From: Maarten Sengers <msengers@tradecontrols.com>
Sent: Sunday, April 03, 2016 5:55 PM
To: PublicComments
Subject: RIN 0694-AF75

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Bureau of Industry and Security

US Department of Commerce

Please consider the following comment regarding 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" dated February 19, 2016 as it pertains to Remote Weapons Stations (RWS) and Remote Controlled Weapons Stations (RCWS). In particular, neither the proposed EAR rule nor the companion ITAR proposed rule of the same date specifically address or enumerate these systems, and thus leave some potential doubt as to how the US Government intended to control them as explained further below.

RWS (see: https://en.wikipedia.org/wiki/Remote_weapon_station) allow a weapon operator to operate and fire a weapon from inside the protection of a building or a wide variety of vehicle, vessel and aircraft platforms. A RCWS is essentially the same as a RWS except that it allows the operator to control the weapon from a distant or remote location. The RWS/RCWS sometimes are specially designed for a particular weapon or platform, but often they are not. Even if specially designed for a platform(s), those platforms can be both on and off the USML.

Under the current the USML Category XII, RWS and RCWS would appear to fall in the existing XII(a). However, under this proposed EAR rule and companion ITAR XII proposed rule, the closest approximate classification to the old XII(a) appears to be the EAR Export Control Classification Number (ECCN): 7A611(a). Since they are not specifically enumerated elsewhere, a reasonable reader of the proposed rules could conclude that a RWS or RCWS not specially designed for a particular weapon and/or platform would now fall under the EAR "600 Series."

However, a RWS/RCWS can often include systems which are specifically enumerated in the companion ITAR proposed rule XII(b) and (c), e.g. laser target systems (b)(1); target illumination systems (b)(2); laser ranger finders (b)(3); night vision or infrared cameras (c)(1); targeting systems (c)(3) and sometimes others. Given that RWS and RCWS can contain systems or components enumerated on the USML in the proposed rule and in

other existing USML entries (e.g. Category I, II, IV, VI and VII), but the higher level assembly RWS and RCWS are not enumerated in either rule, there remains some question as to whether the US Government actually intended them for EAR "600 Series" control or not.

We are therefore writing to request that the final rule clarify where RWS/RCWS are in fact controlled (ITAR or EAR) or, more preferably, request that the US Government go further and specifically enumerate these items either on the USML or the EAR "600 Series" so as to remove any ambiguity on control. We have made a similar comment to the Directorate of Defense Trade Controls in regards to the companion ITAR proposed rule.

Best regards,

Maarten

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