) of the EAR for definitions of “agency of the U.S. Government” and “agency of a cooperating government”.

(b) *Additional prohibition on exporters or reexporters informed by BIS.* BIS may inform an exporter or reexporter, either individually by specific notice or through amendment to the EAR, that a license is required for export or reexport of items described in ECCN 3A991.a.1 to specified end-users, because BIS has determined that there is an unacceptable risk of diversion to the uses or users described in paragraph (a) of this section. Specific notice is to be given only by, or at the direction of, the Deputy Assistant Secretary for Export Administration. When such notice is provided orally, it will be followed by a written notice within two working days signed by the Deputy Assistant Secretary for Export Administration. The absence of any such notification does not excuse the exporter or reexporter from compliance with the license requirements of paragraph (a) of this section.

(c) *License review standards.* There is a presumption of denial for applications to export or reexport items subject to this section.

(d) *Military end-use.* In this section, the phrase “military end-use” means incorporation into: a military item described on the U.S. Munitions List (USML) (22 CFR part 121, International Traffic in Arms Regulations) or the International Munitions List (IML) (as

set out on the Wassenaar Arrangement website at <http://www.wassenaar.org>); commodities listed under ECCN’s ending in “A018” on the Commerce Control List (CCL) in Supplement No. 1 to part 774 of the EAR; or any item that is designed for the “use”, “development”, “production”, or deployment of military items described on the USML, the IML, or commodities listed under ECCN’s ending in “A018” on the CCL. Supplement No. 1 of this part lists examples of ‘military end-use.’

(e) *Military end-user.* In this section, the term “military end-user” means 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 defined in paragraph (d) of this section.

(f) *Exceptions.* No License Exceptions apply to the prohibitions described in paragraphs (a) and (b) of this section.

[68 FR 1797, Jan. 14, 2003]

SUPPLEMENT NO. 1 TO PART 744—MILITARY END-USE EXAMPLES FOR §744.17

(a) *Examples of military end-uses (as described in §744.17 (d) of this part) of general-purpose microprocessors classified as ECCN 3A991.a.1 includes employing such microprocessors in the “use”, “development”, “production”, or deployment of:*

- (1) Cruise missiles;
 - (2) Electronic suites of military aircraft and helicopters;
 - (3) Radar for searching, targeting, or tracking systems;
 - (4) Command/control/communications or navigation systems;
 - (5) Unmanned aerial vehicles capable of performing military reconnaissance, surveillance, or combat support;
 - (6) Rocket or missile systems;
 - (7) Electronic or information warfare systems; or
 - (8) Intelligence, reconnaissance, or surveillance systems suitable for supporting military operations.
- (b) [Reserved]

[68 FR 1797, Jan. 14, 2003]

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SUPPLEMENT NO. 2 TO PART 744
[RESERVED]

SUPPLEMENT NO. 3 TO PART 744—COUN-
TRIES NOT SUBJECT TO CERTAIN NU-
CLEAR END-USE RESTRICTIONS IN
§ 744.2(A)

Australia
Austria
Belgium
Canada
Denmark
Finland
France
Germany
Greece

Iceland
Ireland
Italy (includes San Marino and Holy See)
Japan
Luxembourg
Netherlands
New Zealand
Norway
Portugal
Spain
Sweden
Turkey
United Kingdom

[61 FR 12802, Mar. 25, 1996, as amended at 62
FR 25459, May 9, 1997; 66 FR 18402, Apr. 9,
2001]

