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To: PublicComments
Subject: RIN 0694-AF56

Comments from United Technologies Corporation on "Revisions to the EAR: Launch Vehicles, etc."

General:

Format. The changes suggested to Part 774 in this proposed rule should reflect the format changes in the proposed 'Revisions to the Export Administration Regulations (EAR) "To Make the Commerce Control List (CCL) Clearer" rule published November 29, 2012. Specifically, that rule added the phrase 'as follows (see List of Items Controlled)' to the end of specific ECCNs for consistency and clarity.

For example:

9A604 Commodities related to launch vehicles, missiles, rockets, torpedoes, bombs, and mines.

Should read

9A604 Commodities related to launch vehicles, missiles, rockets, torpedoes, bombs, and mines, as follows (see List of Items Controlled).

Related:

The term 'related' is used in several of the proposed ECCNs, which is a broad, undefined term. This is acceptable when used in the heading as long as the list of items controlled is specific. However, ECCN 0B604.a contains the term 'related' in the list of items controlled, which can lead to confusion.

0B604

a. Test, inspection, and other production "equipment" that are "specially designed" for the "production" or "development" of commodities controlled

by ECCN 0A604, or related defense articles controlled under USML Category IV, and not specified elsewhere in the CCL or the USML.

In this case, the term 'related' can cause confusion, as it implies that test "equipment" would only be controlled for related Category IV defense articles, not all Category IV defense articles. It is then left up to the reader to determine which of those articles are and are not related.

We recommend that the word 'related' not be used as part of the specific performance criteria (i.e., the 'list of items controlled'), as it runs counter to the intent of a clearer performance-based control.