August 9, 2013

To: DDTCResponseTeam@state,gov
publiccomments@bis.doc.gov

From: waroot23@gmail.com

Subject: Revision of Category XI RIN 1400-AD25; and
Related 600 Series RIN 0694-AF64

Thank you for accepting some of my recommendations concerning the November 28, 2012 proposed rules. This memo contains recommendations to revise the July 25, 2013 proposed rules.

Specially designed in USML proposal

These comments on "specially designed" should not be interpreted as abandoning recommendations re the November 28 State rule to remove from Category XI many other ambiguous words and phrases.

The July 25 proposal retains "specially designed" in 20 of the 22 USML sub-items in which it appeared in the November 28 proposal and adds four more. The July 25 proposal omits the November 28 proposed sub-item XI(a)(12) entirely. The July 25 omission of "specially designed" from XI(c)(1) was not accompanied by my recommendation, repeated now, to add to the control of application specific integrated circuits that the functionality is "a characteristic in the text of a U.S. Munitions List description of a controlled defense article." Without that addition, the specific application could concern a trivial functionality having no connection to the reason for the control of the defense article. Deletion of "specially designed" from, and addition of "a characteristic in the text ..." to, XI(a)(5)(i) re C^4, XI(c)(2) (and the Note to (c)(2)) re PCBs, and XI(c)(3) (and the Note to (c)(3)) re multi-chip modules is recommended for the same reason.

The July 25 proposal recognized my point that the definition of "specially designed" is not applicable to descriptions of what is not controlled. It changed "not specially designed for navigation" in XI(b)(1) to "specially designed for applications other than navigation." But there is no way to determine what applications are, or are not, specially designed for the negative phrase "other than navigation." My recommendation simply to delete "specially designed" from "not specially designed for navigation" is repeated.

Of the other 16 USML continued uses of "specially designed," the following 13 appear to be accompanied by technical language to permit simple deletion of "specially designed": XI(a)(1)(v), (a)(3)(xxix), (a)(4)(iii), (a)(5)(iv), (a)(5)(v), (a)(11), (a)(12), (b)(2), (c)(11)(iii), (c)(12), (c)(13), (c)(15), and (c)(16). This would avoid inadvertent decontrols by findings that the exported product does not meet the definition of "specially designed" even though it meets the technical specifications on the USML.

"Specially designed" should also be simply deleted from the introductory language of XI(b).

This would be preferably accompanied by adding “as follows” to that language and deleting the Note which describes (b)(1), (2), and (3) as “examples” of the scope of this paragraph. Then the technical details in (b)(1), (2), and (3) would suffice. Even if these remained only as examples, “specially designed” in the XI(b) introduction would serve no useful purpose. This is because the remainder of the introduction is so broad that it contains no “controlled performance levels, characteristics, or functions” against which either the exporter or the Government could determine whether they are achieved or exceeded, per the applicable 120.41(a)(1) portion of the definition of “specially designed.”
Two of the remaining three continued uses of “specially designed” are second order parts and components (of DRFM in XI(c)(7) and of antennae XI(c)(9)), which are themselves components per the heading of XI(c). These completely undefined second order components would reasonably be transferred to 3A611.x.

The remaining one is XI(c)(17), for which more technical information is needed to explain what is meant by CODECs and by information assurance and to distinguish this information security item from XIII.b and from ECCN 5A002.

The above is an effort to further one of the main objectives of the Export Control Reform, namely, increase the precision of the USML by replacing inherently ambiguous phrases, such as specially designed, with technical descriptions. However, the April 16 final rule goes in the opposite direction. Under that rule, EAA 17(c) will be implemented by relying on the definition of “specially designed.”All defense articles which are, or might become, FAA certified would have to be modified by specially designed to comply with 17(c). IT IS STRONGLY RECOMMENDED THAT THE APRIL 16 RULE BE REVISED BEFORE IT BECOMES EFFECTIVE ON OCTOBER 15 BY ADDING THE SUBSTANCE OF 17(c) TO THE LIST IN 120.3(c) OF WHAT IS NOT SUBJECT TO DDTC JURISDICTION.

The June 25 proposed rule notes that FAA-regulated radio altimeters and traffic collision avoidance systems are not controlled by XI(a)(3) or XI(c)(10), respectively. This is another approach to implementation of 17(c). But there are many other electronic-related items on the USML which are now, or might become in the future, FAA-certified for civil aircraft.

