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Sent: Tuesday, May 20, 2014 10:47 PM

To: DDTCResponseTeam@state.gov; PublicComments

Cc: Dennis Krepp; Robert Monjay

Subject:Public comment 1. Individual. W Root 5-20-14

-- May 20, 2014

To: DDTC Response Team RIN (1400-AD33)

Publiccomments@bis.doc.gov RIN 0694-AF87

From: William A. Root, waroot23@gmail.com; tel. 301 987 6418

Subject: Spacecraft

GPS

USML XV(c)(4) will control all of MTCR 11A3.a and be followed by an observation that the MT portion of (c)(4) is limited to systems controlled in this subchapter. The MT portion is, of course, not so limited: Instead, the probable intent is to limit the USML control in this manner. This probability is supported by the deletion of the statement that 7A105 is "subject to ITAR" effective November 10, 2014. It is, therefore, recommended that XV(c)(4) and ECCNs 7A005 and 7A105 be revised as follows:

XV(c)(4) Designed or modified for use in rockets, missiles, SLVs, drones, or unmanned air vehicle systems controlled in this subchapter (MT)

7A005 heading after “equipment” insert “not controlled by USML XV(c)(4)”

Under License Requirements, delete:

These items are “subject to the ITAR” (see 22 CFR parts 120 through 130)

and substitute:

NS applies to entire entry NS Column 1

MT applies to portion also described in 7A105 MT Column 1

AT applied to entire entry AT Column 1

7A105 heading after “equipment” insert “not controlled by USML XV(c)(4) or 7A005"

Direct Product of U.S.Technology or Software

736.2(b)(3) will literally apply to direct product of foreign-origin technology or software located in the United States. This is probably not intended. It is therefore recommended that “U.S.-origin” be inserted before “technology” in 736.2(b)(3)(iv)(A)(1) and before 9x515 in 736.2(b)(3)(iv)(B)(1).

License Exceptions for Parts of a Spacecraft

740.2(a)(5)(i) will permit export of the MT portion of 9A515 as part of a spacecraft under four License Exceptions. One of these four is 740.15(b) (License Exception AVS for equipment and spare parts for permanent use on a vessel or aircraft). Some exporters might interpret this as applying 740.15(b) to spacecraft (and land vehicle) parts, whether or not MT controlled. Others might conclude that this is not permitted, because 740.15(b) does not mention spacecraft or land vehicles. Clarification is suggested.