Honeywell

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Department of Commerce
Regulatory Policy Division, Bureau of Industry and Security
U.S. Department of Commerce
Room 2099B, 14th Street and Pennsylvania Avenue NW.
Washington, DC 20230

ATTN: Mr. Kevin J. Wolf, Assistant Secretary of Commerce for Export Administration

SUBJECT: Honeywell Response to Proposed USML Category XII Changes

Reference: Federal Register Vol. 81, No. 33, 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), published February 19, 2016. Reference RIN 0694–AF75

Dear Mr. Wolf:

Honeywell International Inc. provides the following comments with regard to the creation of subcategories under ECCN 7A611 and its associated equipment and software categories identified on the Commerce Control List. Specifically, it is unclear under the current definition of "specially designed" in EAR Part 772 and Part 774 whether items are precluded by the catch and release "order of review." .

It appears an item could become or remain subject to ECCN 7A611 even if the item is identically the same in "function" and "performance capabilities," but only "equivalent" (not identical) in form and fit when introduced for a military end application. Items controlled under ECCN 7A611 are controlled for reasons other than solely Anti-Terrorism (AT) and therefore would not qualify as eligible for release under the "Specially Designed" (b)(3) release definition, even if the item was identically the same in "function," "performance capabilities" and only modified for purposes of "form or fit" because the item is controlled for reasons other than AT. This would also appear to contradict the spirit of maintaining documentation contemporaneous to an item being developed as a "commercial (civil) or dual-use" end item or any new designs to items otherwise classified under CCL Category 7.

Honeywell is seeking clarification regarding the applicability of catch and release criteria for items specifically designed and subject to an export classification under CCL Category 7. Additionally, ECCN 7A611 does not list Missile Technology (MT) as a reason for control in the text under "License Requirement," it's unclear why MT would not be included.

If you have any questions or would like to discuss any of the comments provided above, feel free to contact the undersigned at 202-662-2641 or via e-mail at dale.rill@honeywell.com.

Sincerely,

Dale Rill

Dale Rill
Director, International Trade
Export Control and Compliance
Honeywell International Inc.