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

Country	Entity	License requirement	License review policy	Federal Register citation
CHINA, PEOPLE'S REPUBLIC OF.	<p>13 Institute, China Academy of Launch Vehicle Technology, (CALT), aka 713 Institute or Beijing Institute of Control Devices.</p> <p>33 Institute, aka Beijing Institute of Automatic Control Equipment.</p> <p>35 Institute, aka Beijing Huahang Radio Measurements Research Institute.</p> <p>54th Research Institute of China, aka Communication, Telemetry and Telecontrol Research Institute (CTI).</p> <p>Baotou Guanghua Chemical Industrial Corporation, 202 Factory Baotou, Inner Mongolia.</p> <p>Beijing Aerospace Automatic Control Institute, 51 Yong Ding Road Beijing.</p> <p>Beijing Institute of Structure and Environmental Engineering, a.k.a., Beijing Institute of Strength and Environmental Engineering, No. 36 Wanyuan Road Beijing.</p> <p>Beijing Power Machinery Institute</p> <p>Beijing University of Aeronautics and Astronautics (BUAA).</p>	<p>For all items subject to the EAR.</p> <p>For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are "999", e.g., XX999.</p> <p>For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are "999", e.g., XX999.</p> <p>For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are "999", e.g., XX999.</p> <p>For all items subject to the EAR having a classification other than EAR99.</p> <p>For all items subject to the EAR having a classification other than EAR99.</p> <p>For all items subject to the EAR.</p> <p>For all items subject to the EAR.</p>	<p>See § 744.3(d) of this part</p> <p>See § 744.3(d) of this part</p> <p>See § 744.3(d) of this part</p> <p>See § 744.3(d) of this part</p> <p>See § 744.2(d) of this part</p> <p>See § 744.3 of this part</p> <p>See § 744.3 of this part</p> <p>See § 744.3(d) of this part</p> <p>See § 744.3(d) of this part</p>	<p>66 FR 24265, May 14, 2001.</p> <p>66 FR 24266, May 14, 2001.</p> <p>66 FR 24266, May 14, 2001.</p> <p>66 FR 24266, May 14, 2001.</p> <p>66 FR 24266, May 14, 2001.</p> <p>66 FR 24266, May 14, 2001.</p> <p>64 FR May 28, 1999.</p> <p>64 FR May 28, 1999.</p> <p>66 FR 24266, May 14, 2001.</p> <p>66 FR 24266, May 14, 2001.</p>

This Supplement lists certain entities subject to license requirements for specified items under this part 744 of the EAR. License requirements for these entities includes exports and re-exports, unless otherwise stated. This list of entities is revised and updated on a periodic basis in this Supplement by adding new or amended notifications and deleting notifications no longer in effect.

<p>Chinese Academy of Engineering Physics (aka Ninth Academy, including the Southwest Institutes of Applied Electronics, Chemical Materials, Electronic Engineering, Explosives and Chemical Engineering, Environmental Testing, Fluid Physics, General Designing and Assembly, Machining Technology, Materials, Nuclear Physics and Chemistry (aka China Academy of Engineering Physics [CAEP]'s 902 Institute, Mianyang), Structural Mechanics; Research and Applications of Special Materials Factory; Southwest Computing Center (all of preceding located in or near Mianyang, Sichuan Province); Institute of Applied Physics and Computational Mathematics, Beijing; and High Power Laser Laboratory, Shanghai).</p> <p>China Aerodynamics Research and Development Center (CARDIC) Sichuan Province.</p> <p>First Department, China Academy of Launch Vehicle Technology, (CALT).</p> <p>Northwest Institute of Nuclear Technology, in the Science Research, Xi'an, Shaanxi.</p> <p>Northwestern Polytechnical University</p>	<p>For all items subject to the EAR.</p> <p>For all items subject to the EAR having a classification other than EAR99.</p> <p>For all items subject to the EAR.</p> <p>For all items subject to the EAR.</p> <p>For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are "999", e.g., XX999.</p>	<p>See § 744.3 of this part</p> <p>See § 744.3(d) of this part</p> <p>See § 744.2 of this part</p> <p>See § 744.3(d) of this part</p>	<p>62 FR 35334, 6/30/97; 66 FR 24266, May 14, 2001.</p> <p>64 FR May 28, 1999.</p> <p>66 FR 24266, May 14, 2001.</p> <p>64 FR May 28, 1999.</p> <p>66 FR 24266, May 14, 2001.</p>
<p>Shanghai Academy of Spaceflight Technology, Shanghai, Spaceflight Tower 222 Cao Xi Road Shanghai, 20023.</p> <p>Shanghai Institute of Space Power-Sources, Shanghai, 388 Cang Wu Rd Shanghai.</p> <p>Southwest Research Institute of Electronics Technology, Chengdu.</p> <p>Xian Research Institute of Navigation Technology</p> <p>Xiangdong Machinery Factory</p>	<p>For all items subject to the EAR having a classification other than EAR99.</p> <p>For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are "999", e.g., XX999.</p> <p>For all items subject to the EAR having a classification other than EAR99.</p> <p>For all items subject to the EAR.</p>	<p>See § 744.3 of this part</p> <p>See § 744.3(d) of this part</p> <p>See § 744.3(d) of this part</p> <p>See § 744.3(d) of this part</p>	<p>64 FR May 28, 1999.</p> <p>64 FR May 28, 1999.</p> <p>66 FR 24267, May 14, 2001.</p> <p>66 FR 24267, May 14, 2001.</p> <p>66 FR 24267, May 14, 2001.</p>

