§ 742.19 Anti-terrorism: North Korea.

(a) License Requirements. (1) All items on the Commerce Control List (CCL) (i.e., with a designation other than EAR99) that are controlled for anti-terrorism reasons require a license for export or reexport to North Korea. This includes all items on the CCL containing AT column 1 or AT column 2 in the Country Chart column of the license requirements section of an ECCN; and ECCNs 0A986, 0A988, 0A999, 0B986, 0B999, 0D999, 1A999, 1B999, 1C995, 1C999, 1D999, 2A994, 2A999, 2B999, 2D994, 2E994, 3A999, and 6A999. See also part 746 of the EAR.

(b) Licensing policy. (1) Applications for export and reexport to all end-users in North Korea of the following items will generally be denied:

(i) Items controlled for chemical and biological weapons proliferation reasons to any destination. These items contain CB Column 1, CB Column 2, or
CB Column 3 in the Country Chart column of the “License Requirements” section of an ECCN on the CCL.

(ii) Items controlled for missile proliferation reasons to any destination. These items have an MT Column 1 in the Country Chart column of the “License Requirements” section of an ECCN on the CCL.

(iii) Items controlled for nuclear weapons proliferation reasons to any destination. These items contain NP Column 1 or NP Column 2 in the Country Chart column of the “License Requirements” section of an ECCN on the CCL.

(iv) Items controlled for national security reasons to any destination. These items contain NS Column 1 or NS Column 2 in the Country Chart column of the “License Requirements” section of an ECCN on the CCL.

(v) Military-related items controlled for national security reasons to any destination. These items contain NS Column 1 or NS Column 2 in the Country Chart column of the “License Requirements” section of an ECCN on the CCL and are controlled by equipment or material entries ending in the number “18.”

(vi) All aircraft (powered and unpowered), helicopters, engines, and related spare parts and components. Such items contain an NS Column 1, NS Column 2, MT Column 1, or AT Column 1 in the Country Chart column of the “License Requirements” section of an ECCN on the CCL. (Not including parts and components for safety-of-flight, which will be reviewed on a case-by-case basis in accordance with paragraph (b)(2) of this section).

(vii) Cryptographic, cryptoanalytic, and crypto-logic items controlled any destination. These are items that contain an NS Column 1, NS Column 2, AT Column 1 or AT Column 2 in the Country Chart column of the “License Requirements” section of an ECCN on the CCL.

(viii) Submersible systems controlled under ECCN 8A992.

(ix) Scuba gear and related equipment controlled under ECCN 8A992.

(x) Pressurized aircraft breathing equipment controlled under ECCN 8A992.

(x) Explosive detection equipment controlled under ECCN 2A983.

(xii) “Software” (ECCN 2D983) specially designed or modified for the “development”, “production” or “use” of explosives detection equipment controlled by 2A983.

(xiii) “Technology” (ECCN 2E983) specially designed or modified for the “development”, “production” or “use” of explosives detection equipment controlled by 2A983.

(xiv) Commercial charges and devices controlled under ECCN 1C992.

(xv) Computer numerically controlled machine tools controlled under ECCN 2B991.

(xvi) Aircraft skin and spar milling machines controlled under ECCN 2B991.

(xvii) Semiconductor manufacturing equipment controlled under ECCN 2B991.

(xviii) Digital computers with an Adjusted Peak Performance (APP) exceeding 0.0004 Weighted TeraFLOPS (WT).

(xix) Microprocessors with a processing speed of 0.5 GFLOPS or above.

(xx) Ammonium nitrate, including certain fertilizers containing ammonium nitrate, controlled under ECCN 1C997.

(xx) Technology for the production of Chemical Weapons Convention (CWC) Schedule 2 and 3 Chemicals controlled under ECCN 1E355.

(xxvii) Concealed object detection equipment controlled under ECCN 2A984.

(xxviii) “Software” (ECCN 2D984) “required” for the “development”, “production” or “use” of concealed object detection equipment controlled by 2A984.

(xxviii) “Technology” (ECCN 2E984) “required” for the “development”, “production” or “use” of concealed object detection equipment controlled by 2A984, or the “development” of “software” controlled by 2D984.

(2) Applications for export and reexport to North Korea of all other items described in paragraph (a) of this section, and not described by paragraph (b)(1) of this section, will generally be denied if the export or reexport is destined to a military end-user or for military end-use. Applications for non-military end-users or for non-military end-uses will be considered on a case-by-case basis. Applications to export or
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reexport humanitarian items intended for the benefit of the North Korean people; items in support of United Nations humanitarian efforts; and agricultural commodities and medical devices will generally be approved.