<u>Missile Technology Control Regime in USML Category XI July 25, 2013 proposal</u>

The April 25 proposal deletes 6 of the 14 USML MT designations proposed on November 28. These were presumably deleted because of finding no applicable MTCR items. The following two of the remaining 8 should be deleted for the same reason: XI(c)(11)(vi) radomes structural integrity and XI(c)(18) classified. All of XI(c)(18), and similar items in other USML Categories, should be deleted. An exporter unaware of security classifications could not comply with such controls. An aware exporter would also know that restrictions based on such classifications are more restrictive than export controls.

The remaining 6 (plus (b)(2, to which MT should be added) are in need of clarification, as follows:

1. Proposed XI(a)(3)(xxix) differs from MTCR 11.A.1 and overlaps VIII(h)(10) (4/16/13

final rule). Recommend that:

6A108.a be revised, as follows, to conform with 11.A.1 and defer to USML:

Radar and laser radar systems, not controlled by USML XI(a)(3)(xxix), including altimeters, not controlled by USML VIII(h)(10), designed or modified for use in rockets or UAVs capable of delivering a “payload” of at least 500 kg to a “range” of at least 300 km

Technical Note: Laser radar systems embody specialized transmission, scanning, receiving and signal processing techniques for utilization of lasers for echo ranging, direction finding and discrimination of targets by location, radial speed and body reflection characteristics.

6A108 Related Controls (2) be deleted.

XI(a)(3)(xxix) be revised to read:

Radar and laser radar systems having characteristics described in texts of U.S. Munitions List Category IV or Category VIII (a)(5), (a)(6), or (a)(13), not controlled by VIII(h)(10) (MT if also described in 6A108.a)

In VIII(h)(10), revise MT portion to read:

(MT if also described in 6A108.a.)

In 6A008, revise MT applies to read

MT applies to 6A008 also described in 6A108

2. Proposed XI(a)(12) differs from MTCR 11.A.2. Recommend that:

7A115 be revised, as follows, to conform with 11.A.2 and defer to USML:

Passive sensors, not controlled by USML XI(a)(12), for determining bearings to specific electromagnetic sources (direction finding equipment) or terrain characteristics, designed or modified for use in rockets or UAVs capable of delivering a “payload” of at least 500 kg to a “range” of at least 300 km

Statement that 7A115 is subject to DDTC export licensing authority be deleted.

In 5A001.e:

after “Radio direction finding equipment” insert “, not controlled by USML XI(a)(12),”; statement in Related Controls that 5A001.e is subject to DDTC export licensing authority be deleted.

XI(a)(12) be revised to read:

Direction finding equipment for determining bearings to specific electromagnetic sources or terrain characteristics designed or modified for use in Category IV(a)(1) or Category VIII(a)(5), (a)(6), or (a)(13) (MT if also described in 7A115) (see also 5A001.e)

3. Proposed XI(b)(2) differs from MTCR 17.A.1. Recommend that:

1A101 be revised to read:

Devices, not controlled by USML XI(b(2), for reduced observables such as radar reflectivity, ultraviolet/infrared signatures and acoustic signatures (i.e. stealth technology), for applications usable for rockets or UAVs with "range" at least 300 km or subsystems described in 9A119.a or .b, 9A116, 9A105.a or .b, 9A107.a or .b, 7A117, 9A106, or weapon or warhead safing, arming, fuzing, and firing mechanisms

1A101 Related Controls be revised to read simply: "See also 1C101."

XI(b)(2) add at end: "(MT if also described in 1A101.)

4. Proposed XI(c)(11)(vii) is identical with MTCR 18.A.3, VIII(h)(22)(vii) (4/16/13 final rule); and 6A103. Recommend that VIII(h)(22)(vii) and 6A103 be deleted.

5. Proposed XI(c)(15) differs from MTCR 11.A.4 and from 3A001.a.2.a. It is recommended that:

XI(c)(15) be revised to read:

Electronic assemblies and components designed or modified for use in rockets, SLVs, missiles, drones, or UAVs capable of a "range" equal to or greater than 300 km and 'specially designed' for military use and operation at temperatures in excess of 125°C (MT).

Note: 'Specially designed' in XI(c)(15) has the MT definition given in 15 CFR 772.1.