Country	Entity	License requirement	License review policy	Federal Register citation
INDIA	Bharat Dynamics Limited	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50091, 10/01/01]
	The following subordinates of Defense Research and Development Organization (DRDO). Armament Research and Development Establishment (ARDE). Defense Research and Development Lab (DRDL), Hyderabad. Missile Research and Development Complex Solid State Physics Laboratory The following Department of Atomic Energy entities Bhabha Atomic Research Center (BARC) Indira Gandhi Atomic Research Center (IGCAR) Indian Rare Earths Nuclear reactors (including power plants), fuel re-processing and enrichment facilities, heavy water production facilities and their collocated ammonia plants. Indian Space Research Organization (ISRO) headquarters in Bangalore, and the following subordinate entities. ISRO Telemetry, Tracking and Command Network (ISTRAC). ISRO Inertial Systems Unit (ISU), Thiruvananthapuram. Liquid Propulsion Systems Center Solid Propellant Space Booster Plant (SPROB) Space Applications Center, (SAC), Ahmadabad Sriharikota Space Center (SHAR) Vikram Sarabhai Space Center (VSSC), Thiruvananthapuram.	For all items subject to the EAR. For all items subject to the EAR. For all items subject to the EAR. For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items. Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items. Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50091, 10/1/01] 63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50091, 10/1/01] 63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
ISRAEL	Ben Gurion University, Israel	For computers above the Tier 3 level described in §742.12(b)(3)(i)(B). For all items subject to the EAR.	Case-by-case basis Case-by-case basis	62 FR 4910, 2/3/97 65 FR 12919, 3/10/00. 62 FR 35334, 6/30/97.
PAKISTAN	Nuclear Research Center at Negev Dimona, Israel Abdul Qader Khan Research Laboratories, a.k.a. Khan Research Laboratories (KRL), a.k.a. Engineering Research Laboratories (ERL), Kahuta. AI Technique Corporation of Pakistan, Ltd	For all items subject to the EAR. For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items. Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01] 63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]

Allied Trading Co	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
ANZ Importers and Exporters, Islamabad	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
Defence Science and Technology Organization (DESTO), Rawalpindi.	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
High Technologies, Ltd., Islamabad	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
Karachi CBW Research Institute, University of Karachi's Husein Ebrahim Jamal Research Institute of Chemistry (HEJRIC).	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
Lastech Associates, Islamabad	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
Machinery Master Enterprises, Islamabad	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
Maple Engineering Pvt. Ltd. Consultants, Importers and Exporters.	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
Orient Importers and Exporters, Islamabad	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]
Pakistan Atomic Energy Commission (PAEC), and the following subordinate entities. National Development Complex (NDC) Nuclear reactors (including power plants), fuel re-processing and enrichment facilities, all uranium processing, conversion and enrichment facilities, heavy water production facilities and any collocated ammonia plants. Pakistan Institute for Nuclear Science and Technology (PINSTECH). People's Steel Mills, Karachi	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Pre-emption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50092, 10/1/01]

