and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) that is not subject to regulations maintained by OFAC and not authorized by BIS is a violation of the EAR. Any export from abroad, reexport, or transfer by a non-U.S. person to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) and not authorized by BIS is a violation of the EAR.

(7) These licensing requirements supplement any other requirements set forth elsewhere in the EAR.

(b) **Exceptions.** No License Exceptions or other BIS authorizations are available for export, reexport, or transfer to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464).

(c) **Licensing policy.** Applications for licenses for the export, reexport, or transfer to a person identified in paragraph (a) of this section of any item subject to the EAR (except for agricultural commodities, medicine, or medical devices, classified as EAR99 and destined for entities whose property and interests in property are blocked pursuant to Executive Orders 13310, 13448 or 13464) will generally be denied. You should consult with OFAC concerning transactions subject to OFAC licensing requirements.

(d) **Contract sanctity.** Contract sanctity provisions are not available for license applications reviewed under this section, except as available under 31 CFR 537.210(c).

[74 FR 771, Jan. 8, 2009]

**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]

**SUPPLEMENT NO. 2 TO PART 744—LIST OF ITEMS SUBJECT TO THE MILITARY END-USE LICENSE REQUIREMENT OF §744.21**

The following items, as described, are subject to the military end-use license requirement in §744.21.

(i) **Category 1—Materials, Chemicals, Microorganisms, and Toxins**

1. **A1290 Depleted uranium (any uranium containing less than 0.711% of the isotope U–235) in shipments of more than 1,000 kilograms in the form of shielding contained in X-ray units, radiographic exposure or teletherapy devices, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials.**
2. **IC990 Limited to fibrous and filamentary materials other than glass, aramid or polyethylene not controlled by 1C010 or 1C210, for use in “composite” structures and with a specific modulus of 3.18 × 10^6m or greater and a specific tensile strength of 7.62 × 10^6m or greater.**
3. **IC996 Hydraulic fluids containing synthetic hydrocarbon oils, having all the characteristics in the List of Items Controlled.**
4. **IC999 Limited to specific software controlled by IC999.b for equipment controlled by IC210.b, or IC990.**
5. **ID999 Limited to specific software controlled by ID999.b for equipment controlled by 1B999.e that is specially designed for the production of prepregs controlled in Category 1, n.e.a.**
6. **IE994 Limited to “technology” for the “development”, “production”, or “use” of fibrous and filamentary materials other than glass, aramid or polyethylene controlled by IC990.**
Bureau of Industry and Security, Commerce

(2) Category 2—Materials Processing
   (i) 2A991 Limited to bearings and bearing systems not controlled by 2A001 and with operating temperatures above 573K (300 °C).
   (ii) 2B991 Limited to "numerically-controlled" machine tools having "positioning accuracies", with all compensations available, less (better) than 9μ along any linear axis; and machine tools controlled under 2B991.d.1.a.
   (iii) 2B992 Non-"numerically controlled" machine tools for generating optical quality surfaces, and specially designed components therefore.
   (iv) 2B996 Limited to dimensional inspection or measuring systems or equipment not controlled by 2B006 with measurement uncertainties equal to or less (better) than (1.7 + L/1000) micrometers in any axes (L measured Length in mm).

(3) Category 3—Electronics Design, Development and Production
   (i) 3A292.d Limited to digital oscilloscopes and transient recorders, using analog-to-digital conversion techniques, capable of storing transients by sequentially sampling single-shot inputs at greater than 2.5 giga-samples per second.
   (ii) 3A999.c All flash x-ray machines, and components of pulsed power systems designed thereof, including Marx generators, high power pulse shaping networks, high voltage capacitors, and triggers.
   (iii) 3F292 Limited to "technology" according to the General Technology Note for the "development", "production", or "use" of digital oscilloscopes and transient recorders with sampling rates greater than 2.5 giga-samples per second, which are controlled by 3A292.d.

(4) Category 4—Computers
   (i) 4A994 Limited to computers not controlled by 4A001 or 4A005, with an Adjusted Peak Performance ("APP") exceeding 0.5 Weighted TeraFLOPS (WT).
   (ii) 4D993 "Program" proof and validation "software", "software" allowing the automatic generation of "source codes", and operating system "software" that are specially designed for real time processing equipment.
   (iii) 4D994 Limited to "software" specially designed or modified for the "development", "production", or "use" of equipment controlled by 4A101.

(5) Category 5—(Part 1) Telecommunications
   (i) 5A991 Limited to telecommunications equipment designed to operate outside the temperature range from 210K (-54 °C) to 397K (124 °C), which is controlled by 5A991.a., radio equipment using Quadrature-amplitude-modulation (QAM) techniques, which is controlled by 5A991.b.7., and phased array antennas, operating above 10.5 GHz, except landing systems meeting ICAO standards (MLS), which are controlled by 5A991.f.
   (ii) 5D991 Limited to "software" specially designed or modified for the "development", "production", or "use" of equipment controlled by 5A991.a., 5A991.b.7., and 5A991.f., or of "software" specially designed or modified for the "development", "production", or "use" of equipment controlled by 5A991.a., 5A991.b.7., and 5A991.f.
   (iii) 5E991 Limited to "technology" for the "development", "production" or "use" of equipment controlled by 5A991.a., 5A991.b.7., or 5A991.f., or of "software" specially designed or modified for the "development", "production", or "use" of equipment controlled by 5A991.a., 5A991.b.7., and 5A991.f.