Add to 3A001.a.2.a ", not controlled by USML XI(c)(15)"

6. Proposed XI(c)(16) differs from MTCR 16.A.1. It is recommended that:

4A102 be revised to read:

'Specially designed' hybrid (combined analogue/digital) computers, not controlled by USML XI(c)(16), for modelling, simulation or design integration of rockets or UAVs delivering a "payload" of at least 500 kg to a "range" of at least 300 km or the subsystems described in 9A119.a, 9A116, 9A105.a, 9A107.a, 7A117, 9A106, or weapon or warhead safing, arming, fuzing, and firing mechanisms, if supplied with "software" 'specially designed' for modelling, simulation, or design integration of such rockets, UAVs, or subsystems or 9A119.b

Note: 'Specially designed' in 4A102 has the MT definition given in 15 CFR 772.1.

Statement that 4A102 is subject to DDTC export licensing authority be deleted.

MT portion of XI(c)(16) be revised to read:

(MT if also described in 4A102.)

7. Proposed MT portion of XI(d) differs from MTCR 11.D.1, 16.D.1, 11.E.1, 11.E.2, 16.E.1, and 18.E.1. It is recommended that:

MT portion of XI(d) be revised to read:

(MT if “software” specially designed or modified for the “use” of the MT portions of USML XI(a)(3)(xxix), XI(a)(12), or XI(c)(15); “software” supplied with the MT portion of XI(c)(16) ‘specially designed’ for modelling, simulation, or design integration of rockets or UAVs capable of delivering “payloads” of at least 500 kg to “range” of at least 300 km or of subsystems described in 9A119.a or .b, 9A116, 9A105.a or .b, 9A107.a or .b, 7A117, 9A106, or weapon or warhead safing, arming, fuzing, and firing mechanisms; or technology according to the MTCR General Technology Note for the “development”, “production”, or “use” of the MT portions of USML XI(a)(3)(xxix), XI(a)(12), XI(c)(11)(vii), XI(c)(15), or XI(c)(16) (also see 7E102)

Note: ‘Specially designed’ in MT portion of XI(d) has the MT definition given in 15 CFR 772.1.

In 6D001, delete MT applies

(MTCR does not control software for development or production of any part of 6A008 or 6B008. 6D102 covers MTCR 11.D.1 use of 6A108 and portion of 6A008 also described in 6A108 and 1D103 covers MTCR 17.D.1 software for 6B108 and portion of 6B008 also described in 6B108.)

In 6D102, after “Software” insert “, not controlled by USML XI(d),”

7D001 delete MT applies

(MTCR does not control development or production software for CCL Category 7 items.)

In 7D101,

after “7A115" insert “(not controlled by USML XI(d))”; and

delete “7A115" from Related Controls (1)

In 7D103,

after “Software” insert “, not controlled by USML XI(d),”; and

delete parenthetical text re DDTC export licensing authority

7E001 revise MT applies to read:

MT applies to “technology” for items controlled for MT reasons by 7A001 to 7A006, 7A101 to 7A107, 7A115 to 7A117, 7B001 to 7B003, 7B101 to 7B103, 7D002, 7D003, 7D101 to 7D103

In 9D103,

after “Software” insert “, not controlled by USML XI(d),”;

change “missiles” to “rockets or UAVs capable of delivering “payloads” of at least 500 kg to “range” of at least 300 km”;

change “subsystems controlled by 9A005, 9A007, 9A105.a, 9A106, 9A108, 9A116 or 9A119" to “subsystems described in 9A119.a or .b, 9A116, 9A105.a or .b, 9A107.a or .b, 9A106, or weapon or warhead safing, arming, fuzing, and firing mechanisms”; and

delete parenthetical text re DDTC export licensing authority

In 1E101, 1E102, 2E101,3E101, 5E101, 6E101, 7E101, 9E101, 9E102, before “General Technology Note” insert “MTCR”

In 6E101, 7E101, 9E101, 9E102, after “Technology” insert “, not controlled by USML XI(d),”

In 7E101, 9E101, 9E102, delete statement re DDTC export licensing authority from Related Controls

In 9E101, change “development”, “production”, or “use” to “development” or “production”
(9E102 controls “use”.)

<u>Non-MT USML/CCL Overlaps: USML Narrower than CCL</u>

When, as in the following 9 instances, the proposed USML coverage is narrower than the existing CCL coverage, it is recommended that either the proposed USML coverage be deleted or the CCL item or sub-item be revised as follows:
(Deletion should be seriously considered. The ECR envisages transfers from the USML to the CCL, not even partial transfers of CCL items to the USML.)