Country	Entity	License requirement	License review policy	Federal Register citation
RUSSIA	Prime International	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Presumption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50093, 10/1/01]
	Space and Upper Atmospheric Research Commission (SUPARCO).	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Presumption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50093, 10/1/01]
	Technical Services, Islamabad	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Presumption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50093, 10/1/01]
	The Tempest Trading Company, Islamabad	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Presumption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50093, 10/1/01]
	Unique Technical Promoters	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Presumption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50093, 10/1/01]
	Wah Chemical Product Plant	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Presumption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50093, 10/1/01]
	Wah Munitions Plant, a.k.a. Explosives Factory, Pakistan Ordnance Factories (POF).	For all items subject to the EAR.	Case-by-case for all items listed on the CCL. Presumption of approval for EAR99 items.	63 FR 64322, 11/19/98 65 FR 14444, 03/17/00 [66 FR 50093, 10/1/01]
	All-Russian Scientific Research Institute of Technical Physics, (aka VNIITF, Chelyabinsk-70, All-Russian Research Institute of Technical Physics, ARITP, Russian Federal Nuclear Center) located in either Snezhinsk or Kremlev (Sarov).	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97 66 FR 24267, May 14, 2001.
	All-Union Scientific Research Institute of Experimental Nuclear Center, All Russian Research Institute of Experimental Physics, ARIEP, Khariton Institute) located in either Snezhinsk or Kremlev (Sarov).	For all items subject to the EAR (see §744.10 of the EAR).	Case-by-case basis	62 FR 35334, 6/30/97 66 FR 24267, May 14, 2001.
	Baltic State Technical University, 1/21, Krasnoarmeiskaya Ul., 198005, St. Petersburg.	For all items subject to the EAR (see §744.10 of the EAR).	Presumption of denial	63 FR 40363, 7/29/98.
	Europalace 2000, Moscow	For all items subject to the EAR (see §744.10 of the EAR).	Presumption of denial	63 FR 40363, 7/29/98.
	Glavkosmos, 9 Krasnoproletarskaya St., 103030 Moscow.	For all items subject to the EAR (see §744.10 of the EAR).	Presumption of denial	63 FR 40363, 7/29/98.

<p>Grafit (aka State Scientific Research Institute of Graphite or NIIGRAFIT), 2 Ulitsa Elektrodnaya, 111524, Moscow.</p> <p>Medeleev University of Chemical Technology of Russia (including at 9 Miusskaya Sq, Moscow 125047, Russia).</p> <p>Ministry for Atomic Power of Russia (any entities, institutes, or centers associated with) located in either Shezhinsk or Kremlev (Sarov).</p> <p>Moscow Aviation Institute (MAI) (including at 4 Volokolamskoye Shosse, Moscow 125871, Russia).</p> <p>MOSO Company, Moscow</p>	<p>For all items subject to the EAR (see §744.10 of the EAR).</p> <p>For all items subject to the EAR (see §744.10 of the EAR).</p> <p>For all items subject to the EAR.</p> <p>For all items subject to the EAR (see §744.10 of the EAR).</p> <p>For all items subject to the EAR (see §744.10 of the EAR).</p> <p>For all items subject to the EAR (see §744.10 of the EAR).</p>	<p>Presumption of denial</p> <p>Presumption of denial</p> <p>Case-by-case basis</p> <p>Presumption of denial</p> <p>Presumption of denial</p> <p>Presumption of denial</p>	<p>63 FR 40363, 7/29/98.</p> <p>64 FR 14606 March 26, 1999.</p> <p>62 FR 35334, 6/30/97 66 FR 24267, May 14, 2001.</p> <p>64 FR 14606 March 26, 1999.</p> <p>63 FR 40363, 7/29/98.</p> <p>64 FR 14606 March 26, 1999.</p>
<p>The Scientific Research and Design Institute of Power Technology (a.k.a. NIKIET, Research and Development Institute of Power Engineering (RDJPE), and ENTEK) (including at 101000, P.O. Box 788, Moscow, Russia).</p>	<p>For all items subject to the EAR (see §744.10 of the EAR).</p>	<p>Presumption of denial</p>	<p>64 FR 14606 March 26, 1999.</p>

