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Comment on FR Doc # 2015-12843

This is a Comment on the **Bureau of Industry and Security** (BIS) Proposed Rule: **Definitions in the Export Administration Regulations**

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Submitter Information

Submitter Name:
Mark McLellan

Comment

Utah State University supports the efforts being made to harmonize export control regulations contained in the Export Administration Regulations and in the International Traffic in Arms Regulations.

We endorse the comments you will be receiving from COGR and AAU, as they have been outlined to the memberships of those organizations. We are submitting a comment regarding the language at 120.49(b) Prepublication review, which states: "Technical data that arises during, or results from, fundamental research is intended to be published to the extent that the researchers are free to publish the technical data contained in the research without any restriction or delay..."

It has been common practice to allow sponsors the opportunity to review materials in preparation for publication to verify that sponsor proprietary information is not inadvertently included in a subsequent release of the material. Removing the institution's ability to treat such information as fundamental research introduces a level of uncertainty that will be extremely disruptive to institutions of higher education. A particular problem will be the impact on student involvement, where the project is the topic of a student's thesis or dissertation. While we see that note 1 to the paragraph provides that qualification of the data as having resulted from fundamental research may be restored after the restriction/delay has been removed, this approach will unavoidably dampen a professor/student dyad's likelihood of engaging in projects that exist under this cloud.

Additionally this could highly limit how we work with partnering industry and even our own, whole owned 501C3. We are dependent upon a the fundamental research exemption to help open up partnering possibilities. Any restrictions in this matter will specifically become more limiting in how we are able to work with associated

companies.

The sense of this section, and of the agency's commentary on it, indicates that the intent has been to provide greater flexibility and make the environment more attractive for those that can contribute new knowledge through fundamental research. We ask that the definition be modified to reflect the parallel language in the EAR, which does not create this same barrier to collaboration between higher education and industry.

We appreciate the opportunity to comment on the proposed definitions and the efforts that have been made to reduce administrative burdens on the research community.

Mark R. McLellan, PhD | Vice President for Research & Dean of the School of Graduate Studies
Utah State University |1450 Old Main Hill | Logan, UT 84322-1450
PH (435) 797-1180 | FAX (435) 797-1367 | E-mail: mark.mclellan@usu.edu