1. In 5A001.b.1 after “frequency outside the range from 20 kHz to 60 kHz” add “, not controlled by USML XI(a)(1)(v),”
In XI(a)(1)(v), add “(see also 5A001.b.1)”

2. In 6A008.g and 3A611.e, add at end “, not controlled by USML XI(a)(3)(i) or XI(a)(3)(xvii),”
In XI(a)(3)(i) and XI(a)(3)(xvii) add “(see also 6A008.g and 3A611.e)”
(As a U.S. Navy-trained radar officer from 1943 to 1946, I learned that the fundamental purpose of both military and civil radar is as described in XI(a)(3)(i) and 3A611.e. Existing XI(a)(3) is ambiguously limited to radar specifically designed, modified, or configured for military application. Proposed XI(a)(3) is an attempt to replace that ambiguity with more precise technical descriptions. However, the seemingly technical descriptions in proposed XI(a)(3)(i) and 3A611.e cover virtually all airborne and maritime radar. The Note to 3A611.e would unintentionally decontrol much of what 3A611.e would control. A primary purpose of ship-borne radar is traffic control. “Specially designed” in that Note does not effectively narrow the scope of its decontrol. The words “achieve or exceed” in (a)(1) of the definition of “specially designed” logically narrow only controls, not decontrols. The lack of any such Note to XI(a)(3)(i) would not only transfer much of 6A008 and 6A108 to the USML but also transfer from EAR99 to the USML much of what is excluded from 6A008 in technical decontrol Notes.)

3. In 6A008.d after “(SAR)” insert “, not controlled by USML XI(a)(3)(ii),”
In XI(a)(3)(ii) add “(see also 6A008.d)”

4. In 6A008.e add “, not controlled by USML XI(a)(3)(xii),”
In XI(a)(3)(xii) add “(see also 6A008.e)”

5. In 5A002.a.4 add “, not controlled by XI(a)(5)(iv),”
In XI(a)(5)(iv) add “(see also 5A002.a.4)”

6. In 2A984 add “, not controlled by USML XI(a)(10),”
In XI(a)(10) add “(see also 2A984)”

7. In 3A001.e.2 after “capacitors” insert “, not controlled by USML XI(c)(5),”
In XI(c)(5) add “(see also 3A001.e.2)”

8. In 6A001.a.1,b add “, not controlled be USML XI(c)(12)
In XI(c)(12) after “projectors” insert “(see also 6A001.a.1.b)”

9. In 6A001.a.1.c, a.2.a.3.b, and a.2.a.3.c add “not controlled by USML XI(c)(13)
In XI(c)(13) add at end “(see also 6A001.a.1.c, a.2.a.3.b, and a.2.a.3.c)”

<u>Non-MT USML/CCL Overlaps: USML Broader than, or Identical with, CCL</u>

It is recommended that the following two Category XI proposals be deleted, because they would be transfers of complete CCL coverage to the USML. They would thus be unequivocally inconsistent with the principal purpose of the Export Control Reform. If the USML proposals were not deleted, the corresponding CCL coverage would have to be deleted.

1. XI(a)(1)(i)(B) less than 20 kHz broader than 6A001.a.1.b.1 below 10 kHz

2. XI(a)(3)(iii) ISAR same as 6A008.d ISAR

<u>Recommended Changes in CCL Military Electronics July 25, 2013 proposal</u>

In 3A101:
In heading change “other than those controlled by 3A001" to “not controlled by 3A001.a.1.a, a.2.c, or a.5.a, 4A001.a.1 or a.2.a, or 4A003.e”
Revise Related Controls to read “N/A”
In 3A101.a change “missiles” to “rockets or UAVs capable of delivering a “payload” of at least 500 kg to a “range” of at least 300 km”
In 3A101.a.1 change “Specially designed” to Designed
In 3A101.a.2 change “specially designed” to “designed or modified”
In 3A101.a.2.a change microcircuits to “microcircuits” and change radiation hardened to “radiation hardened”
In 3A101.a.2.a.2 after “from” insert “below”
In 3A101.b:

after “accelerators” insert “, not controlled by 7A001 or 7A101,”;
change “systems containing those accelerators” to “equipment containing those accelerators not controlled by 7A003 or 7A103”; and
change “missiles” or the subsystems of “missiles” to
rockets or UAVs capable of a “range” of 300 km; UAVs described in 9A120; or subsystems described in 9A119.a or .b, 9A116, 9A105.a or .b, 9A107.a or .b, 7A117, 9A106, or weapon or warhead safing, arming, fuzing, and firing mechanisms

In 3A001 revise MT applies to read: MT applies to 3A001 also described in 3A101.a

In 4A003 add MT applies to 4A003.e also described in 3A101.a

In 7A101 change “other than those controlled by 7A001" to “not controlled by 7A001 or 3A101.b”

(If it is possible for the same accelerometer to have both 7A101 and 3A101.b characteristics, a different formulation would be required to cover that situation.)

