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Sent via email to: Publiccomments@bis.doc.gov

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

Subject: RIN 0694-AF87

Dear Sir or Madam:

Mitsubishi Electric US, Inc. ("MEUS") appreciates the opportunity to comment on the proposed rule entitled, "Control of Spacecraft Systems and Related Items the President Determines No longer Warrant Control Under the United States Munitions List (USML)" published at 78 Fed. Reg. 31432 (the "Proposed Rule"). We appreciate the Department's efforts reflected in the transfer of spacecraft and related items from the U.S. Munitions List to the Commerce Control List, and offer the following comments:

1. We believe that the items captured under the proposed ECCN 9A515.x should not be subject to the same levels of controls as the items captured in 9A515.a-d, specifically NS Column 1 and RS Column 1. Proposed ECCN 9A515.x would capture parts and components that are fundamental building blocks that do not contain high level technology. Subjecting those items to NS-1 and RS-1 controls does not appear to be consistent with the more tailored approach evident in the Proposed Rule.

2. We appreciate the clarification resulting from the addition of the "space-qualified" definition, and we recognize that "space-qualified" is a control criterion for 9A515.x. Nevertheless, we note that there are no differences in form, fit and function between a commercial widget and a space-qualified widget.

   Space-qualified items undergo enhanced testing and that increases the cost to the manufacturer, however, the space-qualified and commercial items are otherwise identical. It may be that this is an issue of nomenclature insofar as "space-qualified" may connote more than the "high reliability" characteristic that is intended.

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To the extent that a semiconductor, microcircuit, transistor or fuse meets a "high reliability" standard through space-qualified testing, that item is fundamentally (and actually) identical to its untested commercial grade equivalent. For example, to the extent that a transistor is properly classified as ECCN 3A001.b.3 because it meets the specified criteria or EAR99 because it does not meet the 3A001 criteria, we believe the same transistor, albeit one that satisfies space-qualified or high reliability testing, should also properly fall under 3A001.b.3 or EAR99. Therefore, we propose that space-qualified and commercial-grade versions of a specific item should be classified under one ECCN.

3. We recommend clarifying the technology controls in 9E515 by deleting **for the "development," "production,"** in 9E515.b. Including that language in both 9E515.a and 9E515.b creates an overlap. We believe deleting that language does not dilute the controls on design and manufacturing processes technology.

Thank you again for the opportunity to comment. Please do not hesitate to contact me if you have any questions or wish to discuss these comments.

Sincerely yours,

Helaine F. Lobman
Assistant General Counsel