5 July 2013

To: publiccomments@bis.doc.gov

Subject: Comments to Federal Register/Vol. 78, No. 101/Friday, May 24, 2013/Proposed Rules

In response to the subject Federal Register notice, International Rectifier (IR) is providing the following comments regarding the proposed revisions to the EAR for your review and potential inclusion into the Final EAR revisions to be published in the future

78 FR 31440

Part 772.1 - Definition of "Space Qualified"

The proposed definition of "Space-qualified" is as follows:

Designed, manufactured, or qualified through successful testing, for operation at altitudes greater than 100 km above the surface of the Earth.

The term "or *qualified through successful testing for operation at altitudes greater than 100 km above the surface of the Earth"* does not include a notion of mission duration or of protection against the environment. Thus, a mass market or automotive part, with no radiation tolerance but which would have been for instance subjected to additional testing to eliminate infant mortality and embedded into a space mission that would offer a compatible environment (such as shielding against radiation, short mission and limited temperature excursion) would be captured as "Space Qualified" and become 9A915.x even though the original part may have been EAR 99 and has not been modified.

We believe that as written this definition is too vague:

- the use of "*or*" in "*Designed, manufactured, or qualified through successful testing*" seems to be in contradiction with the second note of the definition which intend is to exclude from being "space qualified" , parts and components which have not been "specifically designed" for a spacecraft
- Conversely, the first note excludes from being "space qualified" items which are not individually tested for altitudes greater than 100 km. Due to the fact that radiation testing is destructive, it is industry practice to test radiation tolerance on lot samples and not on the individual parts which are going to be used on spacecraft. The note would result in excluding from being "space qualified", parts which have been determined to be radiation tolerant as a result of being of the same manufacturing lot than samples successfully tested as being radiation tolerant.

We propose to modify the definition to read:

''Space-qualified'' (Cat 3, 6, and 9) Designed, manufactured, and qualified through successful testing, for operation at altitudes greater than 100 km above the surface of the Earth.

Part 772.1 - "Space Qualified" and prior determination

The proposed definition of "Space Qualified" does not include an "exclusion" for prior determination through a commodity jurisdiction (CJ) determination or interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e).

As a result, a part that has been previously determined to be for instance EAR 99 through a Commodity Jurisdiction could see its classification become 9A915.x by virtue of meeting the criteria of "Space Qualified", i.e. qualified through successful testing, for operations at altitudes greater than 100km above the surface of the Earth, even though the design, performances and testing flow of this part are the same that had been previously reviewed by the U.S. Government during the CJ or CCATS process.

We suggest that, similarly to the definition of "Specifically Designed" (§772.1 specially designed b) 1) , the definition of "Space Qualified" includes a similar exclusion.

We suggest adding to the definition of "space qualified" the following language:

Space Qualified

.....

(a) A ''part,'' ''component,'' ''accessory,'' ''attachment,'' or ''software'' is not ''space qualified'' if it:

(1) Has been identified to be in an ECCN paragraph or as an EAR99 item in a commodity jurisdiction (CJ) determination or interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e);

You may direct any questions or comments regarding these comments to William G. van Amerongen or International Rectifier by e-mail at wvaname1@irf.com or by phone at 310-252-7020.

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