(3) Applications for export and reexport to North Korea of items described in paragraphs (c)(12), (c)(24), (c)(34), (c)(37), (c)(38), and (c)(45) of Supplement No. 2 to part 742 will generally be denied if the export or reexport is destined to nuclear end-users or nuclear end-uses. Applications for non-nuclear end-users or for non-nuclear end-uses, excluding items described in (c)(24)(iv)(A) of Supplement No. 2 to part 742, will be considered on a case-by-case basis.

(4) License applications for items reviewed under section 6(a) controls will also be reviewed to determine the applicability of section 6(j) controls to the transaction. When it is determined that an export or reexport could make a significant contribution to the military potential of North Korea, including its military logistics capability, or could enhance North Korea’s ability to support acts of international terrorism, the Secretaries of State and Commerce will notify the Congress 30 days prior to issuance of a license.

(5) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

(6) The contract sanctity date for exports to Iran or Syria of items in ECCNs 1C351, 1C352, 1C353, and 1C354 is February 22, 1989.

(7) The contract sanctity date for exports to Iran or Syria of phosphorous oxychloride, thiodiglycol, dimethylamine, hydrochloride, dimethylamine, ethylene chloride, ethylene dichloride, (2-chloroethanol), and potassium fluoride is April 29, 1986.

(2) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

(3) The contract sanctity date for exports to Iran or Syria of items in ECCNs 1C351, 1C352, 1C353, and 1C354 is February 22, 1989.

(4) The contract sanctity date for exports to Iran or Syria of dimethyl phosphonate, phosphorous oxychloride, thiodiglycol, dimethylamine, hydrochloride, dimethylamine, ethylene chloride, ethylene dichloride, (2-chloroethanol), and potassium fluoride is April 29, 1986.

(2) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

(3) The contract sanctity date for exports to Iran or Syria of items in ECCNs 1C351, 1C352, 1C353, and 1C354 is February 22, 1989.

(4) The contract sanctity date for exports to Iran or Syria of dimethyl phosphonate, phosphorous oxychloride, thiodiglycol, ethylene dichloride, (2-chloroethanol), and potassium fluoride is April 29, 1986.

(2) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

(3) The contract sanctity date for exports to Iran or Syria of items in ECCNs 1C351, 1C352, 1C353, and 1C354 is February 22, 1989.

(4) The contract sanctity date for exports to Iran or Syria of dimethyl phosphonate, phosphorous oxychloride, thiodiglycol, dimethylamine, hydrochloride, dimethylamine, ethylene chloride, ethylene dichloride, (2-chloroethanol), and potassium fluoride is April 29, 1986.

(2) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

(3) The contract sanctity date for exports to Iran or Syria of items in ECCNs 1C351, 1C352, 1C353, and 1C354 is February 22, 1989.

(4) The contract sanctity date for exports to Iran or Syria of dimethyl phosphonate, phosphorous oxychloride, thiodiglycol, dimethylamine, hydrochloride, dimethylamine, ethylene chloride, ethylene dichloride, (2-chloroethanol), and potassium fluoride is April 29, 1986.

(2) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

(3) The contract sanctity date for exports to Iran or Syria of items in ECCNs 1C351, 1C352, 1C353, and 1C354 is February 22, 1989.

(4) The contract sanctity date for exports to Iran or Syria of dimethyl phosphonate, phosphorous oxychloride, thiodiglycol, dimethylamine, hydrochloride, dimethylamine, ethylene chloride, ethylene dichloride, (2-chloroethanol), and potassium fluoride is April 29, 1986.

(2) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

(3) The contract sanctity date for exports to Iran or Syria of items in ECCNs 1C351, 1C352, 1C353, and 1C354 is February 22, 1989.

(4) The contract sanctity date for exports to Iran or Syria of dimethyl phosphonate, phosphorous oxychloride, thiodiglycol, dimethylamine, hydrochloride, dimethylamine, ethylene chloride, ethylene dichloride, (2-chloroethanol), and potassium fluoride is April 29, 1986.

(2) The contract sanctity date for exports to Iran or Syria of dimethyl phosphite (dimethyl hydrogen phosphate), methyl phosphonyl dichloride, 3-quinuclidinol, N,N-dioisopropylamino-ethane-2-thiol, N,N-dioisopropylaminooethyl-2-chloride, 3-hydroxy-1-methylpipperidine, trimethyl phosphite, phosphorous trichloride, and thionyl chloride is July 6, 1987.

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