

(c) Exceptions

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

(d) License review standards for certain missile end-uses

(1) Applications to export the items subject to this section will be considered on a case-by-case basis to determine whether the export would make a material contribution to the proliferation of missiles. When an export is deemed to make a material contribution, the license will be denied.

(2) The following factors are among those that will be considered to determine what action should be taken on an application required by this section:

- (i) The specific nature of the end-use;
- (ii) The significance of the export in terms of its contribution to the design, development, production, or use of missiles;
- (iii) The capabilities and objectives of the missile and space programs of the recipient country;
- (iv) The non-proliferation credentials of the importing country;
- (v) The types of assurances or guarantees against design, development, production or use for missiles delivery purposes that are given in a particular case; and
- (vi) The existence of a pre-existing contract.

§744.4**RESTRICTIONS ON CERTAIN
CHEMICAL AND BIOLOGICAL
WEAPONS END-USES*****(a) General prohibition***

In addition to the license requirements for items specified on the CCL, you may not export or reexport an item subject to the EAR without a license if at the time of the export or reexport you know the item will be used in the design, development, production, stockpiling, or use of chemical or biological weapons in or by a country listed in Country Group D:3 (see Supplement No. 1 to part 740 of the EAR).

(b) Additional prohibition on exporters informed by BIS

BIS may inform the exporter or reexporter, either individually by specific notice or through amendment to the EAR, that a license is required for a specific export or reexport, or for export or reexport of specified items to a certain end-user, because there is an unacceptable risk of use in or diversion to such activities, anywhere in the world. 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. However, the absence of any such notification does not excuse the exporter from compliance with the license requirements of paragraph (a) of this section.

(c) Exceptions

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

(d) License review standards

(1) Applications to export or reexport items subject to this section will be considered on a case-by-case basis to determine whether the export or reexport would make a material contribution to the design, development, production, stockpiling, or use of chemical or biological weapons. When an export is deemed to make such a contribution, the license will be

denied.

(2) The following factors are among those that will be considered to determine what action should be taken on an application required under this section:

- (i) The specific nature of the end-use;
- (ii) The significance of the export in terms of its contribution to the design, development, production, stockpiling, or use of chemical or biological weapons;
- (iii) The nonproliferation credentials of the importing country;
- (iv) The types of assurances or guarantees against design, development, production, stockpiling, or use of chemical or biological weapons that are given in a particular case; and
- (v) The existence of a pre-existing contract.⁵

§744.5

RESTRICTIONS ON CERTAIN MARITIME NUCLEAR PROPULSION END-USES

(a) General prohibition

In addition to the license requirements for items specified on the CCL, you may not export or

⁵ See Supplement No. 1 to part 742 of the EAR for relevant contract sanctity dates.

reexport certain technology subject to the EAR without a license if at the time of the export or reexport you know the item is for use in connection with a foreign maritime nuclear propulsion project. This prohibition applies to any technology relating to maritime nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machinery, devices, components, or equipment specifically developed or designed for use in such plants or facilities.

(b) Exceptions

The exceptions provided in part 740 of the EAR do not apply to the prohibitions described in paragraph (a) of this section.

(c) License review standards

It is the policy of the United States Government not to participate in and not to authorize United States firms or individuals to participate in foreign naval nuclear propulsion plant projects, except under an Agreement for Cooperation on naval nuclear propulsion executed in accordance with §123(d) of the Atomic Energy Act of 1954. However, it is the policy of the United States Government to encourage United States firms and individuals to participate in maritime (civil) nuclear propulsion plant projects in friendly foreign countries provided that United States naval nuclear propulsion information is not disclosed.

§744.6

RESTRICTIONS ON CERTAIN ACTIVITIES OF U.S. PERSONS

(a) General prohibitions

(1) Activities related to exports

- (i) No U.S. person as defined in paragraph (c) of this section may, without a license from BIS,