

*“Tilting spindle.”* (Cat 2) — A tool-handling spindle that alters, during the machining process, the angular position of its center line with respect to any other axis.

*“Time constant.”* (Cat 6) — The time taken from the application of a light stimulus for the current increment to reach a value of 1-1/e times the final value (i.e., 63% of the final value).

*“Total digital transfer rate.”* (Cat 5) — The number of bits, including line coding, overhead and so forth per unit time passing between corresponding equipment in a digital transmission system. (See also “digital transfer rate”.)

*Transfer.* A transfer to any person of items subject to the EAR either within the United States or outside of the United States with the knowledge or intent that the items will be shipped, transferred, or transmitted to an unauthorized recipient.

*“Transfer laser.”* (Cat 6) — A “laser” in which the lasting species is excited through the transfer of energy by collision of a non-lasing atom or molecule with a lasing atom or molecule species.

*“Tunable.”* (Cat 6) — The ability of a “laser” to produce a continuous output at all wavelengths over a range of several “laser” transitions. A line selectable “laser” produces discrete wavelengths within one “laser” transition and is not considered “tunable”.

*“Two dimensional Vector Rate.”* (Cat 4) — The number vectors generated per second that have 10 pixel poly line vectors, clip tested, randomly oriented, with either integer or floating point X-Y coordinate values (whichever produces the maximum rate).

*U.S. exporter.* That person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the items out of the United States. (See also “applicant”.)

*U.S. person.*

(a) For purposes of §744.6 of the EAR, the term U.S. person includes:

(1) Any individual who is a citizen of the United States, a permanent resident alien of the United States, or a protected individual as defined by 8 U.S.C. 1324b(a)(3);

(2) Any juridical person organized under the laws of the United States or any jurisdiction within the United States, including foreign branches; and

(3) Any person in the United States.

(b) See also parts 746 and 760 of the EAR for definitions of “U.S. person” that are specific to those parts.

*Ultimate consignee.* The person located abroad who is the true party in interest in actually receiving the export or reexport for the designated end-use. (See §748.5(e) of the EAR.)

*United States.* Unless otherwise stated, the 50 States, including offshore areas within their jurisdiction pursuant to section 3 of the Submerged Lands Act (43 U.S.C. 1311), the District of Columbia, Puerto Rico, and all territories, dependencies, and possessions of the United States, including foreign trade zones established pursuant to 19 U.S.C. 81A-81U, and also including the outer continental shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

*United States airline.* Any citizen of the United States who is authorized by the U.S. Government to engage in business as an airline. For purposes of this definition, a U.S. citizen is:

(a) An individual who is a citizen of the United States or one of its possessions; or

(b) A partnership of which each member is such an individual; or

(c) A corporation or association created or organized under the laws of the United States, or of any State, Territory, or possession of the United States, of which the president and two-thirds of the board of directors and other managing officers thereof are such individuals and in which at least 75 percent of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

*“Usable in or Capable of.”* (MTCR context) — Equipment, parts, components or “software” that are suitable for a particular purpose. There is no need for the equipment, parts, components or “software” to have been configured, modified or specified for the particular purpose. For example, any military

specification memory circuit would be “capable of” operation in a guidance system.

*“Use.”* (General Technology Note) — Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

*“User-accessible programmability.”* (Cat 4, 5, and 6) — The facility allowing a user to insert, modify, or replace “programs” by means other than:

(a) A physical change in wiring or interconnections; or

(b) The setting of function controls including entry of parameters.

*Utilization facility.*

(a) As defined by 10 CFR 110.2 of the Nuclear Regulatory Commission Regulations, utilization facility means a nuclear reactor, other than one that is a production facility, any of the following major components of a nuclear reactor: Pressure vessels designed to contain the core of a nuclear reactor, other than one that is a production facility, and the following major components of a nuclear reactor:

(1) Primary coolant pumps;

(2) Fuel charging or discharging machines; and

(3) Control rods.

(b) Utilization facility does not include the steam turbine generator portion of a nuclear power plant.

*“Vacuum Atomization.”* (Cat 1) — A process to reduce a molten stream of metal to droplets of a diameter of 500 micrometer or less by the rapid evolution of a dissolved gas upon exposure to a vacuum.

*“Variable geometry airfoils.”* (Cat 7) — Use trailing edge flaps or tabs, or leading edge slats or pivoted nose droop, the position of which can be controlled in flight.

*“Vector Rate.”* (Cat 4) — See: “Two dimensional Vector Rate”; “Three dimensional Vector Rate”.

*You.* Any person, including a natural person, including a citizen of the United States or any foreign country; any firm; any government, government agency, government department, or government commission; any labor union; any fraternal or social organization; and any other association or organization whether or not organized for profit.

## PART 774

### THE COMMERCE CONTROL LIST

Sec.

774.1 Introduction.

774.2 [Reserved.]

Supplement No. 1 to Part 774 — The Commerce Control List

Supplement No. 2 to Part 774 — General Technology and Software Notes

Supplement No. 3 to Part 774 — Cross-Reference List

AUTHORITY: 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; 10 U.S.C. 7420, 7430(e); 18 U.S.C. 2510 et seq.; 22 U.S.C. 287c, 3201 et seq., 6004; 30 U.S.C. 185(u); 42 U.S.C. 2139a, 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 201, Pub. L. 104-58, 109 Stat. 557 (30 U.S.C. 185(s)); E.O. 12924, 3 CFR, 1994 Comp., p. 917; E.O. 13020, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 3 CFR, 1996 Comp., p. 228; Notice of August 13, 1997 (62 FR 43629, August 15, 1997).

#### §774.1 Introduction.

In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL) that includes items (commodities, software, and technology) subject to the authority of BXA. The CCL does not include those items exclusively controlled for export by another department or agency of the U.S. Government. In instances where other agencies administer controls over related items, entries in the CCL will contain a reference to these controls. Those items subject to the EAR but not specified on the CCL are identified by the designator “EAR99”. See §734.2(a) of the EAR for items that are “subject to the EAR”. You should consult part 738 of the EAR for an explanation of the organization of the CCL and its relationship to the Country Chart.

The CCL is contained in Supplement No. 1 to this part, and Supplement No. 2 to this part contains the General Technology and Software Notes relevant to entries contained in the CCL.