In 7A103 change “other than those controlled by 7A003" to “not controlled by 7A003 or 3A101.b”

(If it is possible for the same equipment containing accelerometers to meet both 7A103 and 3A101.b characteristics, a different formulation would be required to cover that situation.)

In 9A012 MT applies add “or also described in 9A120"

In 3A611 heading, after “Military electronics” insert “not enumerated in either a USML category or another ECCN”
In 3A611.a delete “that are not enumerated in either a USML category or another “600 series” ECCN”

(This applies to all of 3A611, not just 3A611.a.)

In 3A611, 3B611, 3D611, 3E611 Reason for Control:
Revise NS applies to read:
NS applies to entire entry except 3x611.y or other portions of 3x611 not controlled by Wassenaar Munitions List or Wassenaar Dual-Use List

(Pursuant to EAA Section 5(c)(6), NS controls may not apply to unilaterally controlled items unless a proposal is pending to add them to multilateral controls.)

Add “MT applies to portion of 3x611 controlled by MTCR - MT Column 1"

(Eventually, the portions of 3x611 (and other 600 and 500 series ECCNs) which are unilaterally or MTCR-controlled should be identified. However, this is now a moving target. Such precision will have to wait until transfers from all USML Categories to “600" or “500" series ECCNs have become final and other ECCNs have been revised as part of this process. Then it would be possible to prepare spread sheets to show how each remaining USML item and each ECCN corresponds with each MTCR, WML, WDUL, IAEA, AG, and CWC multilateral item and *vice versa*, with remainders being unilateral.)

In 3A611 Related Controls delete parts (1), (2), (4), and (5)

(ITAR, rather than EAR, should define what is controlled by ITAR.

Part (1) is redundant, especially if the above recommendation to put "not enumerated in ... a USML category" in the heading of 3A611 is accepted.

Part (2), if retained, should be revised to change "defense articles" to "a characteristic in the text of a U.S. Munitions List description of a defense article." Without that change, the specific application could concern a trivial functionality having no connection to the reason for the control of the defense article.

Parts (4) and (5), if retained, should similarly be revised to change "is specially designed for defense articles" to "furthers a characteristic in the text of a U.S. Munitions List description of a defense article."

In 3A611 and related ECCNs:

Either delete 3A611.a (and 3A611.x Note 1, 4A611, 5A611, 6A611, 7A611) or

change "specially designed" for military use to either

having a predominant military use; or

having a critical military or intelligence advantage

("Specially designed," as defined in the April 16 Federal Register, makes no sense if used for "end-items" with no description other than "for military use." Paragraph (a)(1) is the portion of that definition applicable to "end-items." This portion requires a determination as to whether or not "controlled performance levels, characteristics, or functions" are achieved or exceeded. "Military use" is not a performance level or a characteristic. The function of "military use" is achieved by any military use. Therefore, under this definition, there is no difference between "specially designed for military use" and just "military use."

Deletion of 3A611.a would be consistent with an early ECR objective to avoid controls based simply on military use.

"Military use" with no further modification is far broader than existing 120.3(a). That excludes from future defense article designations or determinations predominant civil applications. It also excludes performance (form, fit, and function) equivalent to civil applications. "Military use" is also far broader than the new 120.3, becoming effective October 15. That deletes existing 120.3(a) and substitutes "critical military or intelligence advantage" in new 120.3(b). This latter formulation would be in effect when transfers from Category XI to "600 series" ECCNs would become effective. The words "in the future," which modify both formulations, lead to uncertainty as to the permissible extent of existing designations or determinations. However, existing 120.3(a) became part of ITAR so long ago that it predates many designations or determinations since then. Moreover, ITAR has never explicitly controlled anything simply because of military use. Indeed, both existing and revised 120.3 are explicit in stating that the intended military or civilian purpose after export, by itself, is not a factor in determining whether the article or service is subject to ITAR controls.