[63 FR 64325, Nov. 19, 1998, as amended at 63 FR 65552, Nov. 27, 1998; 64 FR 14606, Mar. 26, 1999; 64 FR 28910, May 28, 1999; 65 FR 14446, Mar. 17, 2000; 65 FR 45843, July 26, 2000; 65 FR 60856, Oct. 13, 2000; 66 FR 24265, May 14, 2001; 66 FR 50091, Oct. 1, 2001; 66 FR 65836, Dec. 21, 2001]

PART 745—CHEMICAL WEAPONS CONVENTION REQUIREMENTS

Sec.

745.1 Advance notification and annual report of all exports of Schedule 1 chemicals to other States Parties.

745.2 End-Use Certificate reporting requirements under the Chemical Weapons Convention.

SUPPLEMENT NO. 1 TO PART 745—SCHEDULES OF CHEMICALS

SUPPLEMENT NO. 2 TO PART 745—STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING, AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION

SUPPLEMENT NO. 3 TO PART 745—FOREIGN GOVERNMENT AGENCIES RESPONSIBLE FOR ISSUING END-USE CERTIFICATES PURSUANT TO §745.2

AUTHORITY: 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; Notice of November 9, 2000, 65 FR 68063, 3 CFR, 2000 Comp. p. 408.

SOURCE: 64 FR 27143, May 18, 1999, unless otherwise noted.

§745.1 Advance notification and annual report of all exports of Schedule 1 chemicals to other States Parties.

Pursuant to the Convention, the United States is required to notify the Organization for the Prohibition of Chemical Weapons (OPCW) not less than 30 days in advance of every export of a Schedule 1 chemical, in any quantity, to another State Party. In addition, the United States is required to provide a report of all exports of Schedule 1 chemicals to other States Parties during each calendar year. If you plan to export any quantity of a Schedule 1 chemical controlled under the EAR and licensed by the Department of Commerce or controlled under the International Traffic in Arms Regulations (ITAR) and licensed by the Department of State, you are required under this section to notify the Department of Commerce in advance of this export. You are also required to provide an annual report of exports that actually occurred during the previous calendar year. The United States will transmit

the advance notifications and an aggregate annual report to the OPCW of exports of Schedule 1 chemicals from the United States. Note that the notification and annual report requirements of this section do not relieve the exporter of any requirement to obtain a license from the Department of Commerce for the export of Schedule 1 chemicals subject to the EAR or from the Department of State for the export of Schedule 1 chemicals subject to the ITAR.

(a) *Advance notification of exports.* You must notify BIS at least 45 calendar days prior to exporting any quantity of a Schedule 1 chemical listed in Supplement No. 1 to this part to another State Party. This is in addition to the requirement to obtain an export license under the EAR for chemicals controlled by ECCN 1C350 or 1C351 for any reason for control, or from the Department of State for Schedule 1 chemicals controlled under the ITAR. Note that such notifications may be sent to BIS prior to or after submission of a license application to BIS for Schedule 1 chemicals controlled subject to the EAR and under ECCNs 1C350 or 1C351 or to the Department of State for Schedule 1 chemicals controlled on the ITAR. Such notices must be submitted separately from license applications.

(1) Such notification should be on company letterhead or must clearly identify the reporting entity by name of company, complete address, name of contact person and telephone and fax numbers, along with the following information:

- (i) Common Chemical Name;
- (ii) Structural formula of the chemical;
- (iii) Chemical Abstract Service (CAS) Registry Number;
- (iv) Quantity involved in grams;
- (v) Planned date of export;
- (vi) Purpose (end-use) of export;
- (vii) Name of recipient;
- (viii) Complete street address of recipient;
- (ix) Export license or control number, if known; and