(6) Category 6—Sensors and Lasers
   (i) 6A995 "Lasers", not controlled by 6A005 or 6A205.
   (ii) 6C992 Optical sensing fibers not controlled by 6A002.d.3 which are modified structurally to have a "beat length" of less than 500 mm (high birefringence) or optical sensor materials not described in 6C002.b and having a zinc content of equal to or more than 6% by "mole fraction."
   (iii) 6A993 Cameras, not controlled by 6A003 or 6A205 as follows (see List of Items Controlled).

(7) Category 7—Navigation and Avionics
   (i) 7A994 Other navigation direction finding equipment, airborne communication equipment, all aircraft inertial navigation systems not controlled under 7A003 or 7A103, and other avionic equipment, including parts and components, n.e.s.
   (ii) 7B994 Other equipment for the test, inspection, or "production" of navigation and avionics equipment.
   (iii) 7D994 "Software", n.e.s., for the "development", "production", or "use" of navigation, airborne communication and other avionics.
   (iv) 7E994 "Technology", n.e.s., for the "development", "production", or "use" of navigation, airborne communication, and other avionics equipment.

(8) Category 8—Marine
   (i) 8A992 Limited to underwater systems or equipment, not controlled by 8A001, 8A002, or 8A018, and specially designed parts therefor.
   (ii) 8D992 "Software" specially designed or modified for the "development", "production" or "use" of equipment controlled by 8A992.
   (iii) 8E992 "Technology" for the "development", "production" or "use" of equipment controlled by 8A992.
(9) Category 9—Propulsion Systems, Space Vehicles and Related Equipment

(i) 9A991 Limited to “aircraft”, n.e.s., and gas turbine engines not controlled by 9A001 or 9A101.

(ii) 9D991 “Software”, for the “development” or “production” of equipment controlled by 9A991 or 9B991.

(iii) 9E991 “Technology”, for the “development”, “production” or “use” of equipment controlled by 9A991 or 9B991.


SUPPLEMENT NO. 3 TO PART 744—COUNTRIES NOT SUBJECT TO CERTAIN NUCLEAR 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


SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

<table>
<thead>
<tr>
<th>Country</th>
<th>Entity</th>
<th>License requirement</th>
<th>License review policy</th>
<th>FEDERAL REGISTER citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFGHANISTAN</td>
<td>Abdul Satar Ghoura, 501, 5th Floor, Amanullah Sancharki Market Opp Chaman E Huzun, Kabul, Afghanistan; and Flat No. 41 Block No. 24 Macronyan 3, Kabul, Afghanistan. (See alternate addresses under Pakistan).</td>
<td>For all items subject to the EAR. (See §744.11 of the EAR).</td>
<td>Presumption of denial</td>
<td>76 FR 71869.11/21/11.</td>
</tr>
<tr>
<td></td>
<td>Afghan-German Construction Company, Golayye Park, Shari Nou, Kabul, Afghanistan, and Dasht Qala, Takhar Province, Afghanistan.</td>
<td>For all items subject to the EAR. (See §744.11 of the EAR).</td>
<td>Presumption of denial</td>
<td>77 FR 25057.4/27/12.</td>
</tr>
<tr>
<td></td>
<td>Assadullah Majed, 42S WD 18476 Microrayan 3rd Apt. 45, block #21, Kabul, Afghanistan; and A2 Ground Floor, City Computer Plaza, Shar-e-Naw, Kabul, Afghanistan. (See alternate addresses under Pakistan).</td>
<td>For all items subject to the EAR. (See §744.11 of the EAR).</td>
<td>Presumption of denial</td>
<td>76 FR 71869.11/21/11.</td>
</tr>
<tr>
<td></td>
<td>Fazal Rahim Farid, a.k.a., the following three aliases: —Fazal Rahim Farid; —Farid, and —Engineer Idrs.</td>
<td>For all items subject to the EAR. (See §744.11 of the EAR).</td>
<td>Presumption of denial</td>
<td>76 FR 71869.11/21/11.</td>
</tr>
<tr>
<td></td>
<td>Hanif Computer Zone (HCZ), Ghazni City, Afghanistan.</td>
<td>For all items subject to the EAR. (See §744.11 of the EAR).</td>
<td>Presumption of denial</td>
<td>77 FR 25057.4/27/12.</td>
</tr>
</tbody>
</table>

This Supplement lists certain entities subject to license requirements for specified items under this part 744 of the EAR. License requirements for these entities include exports, reexports, and transfers (in-country) 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.