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UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

May 15, 2003

Dear Ms. [   ]

I am writing in response to your March 10, 2003 letter requesting an advisory opinion concerning the interpretation of the new text for Export Control Classification Number (ECCN) 5E001.b.3.

As you note in your letter, the new text for ECCN 5E001.b.3 was agreed upon by the Wassenaar Arrangement and published in the Federal Register on March 5, 2003 (68 Fed. Reg. 10586). We have reviewed the "clarification text" provided in your letter, and we can confirm that your interpretations, as written, are consistent with the requirements of ECCN 5E001.b.3 and the Export Administration Regulations (EAR).

Should you have any questions regarding this determination, please contact Mr. Tony Koo of the Strategic Trade Division at (202) 482-3206.

Sincerely,

Gene Christiansen
Acting Director
Strategic Trade Division

March 10, 2003

Bureau of Industry and Security
United States Department of Commerce
14th Street and Pennsylvania Avenue NW
Room 2705
Washington, DC 20230
Attention: "Application Enclosed."

Attention: Mr. Bernie Kritzer
             cc: Mr. Tony Koo

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Subject: **Request for Advisory Opinion**

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Reference: Federal Register: March 5, 2003 (Volume 68, Number 43) Category 5E001.b.3.

Dear Mr. Kritzer:

_____,_,..reby requests an advisory opinion pursuant to Section
748.3 (c) of the Export Administration Regulations ("EAR," 15 CFR Part 730 *et seq.*).

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Background

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On March 28, 2002 members of the Information Systems Technical Advisory Committee (ISTAC)
provided BIS with a commentary letter regarding the new text for category 5E001.b.3, agreed upon by
Wassenaar. ISTAC members believe the Wassenaar wording is open to varying interpretation and
provided the below clarification text to BIS representatives in the hope that it will be of assistance to BIS
in determining the classification of such technology with regard to the new wording and allow BIS and
industry to similarly interpret this new wording.

On March 5, 2003, the new text for category 5E001.b.3 was published in the Federal Register as written
at the time of Wassenaar and commented on by ISTAC. This text is as follows:

"Technology" for the "development" of digital cellular radio base station receiving equipment whose
reception capabilities that allow multi-band, multi-channel, multi-mode, multi-coding algorithm or multi
protocol operation can be modified by changes in "software."

Clarification Text

The following clarification, as provided to BIS by ISTAC in March 2002, and the subject of this advisory opinion request.

1. The words "radio base station receiving equipment" includes only the part of cellular base stations that process received radio signals; that is, signals received through an antenna. The processing of signals received through other interfaces, including Internet, SS7 and digital telephone lines, is excluded.

2. The words "reception capabilities" refers to the part of cellular base stations that extract (receive) information bits from the radio signal. The words exclude any further processing of the information bits after reception. For example, this excludes expansion of compressed voice or data, and also excludes higher-level protocols such as link layer signaling, call control signaling, TCP/IP, and the like.

3. "multi-band" refers to digital signal processing capability to extract selected frequency bands from a digitized signal whose frequency range includes more than one band. This does not include software selection of an operating frequency by setting registers in digital phase-locked loops.

4. "multi-channel" refers to the capability to select frequency or to define selectable code channels. It does not include software selection of channels by setting registers in hardware devices.

5. "multi-mode" refers to the capability to define the modulation characteristics of the received signal. It does not include software selection from among a set of fixed modulation modes.

6. "multi-coding algorithm" refers to the capability to define error-correcting and/or error-detecting codes that are part of the reception process only. It does not include software selection of coding capabilities from among a set of fixed options.

7. "multi-protocol" refers to the capability to define timing, framing and similar aspects of the received signal. It does not include link-layer and higher layer protocols, and does not include software selection of protocol capabilities from among a set of fixed options.

8. Finally, the words "can be modified through changes in 'software'" refer to changes to the software that defines the reception capabilities. This does not include any reception capabilities that were defined in software by the manufacturer, but cannot be changed by the recipient of the technology. For example, this excludes technology where the software is inaccessible to the recipient of the technology, or the recipient of the technology does not obtain the knowledge necessary to make changes. This would specifically exclude technology for base stations with a fixed set of standardized operating modes, where the standardized operating mode can be selected by the software. For example, technology that allows a base station to operate in GSM, UMTS, cdma2000, or some other standardized operating mode would be excluded.

Conclusion

We respectfully request that BIS issue an advisory opinion confirming that   can rely on the above written interpretation of 5E001. b.3 and that this clarification meets the relevant requirements of the EAR. If you have any questions regarding this request, please contact me at telephone number

Thank you for your assistance.

Sincerely,