Communications & Power Industries

September 6, 2013

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

Subject: RIN 0694-AF64

Dear Sir or Madam:

Communications & Power Industries LLC (CPI), headquartered in Palo Alto, California, is a leading provider of microwave, radio frequency, power and control solutions for critical defense, communications, medical, scientific and other applications. CPI develops, manufactures and distributes products used to generate, amplify, transmit and receive high-power/high-frequency microwave and radio frequency signals and/or provide power and control for various applications. End-use applications of these systems include the transmission of radar signals for navigation and location; transmission of deception signals for electronic countermeasures; transmission and amplification of voice, data and video signals for broadcasting, Internet and other types of commercial and military communications; providing power and control for medical diagnostic imaging; and generating microwave energy for radiation therapy in the treatment of cancer and for various industrial and scientific applications.

CPI, in response to the proposed changes to CCL3, is submitting the following recommendations.

1) CPI recommends deleting from related controls in 3A001 the following text: "The following commodities are under the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121) when "space qualified" and operating at frequencies higher than 31.8 GHz: helix tubes (traveling wave tubes (TWT)) defined in 3A001.b.1.a.4.c; microwave solid state amplifiers defined in 3A001.b.4.b traveling wave tube amplifiers (TWTA) defined in 3A001.b.8; and derivatives thereof;"

   Rationale: Under the proposed changes to USML XI and USML XV helix TWTs or microwave solid state amplifiers are not positively controlled under the USML, therefore this text should be deleted.

2) CPI recommends deleting from the related controls in 3D001 the following text: "Software" specially designed for the "development" or "production" of the following equipment is under the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121): 1.) When operating at frequencies higher than 31.8 GHz and "space qualified": Helix tubes (traveling wave tubes (TWT)) defined in 3A001.b.1.a.4.c; microwave solid state amplifiers defined in 3A001.b.4.b; and traveling wave tube amplifiers (TWTA) defined in 3A001.b.8;

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Rationale: Under the proposed changes to USML XI and USML XV, Software related to the development or production of helix TWTs, TWTAs, or microwave solid state amplifiers are not positively controlled under the USML therefore, this text should be deleted.

3) CPI recommends deleting from the related controls in 3E001 the following text: 2.)"Technology" according to the General Technology Note for the "development" or "production" of the following commodities is under the export licensing authority of the Department of State, Directorate of Defense Trade Controls (22CFR part 121): (a) When operating at frequencies higher than 31.8 GHz and "space qualified": helix tubes (traveling wave tubes (TWT)) defined in 3A001.b.1.a.4.c; microwave solid state amplifiers defined in 3A001.b.4.b; or traveling wave tube amplifiers (TWTA) defined in 3A001.b.8;

   Rationale: Under the proposed changes to USML XI and USML XV Technology related to helix TWTs, TWTAs, or microwave solid state amplifiers are not positively controlled under the USML therefore, this text should be deleted.

4) CPI recommends deleting from the related controls in 3E003 the following text: 1) Technology for the "development" or "production" of "space qualified" electronic vacuum tubes operating at frequencies of 31.8 GHz or higher, described in 3E003.g, is under the export license authority of the Department of State, Directorate of Defense Trade Controls (22 CFR part 121);

   Rationale: Under the proposed changes to USML XI and USML XV Technology related to the development or production of space qualified electronic vacuum tubes operating over at or above 31GHz is not positively controlled under the USML therefore, this text should be deleted.

5) CPI recommends adding the following note to paragraph (c) to General Order (GO) 5, Prior Commodity Jurisdiction Determinations.

   Note 1: 'Enumerated' refers to any item (i) on either the USML or CCL not controlled in a 'catch-all' paragraph and (ii) when on the CCL, controlled by an ECCN for more than Anti-Terrorism (AT) reasons only.

   Rationale:
   CPI is concerned that with the implementation of 3A611.x, a series 600 "specially designed" catch-all, commodities previously self-determined to be EAR99 may be controlled under 3A611.x as a result of the product's original design intent.

   The commodities in question(i.e. receiver protectors, diode detectors, and magnetrons) have been determined to be subject to the EAR as a result of a class commodity jurisdiction that determined a product is subject to the EAR when the commodity fails to meet or exceed the minimum performance levels for control under the ITAR. CPI self-

classified commodities subject to the EAR as EAR99 because the commodities are not positively controlled in the CCL.

CPI believes that commodities previously determined to be EAR99 should remain EAR99 in line with the intent of the ECR and paragraph (c) to GO5. CPI believes that adding this note to GO5 makes clear, as part of the transition, that commodities previously classified as EAR99 are not to be controlled in a series 600 "specially designed" catch-all, e.g. 3A611.x.

CPI appreciates this opportunity comment on the proposed changes. If you have any questions or require additional information concerning this submission, please contact me at 650-846-3021 or by e-mail at Creighton.chin@cpii.com.

Best Regards,

Creighton K Chin

Digitally signed by Creighton K Chin
DN: c=US, o=DST ACES Business Representative, ou=COMMUNICATIONS AND POWER INDUSTRIES LLC, cn=Creighton K Chin, 0.9.2342.19200300.100.1.1=A01097C0000013D045ED79E0000063E
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Communications & Power Industries LLC