Numerous USML end-item controls now read "specifically designed or modified (or adapted or configured) for military use (or purposes or applications)." The terms "specifically designed or modified" and its variations have never been defined. However, as in the case of "specially designed," those words would be redundant if the intent was to cover every such military use. Therefore, it is reasonable to conclude that existing 120.3(a) now provides an interpretation of those words when applied to end-items and that revised 120.3(b) would do so after October 15. Use of "in the future" in revised

120.3(b) provides a basis for continued use of existing 120.3(a) to interpret "specifically designed or modified" even after existing 120.3(a) is deleted on October 15.)

In 3A611.a Note after "controlled by" change "a" to "another"

In 3A611.a, 3A611.a Note 1, 3A611.x Note 1, 3B611.a, 3B611.x, and 7A611, change "nor controlled in another "600 series" ECCN" to "nor controlled in another ECCN"; and

in 4A611 and 5A611 after "not enumerated in any USML category" insert " or another ECCN"

(Many existing ECCNs, after years of intense negotiations, have technical descriptions designed to be more precise than "military use" or "specially designed." This progress toward these major objectives of the ECR would be undone in these areas unless this recommendation is accepted.)

Delete 3A611.c and 3A611.d

(There is no publicly available evidence that either MMIC power amplifiers or discrete microwave transistors are now subject to DDTC export licensing authority. They are not now listed in USML Category XI(a) or (b). While XI(a) states that its control is not limited to the list which follows, its control is limited to what is "specifically designed, modified, or configured for military application." The July 25 Supplementary Information statement that 3A611.c and .d have significant military use does not claim that these items were "specifically designed, modified, or configured for military application." The 3A001 Related Controls parts (1) and (2) list many portions of 3A001 which are subject to DDTC licensing authority. These portions do not include 3A001.b.2 MMIC power amplifiers or 3A001.b.3 discrete microwave transistors. In other words, in order for MMIC power amplifiers and discrete microwave transistors to be transferred from the USML to the CCL "600 series," they would first have to be transferred from BIS jurisdiction to DDTC jurisdiction. To the extent that proposed 3A611.c and .d are more restrictive than 3A001.b.2, 3A001.b.3, and 3A982 , such transfer would be from EAR99. The July 25 proposal notes that the United States is proposing that Wassenaar revise 3A001.b.2 so as to be as restrictive as proposed 3A611.c. The 3A001.b.2 revision which became effective on June 20, 2013 did not have that effect. Even assuming Wassenaar did eventually agree to tighten both 3A001.b.2 and b.3 to be as restrictive as proposed 3A611.c and .d, the result would not be an increase in DDTC jurisdiction. Instead, it would expand BIS jurisdiction in 3A001 and there would be no need for 3A611.c or 3A611.d. The basic purpose of the Export Control Reform is to transfer items of lesser significance from the USML to the CCL. Its purpose is not to transfer items from the CCL to the USML and then retransfer them back to "600 series" items. The net effect would be more restrictive controls. Unlike proposed 3A611, 3A001.b.2 and b.3 are controlled only to NS Column 2 countries; b.2 is eligible for License Exception GBS; b.3 is eligible for LVS up to $3,000 to all Group B countries; and both are eligible for STA (c)(2) as well as (c)(1) countries.)

Re 3A611.e, see comments on XI(a)(3)(i) above under the heading "Non-MT USML/CCL Overlaps: USML Narrower than CCL".

In 3A611.f, .g, and .h:

Change "600 series" to "a characteristic in the text of a description of a 600 series ECCN"; and delete "specially designed" from .g and .h.

In 3D611 change "specially designed" to "required" in the heading and in items .a, .b, .y

(For consistency with EAR definition of “required.”)

In 3D611.a change “commodities” to “items” and add “or 3D611"

(To comply with WML 21.a.)

In 3D611 add new .c:

3D611.c “Software” not enumerated in the USML or otherwise enumerated in the CCL performing the military functions of equipment enumerated in USML Category XI or 3A611

(To comply with WML 21.c.)

3E611.a

change “(other than that described in 3E611.b or 3E611.y)” to

“not controlled by 3E611.c or 3E611.y”

Delete 3E611.b

(With the above change in 3E611.a, 3E611.b would be covered by 3E611.a.)

Add new 3E611.c:

“Technology” “required” for the design of, the assembly of components into, and the operation, maintenance, and repair of complete production installations for items specified by the U.S. Munitions List or “600 series” ECCNs, even if the components of such production installations are not specified.

(To comply with WML 22.b.1.)