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To: PublicComments
Subject: Comments for RIN 0694-AF75

BAE Systems respectfully submits the following comments to the proposed rule: Revisions to the Export Administration Regulations (EAR): Control of Fire Control, Laser, Imaging, and Guidance and Control Equipment the President Determines No Longer Warrant Control Under the United States Munitions List (USML)

1. USML XII(c)(1) states that "Night vision, infrared, or terahertz imaging systems or end items, as follows: (1) Night Vision or infrared cameras specially designed for articles in this subchapter"
    a. As an "end item" or "systems" as referenced in XII(c)(1), these cameras must use paragraph (a) of specially designed in section 120.41.
    b. However, in the preamble summary of the changes in the proposed rule for XII(c)(1), the government states, "As a specially designed component of another defense article, a camera....is eligible for paragraph (b) of specially designed in section 120.41. This is clearly an ambiguity between the intent of the proposed changes, from the preamble, and the proposed language.
    c. Since the intent of the language in XII(c)(1), as described in the preamble, is to treat these as "a specially designed component of a defense article", we recommend that (c)(1) be moved to XII(e), "Parts, components, accessories". Articles will then be captured as components as intended and subject to paragraph (b) of section 120.41.
2. USML XII(e)(4) states "Infrared focal plane arrays (IRFPAs) specially designed for articles in this subchapter".
    a. This is a clear definition and will remove much of the current ambiguity in the current USML.
    b. Combined with the changes, or equivalent, recommended in (1) above from these comments, infrared sensors, cores, and cameras will have a much brighter line to distinguish between the USML and the EAR.
3. ECCN 6D991 "Software specially designed for the 'development', 'production', and 'use'" now adds 6A002 and 6A003 to its list of commodities controlled.
    a. Software "specially designed" for the "use" of 6A002 and 6A003 commodities is now captured and requires a license.
    b. Software field upgrades will now logistically be much more challenging, costly and put US suppliers at a disadvantage relative to our foreign competitors.
    c. We recommend that the "use" portion of this criteria be exempted for 6A002 and 6A003 commodities.

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